

**TOWN OF PATTERSON**  
**PLANNING BOARD MEETING**  
**February 3, 2005**

**AGENDA & MINUTES**

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**Planning Board**  
**February 3, 2005 Meeting Minutes**

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

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

Meeting called to order at 7:34 p.m.

There were approximately 23 audience members.

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

Mr. Brendan Mayer, Attorney with Shamberg, Marwell was present representing the Applicant.

Mr. Mayer introduced himself to the Board. We are here again on another public hearing a continuation from last month's meeting. Just for the public a brief overview of the project, it is an existing approximately twenty acre parcel with a home already built on it. The current application calls for a subdivision of the property for an additional lot of 4.067 acres upon which there will be an additional house built. I believe that the last time that we were before the Board an issue arose as to an easement. I submitted an opinion letter to the Town Attorney and I believe he drafted a letter to the Planning Board as well. If there is any questions I would be more than happy to entertain them at this time.

Chairman Schech stated you were supposed to meet with O'Hara's Attorney.

**Mr. Patrick O'Sullivan** stated his name and that he is an Attorney with the law firm Keane & Beane and he is representing the O'Hara's and yes we have traded letters regarding the location of the easement. The O'Hara's who I represent they don't oppose the subdivision application. It is really an issue of where is the driveway to be located. The other property owners who are also here who are affected by the driveway also have concerns about where the driveway is to be located. They just want to make sure it does not go over on their half of the road and they might get up just briefly and just make that point also. We had asked that the road would be staked so that we could see exactly where the driveway would go all the way up the back

and Curtiss, Leibell, and Shilling basically agreed with that, that it probably would be good to get it staked, allow the other property owners to see where the stakes are and probably to ask the Surveyor to make sure or rather maybe give a letter to the other property owners stating that it is not going to go over on their side of the property since that is their concern.

Board Member Pierro asked in the three years that we have been looking at this has there ever been any indication that the roadway is going to move or deviate from what is already there.

Rich Williams stated there is two issues in this; one that I am hearing for the first time tonight is that there is a suggestion that the road cannot be placed on a portion of the property or the easement going through there that is owned by one of the abutting property owners. If that is the case nobody has ever proposed that we are going to put it on somebody's property as much as we are going to place it on an easement because there is an easement going in there. That has always been what has been stated from day one and certainly the easement is over both the O'Hara's property and the Baker's property and the Budakowski's property. As far as the issue of exactly where the road is going one of the things that we have asked for from day one is a plan showing the old former St. John's roadbed which constitutes the easement extending all the way out to Route 311, to date we have not gotten that plan so we really don't know how that relates to everybody else's property and how the road is going to relate within that old roadbed.

Board Member Pierro stated now that their Attorney's are working or exchanging letters maybe their surveyor's can get together and get this straightened out so that because I can just envision the contractor is there in the spring and Mr. O'Hara out there with his underwear in a knot stopping the whole project and coming back to us again. Can we get this survey issue straightened out; get it lined up so that we don't run across this problem again.

Mr. Mayer stated actually I discussed this matter with the project surveyor today, Terry Bergendorff Collins due to the inclement weather that we have all been experiencing lately it has been difficult at best to do any topographical work at the site however my conversation with her today revealed that she is hopeful to be out there next week to prepare a survey and also have the proposed driveway staked as well so we are making progress on that. It is just due to the snow it has been a little difficult.

Board Member Rogan asked so Terry is going to do topo, she is going to locate the existing roadbed, and then show on the plan also that you can overlay with it the proposal and show us that and also stake it so that people can take a look at it.

Mr. Mayer replied that is my understanding yes.

Rich Williams stated just so we are clear on the one issue of staking though, that is a roadbed that is being used so you are not going to stake it down the center. The stakes are going to have to be put offset.

Chairman Schech stated so in other words we can plan on seeing this in the spring.

Mr. Mayer stated well I am hoping that the weather cooperates Mr. Chairman and we can have it by next meeting that is my hope.

Chairman Schech stated okay that is what we have been after all this time. I think everyone has been after it all this time.

**Mr. O'Sullivan** stated once again, I think just a little cooperation on where the road is going to be, the driveway rather and as I said it affects the other property owners as well and they too would just like to briefly say I believe, Mr. Delamarre and Mr. Baker they too want to just formally request that it be staked.

**Mr. Delamarre** stated his name John Delamarre 760 Route 311, Patterson. It does abut my property, the road and I would like to see a survey and stakes just to see exactly what is going on.

Chairman Schech stated okay.

Board Member Rogan asked Mr. Delamarre could you point on that map where your property is just so I am clear.

Rich Williams stated the problem I think he is going to have is it doesn't go all the way out to 311.

**Mr. Delamarre** pointed out the approximate location of his property and stated my property is right behind Mr. Baker's and it runs for about a hundred and ten feet along that road.

Board Member Rogan thanked him.

**Mr. Baker** stated his name, Hollis Baker, 772 Route 311, Patterson, New York. I would just like to see it staked also because the last time I came here I heard they were going to take twenty-five feet of my property so I would just like to know where the road is going to be.

Chairman Schech stated okay.

Mr. Mayer asked being that we are all in agreement that it is going to be surveyed and staked I request that the Board close the public hearing at this time and make a determination pursuant to SEQRA.

Chairman Schech replied I would rather see all these things taken care of first before we close the public hearing.

**Mr. O'Sullivan** stated that would be our request too basically I think the property owners would like to see exactly how it is going to lay.

Board Member Rogan stated the property owners may have comments based on once it is surveyed located.

Mr. Mayer stated as soon as we have the survey ready of course I will contact Mr. O'Hara's Attorney and if at all possible I would be more than happy to sit down with them and any other adjacent property owners show them the survey and discuss this prior to next meeting if the weather cooperates that is.

Board Member Rogan stated that would be great thank you.

Rich Williams stated Mr. Chairman if I could just add one more thing in here so everybody is clear and you are aware there is a statutory time limit on which you can keep the public hearing opened so at some point,

Board Member Rogan asked how much time do we have.

Rich Williams replied I believe it is a hundred and twenty days by our Code.

Board Member Pierro asked and how long are we opened now Rich.

Rich Williams replied we are probably, Board Member DiSalvo stated thirty, Rich stated yes we are thirty.

Board Member Rogan stated with any luck we will be able to close the public hearing next meeting.

Mr. Mayer stated thank you very much.

**Mr. O'Sullivan** thanked the Board.

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

The Secretary read the legal notice.

Mr. Paul Lynch, Putnam Engineering was present representing the Applicant.

Mr. Lynch stated the project is located on the west side of Route 22. It is approximately a forty-four acre parcel. The owner wishes to subdivide it into two lots. There is an existing house on one lot which is the smaller lot that he has created.

Chairman Schech interjected people out in the hallway please keep it down.

Board Member Rogan asked Rich could you go say something to them please.

Mr. Lynch stated the Applicant is going to subdivide his property into two lots; one lot is approximately 4.7 acres which will encompass the existing house that is on the property and the balance of about 39 acres will remain as it is for the time being. There is a large wetland, DEC regulated wetland that traverses the center of the property and that has been flagged. He has been working out the wetland line but basically it has no real impact on what it is that we are proposing to do at this point in time.

Board Member Rogan stated before we open the public hearing it was my understanding that at one point in time the Applicant was going to either sell to the State, donate to the State something or other basically from the wetland line back now currently on this plan there is not even any proposed project shown just the subdivision of land, correct.

Mr. Lynch replied correct.

Chairman Schech asked any comments from the audience. There were none.

Chairman Schech stated this abuts Bog Turtle land.

Chairman Schech asked no comments from the audience. There were no comments.

Board Member Montesano made a motion in the matter of South Patterson Business Park West Subdivision that the Planning Board closes the public hearing. Board Member Pierro seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 5 to 0.

Chairman Schech asked any comments from the Board.

Board Member Rogan stated there is not much to look at. Paul, one thing I actually will add is that when we do look at a proposed use for the site we were you can probably look back at the minutes but the Board was concerned about the use of that property well outside the hundred foot buffer I think we had set up as a stonewall I think there was a stonewall on the property that we were looking at for some type of a limit of disturbance.

Board Member Pierro asked is that your recollection Ted.

Ted Kozlowski replied yes the top of the hill, the top of that slope. That was a very good line to use, to the east of that stonewall which would be the area for whatever you are going to consider and then to the west of that stonewall would be the buffer that we would maintain for the wetland.

### 3) Paddock View Estates Subdivision

The Applicant was present.

Chairman Schech stated Paddock View SEQRA.

The Applicant stated my engineer is sick.

Board Member Rogan stated I am sure you will do a great job just for tonight that will be fine.

Chairman Schech asked do we have anything on this.

Board Member Rogan stated just a SEQRA determination.

Board Member Rogan stated oh, we have a letter before we do the SEQRA determination let's talk about that letter in relation to the archeological significance of off site.

Rich Williams stated I believe the Clark's are here if you have any questions for them.

Board Member Rogan asked would you mind coming up and speaking to the Board.

**Mr. & Mrs. Clark** stated William Clark, and my wife Nancy, 15 Route 292.

Board Member Rogan stated I haven't had a chance to read through the whole letter the significance that you are talking about can you explain that a little bit.

**Mr. Clark** stated on the original maps of Patterson that corner, that intersection there 311 and 292 was the site of the original tavern in Towners pre-revolutionary. When the Highway Department did their cut through there they actually cut through the foundation of the old tavern. I believe the rest of the property, the rest of the tavern site is on this piece property and I think it would be a loss to the Town if there wasn't some attempt to catalog and retrieve whatever is there.

Board Member Rogan stated we are certainly not an archeological board so we would need to go to someone who would I mean I don't know what even the process is whether or not someone looks at where old maps indicate the tavern was located overlay them over these and then I mean I am at a loss for what the process would be.

**Mr. Clark** stated I know on larger developments along the area there have been mandated reviews and digs that were done, Meadowview further up 292 had that and they found a treasure (unable to understand) there.

Board Member Rogan asked on this particular site when the Highway came through do you recall what types of things they found.

**Mr. Clark** replied there was a report published.

**Mrs. Clark** stated we tried to get a hold of the report as a matter of fact just in part of the celebration of the bicentennial and I made a number of calls to I guess the DOT, I followed every lead I could and everybody said we don't know anything about that and it just seemed to have vanished into the air.

Board Member Rogan stated Edie we see you back there just one second.

Chairman Schech stated the only problem is that I believe at the site of the tavern it is not going to be disturbed.

**Mr. Clark** stated no but the land you know that was really the center of town. The tavern site was there, I believe the original town cemetery site is further along that ridge, a couple of interments that were there were moved to the cemetery next to Christ Church at one time early on so that whole area really was the center of Town,

Board Member Pierro interjected Sir, (referring to an Audience Member) excuse me will you take that outside, please now thank you. You are talking, **the Audience Member** stated I was scratching my nose. Board Member Pierro stated it sounded like you were talking.

Chairman Schech stated to Mr. Clark please go ahead.

**Mr. Clark** stated that really was the center of town and there is an awful lot history there. It wouldn't just stop right at the tavern site but it would all around it even the top of our driveway cut there was a blacksmith shop there and the old cistern was there.

**Mrs. Clark** stated that is still on our property and when we were putting the road into our property we are directly across the street, the person that was excavating for the road every day found little pieces of pottery and he just kept a little collection which was kind of interesting and I don't know what else is there because we really didn't go into it.

Board Member Rogan stated I guess I am curious why this always seems to come up at the point when we are looking to do something with the property when the prior owner owned it for all these years and we could have been looking at it at that point in time and so that is the frustrating part.

**Mrs. Clark** stated well the prior owner wasn't trying to develop that.

Board Member Rogan stated no but I mean if there is an archeological significance you would think that you would have been promoting this from years ago.

**Mr. Clark** stated if the ground is left undisturbed the material is there for posterity. What we are worried about it is going to be re-graded and whatever is there is going to be lost.

Board Member Rogan asked the Chairman do you want to see what Edie has to say.

Chairman Schech replied this is not a public hearing but Edie I will give you a public hearing.

**Edie Keasbey** stated no I will just tell you how you can go about the process.

Board Member Rogan stated that would be appreciated thank you.

Chairman Schech stated go ahead Edie, two minutes.

**Edie Keasbey** stated usually the Office of Parks Recreation and Historic Preservation, OPRA, is the one who flags these things and this obviously did not go through the full SEQRA process so probably they were unaware that this was happening. I don't know but that is usually who flags them. Now you have Watchtower, Rosebud, Meadowbrook, Schepperle, Cornwall Hill Estates that have all been flagged around us and just in my area there are four rock shelters one of which has been excavated. This is a very historic area because the Great Swamp was obviously a great place for food so that is what they are talking about and this was, this area was the center of the town, the originally town, Fredicksburg.

**Mrs. Clark** stated I think you are talking about a much older layer than the pre-revolutionary,

**Edie Keasbey** stated yes one of the rock shelters got down to 3000 b.c. There is pretty old stuff around here.

Board Member Rogan stated I guess the farmers didn't build that one.

**Mr. Clark** stated it is something that the Town might want to consider because it is really is part,

Rich Williams stated if I could just add some clarification to this to kind of respond to your suggestion if the Board thinks there might be some archeological significance to any particular site what they can request is an archeological Phase I Study which includes doing a document search looking at the surrounding properties and if there has been any finds on any of them and perhaps even doing a little scratching.

Board Member Rogan asked who does that.

Rich Williams replied you would hire a firm that specializes in it. The Town has used in the past a firm from across the river called Hudson Highlands.

Board Member Rogan asked does that get charged to the Applicant.

Rich Williams replied yes the Applicant would incur this cost in this particular situation. Depending on what they find in the Phase I and Phase I (a) they might take it to a Phase II which is actually digging a little bit below the surface, scratching around. We did it out at Louie Pescatore's project where he actually took a harrow and went over and turned the ground up and then they went out and sifted through the over turned earth.

Board Member Rogan asked they did that based on some type of a map that they were able to formulate and say that this area is most likely where we are looking as opposed to just broad or random.

Rich Williams replied it is more broad based then really specific to the site. It depends on what you are going to find on the historical search. There may be an old foundation, an old settlement camp on one particular area of the property where everybody is going to focus.

Board Member Rogan stated I could clearly see if this was a situation where we said there is markings of the old foundation like you see sometimes when you are out in the woodlands and you see what is obvious an old foundation or a clear designation this is where it was. I would be kind of hesitant on a larger piece of property to say well we think there was and I am not doubting it I am saying that I would think that you would be a little bit hesitant saying on this large piece of property that there is a historical find or an archeological find without being able to pinpoint it and by pinpoint it I mean an acre or half acre or something not that you have to say this is where the foundation was so I am little un-clear as to how I think we should proceed on this. I don't know what the rest of the Board feels. I am certainly willing to look at the subject.

Board Member Montesano stated in DeBurboun's we found what,

Rich Williams replied DeBourboun's actually went all the way to a Phase III which is an actual, **Mrs. Clark** stated and Meadowbrook too. Rich stated an actual dig, I am not sure about Meadowbrook. Rich stated on Frank Schepperle's property we did an actual dig, Cornwall Hill Estate did an actual dig.

Chairman Schech asked Frank Schepperle did a dig.

Rich Williams replied yes.

Board Member Pierro stated found three pounds of flint flakes.

Board Member Montesano stated if you excavate and you spot something you are supposed to report it of course most people won't but if you have a general idea, some of the people that when they were alive used to be able to tell you where certain things were. The problem I would think now is in this particular case we probably have a general location that you should be able to do that in.

**Mrs. Clark** stated when they did the first deal on the intersection there several years ago there was a team of Archeologists there, a little camp setup and people used to go up at the end of the day and say what did

you find and they were only too happy in telling you what they found. I remember somebody telling me that the very first hole they put down he said it was spectacular we came to a corner, sometimes they probe around and they came to a corner so they immediately (unable to hear the rest of the statement no microphone). I think going back since there is a little bit of swamp as you are looking there is a little swamp on the left and rock ledge on the right need less to say nobody would probably build in the swampy area it does not make sense to any of us so I appreciate what you are saying about just taking a big area and,

Board Member Rogan stated and you could imagine that we could look at your property across the street and by virtue of the distance say there is certainly as much of an idea that your whole property met the same criteria and so when your house was built or anything you do on your property we would be looking at the same criteria.

**Mr. Clark** stated it is a shame that we didn't know that when we did it.

Board Member Rogan stated it is very interesting I am not trying to belittle the subject.

**Mr. Clark** stated the map that is on the sign right out in front of the Town Hall here was General Washington's map so you can get an idea of the amount of settlement back in that corner.

Board Member Rogan asked and then if you don't mind me asking what happened to the artifacts or pieces that they found from,

**Mrs. Clark** stated I thought they went to the State Museum in Albany.

Chairman Schech stated they spent a good four, five months there scratching around.

**Mrs. Clark** stated I thought it was State property (unable to hear no microphone).

Chairman Schech asked what do you suggest Rich.

Rich Williams stated I don't.

Chairman Schech stated you don't, I don't know what to say. As far as I know is where they are proposing to build in no way will disturb anything in that little area now I don't know how big this town was. Did it encompass the entire site this tavern.

Board Member Rogan stated it is hard to say.

**Mr. Clark** stated it is hard to say we would have to look at some of the old documents.

**Edie Keasbey** stated I would call Parks, Recreation and Historic Preservation they have an office in Saugerties.

Rich Williams stated seeing as though DOT did the dig it might be prudent to at least reach out to DOT and see if we could find out who did the dig and what they found and see if there are any documents that we could obtain.

Chairman Schech stated I think we should let the Applicant take care of that.

Rich Williams stated well it would be in his best interest to work on it also. We can work on it from parallel tracks.

Chairman Schech stated check with DOT. I would imagine DOT well DOT tends to lose things though.

Rich Williams stated yes we may get a response that they don't have anything.

Chairman Schech stated we are going to have to hold off on the SEQRA determination until we figure out what is going on here probably the best way is to go through DOT first. They did do extensive site work there maybe they figured it wasn't going any further.

The Applicant stated I guess my concern or question would be this intersection was probably done twelve years ago.

Chairman Schech replied no it wasn't that long well although time flies I don't know.

Board Member Montesano asked the first time or the second time.

The Applicant asked when did they find this stuff.

**Mrs. Clark** stated that was the second time.

Chairman Schech stated they were playing around there quite awhile.

Board Member Rogan asked how long ago was that.

**Mrs. Clark** replied it was about twelve years ago.

The Applicant stated so in twelve years if there is a significant find and I mean at that point and people knew about this my question is the timing of this, at the public hearing this did not come up and Mrs. Clark at the public hearing was more concerned about 292 dumping water into her yard and how is the project going to impact that and,

Mrs. Clark stated something but was unable to hear.

The Applicant stated and I appreciate that and I am not fully aware of how the engineer designs everything myself but I know that we have to prove to the Town Engineer that no more water leaves this site than leaves it now so now that was kind of out of the way at the public hearing this seems that the timing is just a little late.

**Mr. Clark** (hard to hear) I did not make that meeting and I came home, (unable to hear).

Chairman Schech stated I don't think we should do SEQRA this evening, check with the DOT, we will check with the DOT and see what we could come up with.

Board Member Rogan asked can we just hear from Rich on this.

The Applicant asked how can this hold up the SEQRA determination.

Board Member Rogan replied that is what I am trying to get no disrespect Herb but Rich was just about to chime in about SEQRA.

Rich Williams stated the question is whether this would really why it would hold up the SEQRA determination as to whether this particular element of the project would raise the level of significance to a positive dec issue.

Board Member Rogan asked is an archeological, that seems to be a social I am thinking of it in terms of an environmental impact.

Rich Williams stated it is covered under SEQRA. I mean SEQRA clearly says that the environment also includes things of archeological significance.

Board Member Rogan stated the tough part about this and I can appreciate where the Applicant is coming from that the timing of it that we are at a point where short of this we would have issued a negative determination of SEQRA.

**Mr. Clark** stated we are not looking to slow down the process.

**Mrs. Clark** stated actually the first time we knew anything was happening here was when that sign went up and then after that we got a registered letter and we came to the next meeting so we are as on top of it as we were allowed to be.

Board Member Rogan stated understood.

Rich Williams stated there are a couple of issues here; one is the reason the Applicant is here to get a SEQRA determination is because he is stopped in the process by other agencies who will not proceed with the review without a SEQRA determination that is one element in this. The other thing that I would like to add in there is that if you issue a negative determination tonight and determine at a later date that there is information that you did not have that would cause you to rescind that negative dec you are well within your right to do that and turn around and issue a positive dec.

Board Member Rogan stated sure because you are issuing the determination based on information available at the time. I mean there is always unforeseen on a project. That is why I would be incline to issue the determination but Mr. Chairman does not feel.

Chairman Schech asked everyone else.

Board Member Rogan asked how does everybody else feel about this. I mean I still feel that it needs to be looked into.

Board Member DiSalvo asked well if the other agencies are waiting for our determination and they start the ball rolling and something comes in next month how does that affect the other agencies if we have to rescind it.

Rich Williams replied well the other agencies are the Putnam County Health Department who is looking at the septic system design and New York City DEP who is looking at issues of stormwater.

Board Member DiSalvo asked would those agencies be held up if we rescinded at the next meeting.

Rich Williams replied certainly if you rescind it yes that would stop the other agencies but until you rescinded it they would be able to proceed with the design.

Board Member Pierro stated I think the weather is going to create a time lag for us anyway. It is going to be a couple of months before,

Board Member Rogan stated well that would be a file search though wouldn't it. It is not an on site search necessarily, if we call Parks and Recreation they are doing an informational search.

Rich Williams replied you are doing a historical search. You are going to look at any documents on the history of the Town that may have occurred there. You are going to look at the dates from the other sites and see what they came up with and why. I am not an Archeologist by any means, (unable to hear) and based on what they see in those documents they may then go out in the field and scratch around but they are going to do some sort of document search, historical document search before they go out.

Board Member Rogan stated that would be an elegist to when you do an endangered species search they look through the records and see what the records indicate for the area without necessarily coming out to the site and doing a habitat assessment.

Chairman Schech stated if we can rescind it let's do the SEQRA.

Board Member Montesano stated they are not going to be working in that particular area if I remember right.

Chairman Schech stated they are not going anywhere near it right now.

Board Member Rogan stated that is kind of what I am thinking.

Chairman Schech stated let's do the SEQRA and if we come up with anything we can rescind it.

Board Member Rogan made a motion in the matter of Paddock View Estates Subdivision that the Planning Board grants a negative determination of significance of SEQRA. Board Member Pierro seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 5 to 0.

Board Member Rogan stated we will make the call and we are taking this seriously but I think that it is not fair to the Applicant to hold up the process for something that may have no impact on the proposal.

Board Member Pierro stated and I think it behooves you Sir (referring to the Applicant) to get on the phone and be in contact with Rich and start.

The Applicant stated I was aware of this through my engineer so I kind of , Chairman Schech stated I think if you call DOT, if everyone calls DOT, The Applicant stated if anything is found there I have no problem bringing it to the Town or to the Historian I have no problem with that.

Board Member Montesano stated could you do me one favor, if your guys come in to start excavating or anything of that could you please coordinate that and just let,

Board Member Rogan stated we are not even close,

The Applicant stated that is going to be, we are not even near that would be summer time.

Board Member Montesano stated I realize that but some guy is going to go up there and teach somebody else how to use that backhoe,

The Applicant stated we pretty much cleaned up the house and cleaned up the yard and is status quo for now until it is approved.

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

Board Member Montesano stated if you could just put some string across just to let people know they are not supposed to be going in there.

The Applicant stated actually the only people that are in there are the people living in the house and there is no equipment that is going to be going in and out of there.

**Mrs. Clark** asked is the barn still a residence.

Chairman Schech stated that is going to be uninhabited.

The Applicant stated it will be (unable to hear too many talking at the same time).

Board Member Rogan stated thanks for your time.

The Applicant thanked the Board.

Board Member Rogan thanked the Clark's for their time.

#### **4) STEAK HOUSE 22 (Formerly Country House) Sign Application**

No one was present to represent the application.

The Secretary reminded the Board that he could not be present and that he was at the work session last week.

Chairman Schech asked didn't we have a picture of the sign.

The Secretary replied yes we did at the work session.

Board Member Rogan stated but we only had one I think.

The Secretary stated right.

Chairman Schech stated okay I have no problem with the sign I passed by there today it seems like it had been there forever except the lettering has changed.

Board Member Rogan stated just to recap from the work session the sign is a replacement of what was on site actually it may very well be the same sign but it is re-painted with the new lettering. It is slightly larger than the Code allows but we are looking at it as a pre-existing, Chairman Schech stated it has been there since the year one.

Board Member Rogan made a motion in the matter of the Steakhouse 22 that the Planning Board grants the sign application for the existing sign which is 8 by 4, 32 square feet with the lettering Steakhouse 22 in red, black and white I believe.

Board Member DiSalvo stated Shawn there are two signs.

Board Member Rogan stated signs then.

Board Member Montesano seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 5 to 0.

## 5) DUNNNING SUBDIVISION

Paul Lynch, Putnam Engineering was present representing the Applicant.

Mr. Lynch asked the Board if he should post the plan.

Chairman Schech replied yes it looks impressive.

Board Member Pierro stated the public tends to seem to think that we are hiding something if we don't have a map on the wall.

Board Member Rogan stated I don't remember any real strong comments on this at least from our seats. I know from engineering and planning there are some things but the layout I don't remember.

Board Member DiSalvo stated the tree line along 292.

Board Member Rogan replied yes the buffer which they are showing it is the ridge line which separates New York State 292 and Lot 3 as a visual buffer which looks like it has been well it doesn't show limits of disturbance so I guess that is an issue. Have you ever even been to the site.

Mr. Lynch replied I have not.

Board Member Rogan stated basically it is 292 and Harmony Hill Road and there is a ridge line with a lot of conifers that create quite a nice visual buffer from the proposed Lot 3 house to 292.

Mr. Lynch replied I doubt he would want to cut them down.

Board Member Rogan stated I don't remember the elevation there if they cut them down do they get a view.

Rich Williams replied no.

Board Member Rogan stated we would hope that they would want to keep that anyway.

Board Member Rogan stated the topography was such out there that I don't think that they would want to clear it for lawn because it wasn't a useable area for that. It wasn't level but the rest of the lot was fairly level.

Rich Williams stated actually taking a look at that it is in the flood plain so they are pretty limited as to what they can do with it anyway so it would be protected regardless.

Board Member Rogan stated I don't have anything else on this.

Chairman Schech stated we still need a final subdivision plat right.

Mr. Lynch replied yes.

Chairman Schech stated get that done and we can take care of it.

## **6) MUSHKOLAJ SITE PLAN**

Mr. Dick Clark, Engineer with Harry Nichols office and Mr. Fraser Mushkolaj was present.

Chairman Schech stated Ted you wanted markers to delineate where,

Ted Kozlowski stated no I wanted to make sure that that plan clearly states that surrounding that whole property is State regulated wetlands, DP-22 and it is clear to this Applicant and any other future Applicant on the site plan that,

Chairman Schech stated we want a big note on the plan.

Ted Kozlowski stated so there is no question in anybody's mind.

Board Member Rogan stated Dick, in a nutshell we want on the plan the wetland indicator markings and notation that says this is DEC, Ted Kozlowski stated DEC and Town regulated wetlands. Board Member Rogan stated so that it is clear on that plan which it is not currently clear other than one note that basically three sides of the site actually the whole site is surrounded in the wetlands. It does not have any impact on what the Applicant is looking to do with the lot right now but we want it for future.

Mr. Clark asked if it is not flagged we have to get somebody out there and flag it then.

Ted Kozlowski replied no basically it is just, Chairman Schech stated what you are showing, your footprint what you are showing there that is it. In other words we can't expand that and we want a note on the plat stating that what is there is there period.

Ted Kozlowski stated see Dick there was a little tiny sentence on the left-hand side that said surrounded by wetlands I want it stamped right on,

Board Member Rogan stated number eleven says the total site is within the buffer of a regulated wetland and the hundred year flood plain.

Ted Kozlowski stated put on there Town and New York State Regulated Wetlands in writing right around here (pointing it out on the plan). We constantly get burned. This gentleman may not be here next week, he might sell it, the next guy comes in thinking well I have got this I can do that if this was before the Board in today's world this would never be approved by any means. It is entirely in the State Wetland and Town Regulated Wetland buffer since it is pre-existing, (unable to hear too many talking at the same time).

Chairman Schech asked and all the trailers are off the site.

Board Member Rogan stated it says to be removed.

Chairman Schech asked or they are being removed.

Mr. Clark replied they are being removed. In other words he has withdrawn any requests for any improvements on his part. He is just going to move into the building. He is going to take out the trailer, he is presently taking all of this out. In the review I thought you might like to act on the SEQRA I was also wondering if the Board may consider a waiver of the public hearing since we have already gotten our ZBA approval for a use change and there is nothing happening on the site other than following a few of your requests to clean it up.

Board Member Rogan stated it is pretty straight forward.

Chairman Schech stated I would rather set the public hearing get it over with.

Board Member Montesano stated with that area with the wetlands are.

Mr. Clark stated he is just moving into a,

Board Member Montesano stated it is to let people aware that there is business going on there.

Rich Williams stated it is really a moot issue it is a requirement of the Code. It has to be.

Board Member Rogan stated so then let's just get it over with.

Chairman Schech stated so we will set a public hearing for next time.

Board Member Montesano made a motion in the matter of Mushkolaj Site Plan application that the Planning Board schedules a public hearing for March 3, 2005. Board Member DiSalvo seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 5 to 0.

Rich Williams stated Mr. Chairman there is a couple of other issues you might want to talk to the Applicant about one has to do with whether they propose any signage for the building or signage out front.

Mr. Clark stated we owe you a sign detail.

Rich Williams asked so you are going to put it on.

Mr. Clark replied yes.

Board Member Pierro asked Rich I have a question one of those trailers contained the oil burner.

Mr. Clark replied no, no.

Board Member Pierro asked the oil tank if you commence construction to re-cover the oil tank that is going to require a permit from the Building Department here as well.

Rich Williams stated if they touch that oil tank at all they have to talk to Paul.

Mr. Mushkolaj stated it is right next to the building.

Rich Williams stated the other issue is just a minor detail our Code requires that all datum for topo be shown reference to USGS they currently are not doing that they are using assumed datum.

Board Member Rogan stated I don't think it is a big issue on this.

Rich Williams stated I don't either but it does require an action by the Board.

Board Member Rogan asked can we waive that requirement right now.

Board Member Rogan made a motion in the matter Mushkolaj Site Plan that the Planning Board waives the requirement for USGS datum to be used and allowed the assumed that is currently on the plan. Board Member Montesano seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 5 to 0.

Chairman Schech stated show us what the sign is going to look like colors and what not and the size and the note on the plan.

Mr. Mushkolaj thanked the Board.

## 7) FOREST VIEW APARTMENTS SITE PLAN

Mr. Dick Clark, Harry Nichols' office was present and Mr. Jay Hogan, Applicant was present.

Mr. Clark stated we received the memo from Dufresne-Henry.

Chairman Schech asked did you get the one about the Clout Property we would like the septic shifted around a little bit.

Board Member Pierro stated actually we were talking about not shifting but we were talking about switching the, it was our suggestion that instead of using the Pine tree hill the area up on the top as the primary site,

Mr. Clark asked this one here referring to the plan.

Board Member Rogan stated Dick, the bottom line is that the Board is not comfortable with the primary septic area. It is such a large clearing right adjacent to a preserve property and they had thought you might be able to look into what is currently shown as expansion and make that a larger area and fit your primary and expansion in there. You are already pumping it up to that area anyway.

Board Member Pierro stated then maybe attempt to get a waiver from the Health Department to,

Board Member Rogan stated you wouldn't need it if, Board Member Pierro asked you wouldn't need a waiver not to take down the trees in the expansion area.

Board Member Rogan stated but it is not in an area that is of concern because they are not going to give you a waiver on that.

Mr. Hogan asked so what you are saying is to move this which is the proposed primary up to the expansion area and have this be the primary and try to get some kind of waiver from doing any, percs are fantastic.

Board Member Rogan stated that would be great if you could do that but in lieu of that if that area where you said the percs are fantastic based on the grading granted all the topography isn't shown but based on the grading that is there you may have enough area there for bulk, primary and expansion.

Mr. Clark stated we had previously studied them.

Board Member Rogan asked is it possible.

Mr. Clark replied no it is not we can't get both of them in there.

Board Member Rogan asked based on grade.

Mr. Clark replied grade is our primary concern.

Board Member Rogan stated then the other option you had mentioned would be,

Mr. Hogan asked the Health Department would they,

Board Member Rogan stated I can't answer that.

Mr. Hogan asked would they entertain a waiver not to take the trees down.

Board Member Rogan stated you don't have to if there is no fill proposed. You only have to take the trees down if fill is proposed.

Mr. Hogan asked Mr. Clark is there fill proposed in this system.

Mr. Clark stated you have to take the trees out of the septic system.

Board Member Rogan stated not if it is a separate area if it is an expansion area,

Mr. Clark stated no, no,.

Board Member Rogan stated so if you swapped and you had no fill.

Mr. Clark stated but if this ever happened to become used.

Board Member Rogan stated well of course but we all know that most times they just use the primary area and re-use it.

Board Member Pierro stated Shawn brought that up at a work session that lately most of the time the expansion areas are never used.

Board Member Rogan stated they don't seem to be. It seems like they rebuild in the primary.

Mr. Hogan stated I guess it is an application to the Health Department there is nobody else involved so the Health Department would determine whether you have to take the trees down or not.

Board Member Pierro stated right and I think you have a good argument for leaving the trees in place.

Chairman Schech stated we would like to see the trees left there.

Mr. Hogan stated we would be more than happy to accommodate that.

Board Member Rogan stated and I think that if that can work that would make most of the Board,

Ted Kozlowski stated Jay it is just that we wanted a forested buffer between the development and a Town Clout Preserve. If you clear cut that wide swath it disrupts the aesthetic views it also is an open invitation to A.T.V's also to stop and I think it is critical enough to maintain enough of a forest buffer on an environmental piece of property.

Mr. Hogan stated I absolutely don't have a problem with that.

Board Member Rogan stated if it works it does not cost you a thing anyway.

Mr. Hogan stated if the Health Department is fine with not cutting trees down we are absolutely good with that.

Chairman Schech stated I am sure you can talk them into it.

Mr. Hogan stated we will do our best thanks.

Chairman Schech stated I don't think we had anything else.

Rich Williams stated yes you did Mr. Chairman if I could just throw a couple of other things in here. We had the Town Engineer take a look at this unfortunately Mr. Richards could not be here tonight but in his memo he noted that there is a lot of drainage issues and offered to meet with the Applicant directly to resolve those unless the Board objected.

The Board replied no that is fine.

Rich Williams stated there are a couple of other points I just want to touch on tonight. One is off of Building 3 they are showing the curtain drain the discharge for the curtain drain or footing drain I am not sure which right now extending into the wetland buffer I had suggested they pull it out. They still have not yet pulled that back from the wetland buffer.

Board Member Rogan stated on this set of plans it is out of the buffer.

Mr. Clark stated we shortened it up by some fifty-five feet. The DEP does not look kindly upon (unable to hear).

Rich Williams stated I am not suggesting that you do but it, Mr. Clark stated the letter said put it into a catch basin and the catch basin is going into the pond.

Rich Williams stated but at least you could pull it back out of the wetland buffer so as to minimize the intrusion.

Mr. Clark replied no we would not get the footing drain out. It is all based on elevation we are sitting right now on (unable to hear the rest of his statement).

Rich Williams stated I will take another look at it but it seemed like he had more than enough to get it out but I will take another look at it.

Mr. Clark stated I pulled it back fifty-five feet (unable to hear).

Rich Williams stated the other thing that I had requested a couple of other issues was for the Applicant, the Engineer to actually go walk the site and maybe take a look at the drainage because based on a site inspection when you and I were out there Shawn it did not appear that the drainage from the site was currently going to where they are showing it to be going and in fact it was going to a different design point farther down on the railroad tracks. I was wondering if anybody every went out and took a look at that.

Mr. Clark stated the current memo says that the Town Engineer presently accepts the design, (unable to hear).

Rich Williams stated that is fine but if he is wrong and you are wrong because you are both going on top and this comes out six months from now and you have to tear all your documents up and start over I don't think your client is going to be very happy.

Mr. Clark stated I am not fully understanding what you are saying because at that particular design point here all flows under proposed condition are less than existing so there can't be an impact.

Rich Williams stated assuming that is the design point that is where all your drainage, (Mr. Clark made a statement unable to hear) Rich stated Dick, what I am saying is it is not really going there right now under current existing conditions if you go out into the field and take a look at it now maybe I am wrong but I think you should confirm it.

Board Member Rogan stated it is a nice walk you will enjoy it.

Rich Williams stated the other issue that I did bring up to Mr. Nichols that I asked him to confirm is to take a look at how the drainage was going to cross under the railroad tracks because I did walk the railroad tracks and there is no culvert crossing under the railroad tracks.

Mr. Clark stated my point is if we didn't do anything you would not be asking the question. We are doing something and we are reducing the flows so how can it have,

Rich Williams stated you are reducing the volume of water that is coming off of the site.

Mr. Clark stated we are reducing the rate of flow.

Rich Williams stated you are reducing the volume of water.

Mr. Clark stated I don't believe we are reducing the volume of water.

Rich Williams stated no of course not because you are changing the cover conditions you are increasing the impervious surface you absolutely have to increase the volume of water. What I am suggesting is there is no method currently for this drainage to cross under the railroad tracks other than through infiltration now if the volume of water that you are releasing within a twenty-four hour period is greater than that infiltration capacity at the railroad tracks then it is not going under the railroad tracks anymore it is going to be going over the railroad tracks.

Chairman Schech stated you are sort of gambling on that.

Rich Williams stated and what I asked is you just take a look at that to make sure that we are not going to impact the railroad tracks.

Board Member Rogan stated it is interesting to note that you have sixteen thousand gallon underground water storage tank located right in an area that is delineated as exposed rock. Are you going to have to blast that one in.

Mr. Clark stated at the time that will probably be moved.

Board Member Rogan asked is that fire suppression or,

Rich Williams stated that is water supply and that brings up another issue in that we did get a memo today from our Fire Inspector concerning some fire related issues. I don't know if you have seen that memo.

Mr. Clark stated we are going to address that.

Mr. Clark stated (very hard to hear) two, twenty thousand gallon tanks.

Board Member Montesano stated three, twenty thousand.

Mr. Clark asked three we saw two.

Board Member Montesano stated this paper says they want sixty thousand gallons you can use two, thirty thousand gallon tanks or three, twenty thousand that is the memo from April 2, 2004.

Board Member Rogan stated I am looking at February 1, 2005.

Board Member Montesano stated February 1, 2005 we are down to, Board Member Rogan stated two, twenties.

Mr. Hogan stated I think it was forty thousand gallons.

Chairman Schech stated and next week it might change again.

Board Member Rogan stated we don't necessarily always agree with everything that the Fire Inspector provides also but they are providing their professional input. If we could talk about it for just a second though, we have talked about these fire storage tanks, the water storage tanks and we have talked about areas where we thought about having them on dedicated wells to recharge them and with Burdick Farms we talked about not having them on and I spoke with (TAPE ENDED). I spoke with someone casually about this whole concept and their first reaction, a fire department individual, was of course you would have them on wells to recharge so my conversation was well that means you have got to drill a well next to these tanks or in close proximity, you have got to put in alarms for the tanks because we know that sometimes these tanks leak especially the concrete ones. I don't know if we are going to be talking about polyethylene,

Rich Williams stated polyethylene.

Board Member Rogan stated but you have got low level and high level alarms. You have got a pump maintenance situation it brings up the issue of a water district or a fire district for a subdivision where they are paying the cost and a fire truck rolls in fills up and goes offsite to fight a fire and they are paying the cost of that. Now, it is public service it is a good thing but it brings up a lot of questions and to boil it down to a nutshell I asked well how often do you think something like this would get drawn from and in the case of Burdick Farms they said well it could be once every five years. The pumps from lack of use not work after five years sitting under water so I am not sure which way we want to go but the bottom line on this is I think we should set a standard and try to use that for every situation.

Rich Williams stated it would get drawn more than that because they do have to exercise them.

Mr. Clark stated the other thing is the wells would never keep up with the pump.

Board Member Rogan stated they are not intended to.

Chairman Schech stated they are just recharge.

Ted Kozlowski stated put fire sprinklers in the building you won't have to have the outside water tanks.

Chairman Schech stated there is another way we have to look at.

Board Member Rogan asked for residence.

Ted Kozlowski stated yes I think it is in the State Code.

Mr. Hogan stated I think it would be more viable though just because I think the fire sprinkler systems tend to be menaced with more often than not and less reliable than if you were to have a well with the fire tanks.

Ted Kozlowski stated I don't think so Jay. I can get you information also the insurance would be greatly reduced.

Mr. Clark stated the two new buildings would be (hard to hear) try to retrofit the existing buildings.

Ted Kozlowski stated I am just talking about new construction.

Board Member Rogan asked so it is an uncharged system it is a system that is dry basically.

Mr. Hogan stated I think what he is driving at is you need two separate systems then because the one is an already existing building that would need their own fire suppression system.

Ted Kozlowski stated unless you retrofit the sprinkler systems.

Chairman Schech stated technically each house would have their own holding tank that is the way it usually works and I think the holding tank is no more than like a hundred and fifty, two hundred and fifty gallons and usually just in the kitchen area.

Ted Kozlowski stated I don't know enough about it to comment I just know that your other option is fire sprinklers a lot less expensive.

Chairman Schech stated that is what I mean they are not sprinkling the entire building from the last that I looked it up.

Board Member Rogan stated they also said that if you can't knock down a fire, a structural fire with the first six or eight thousand gallons of water thirty thousand isn't going to help. They said the average on these house fires are five, six, seven thousand gallons used, eight thousand gallons used.

Ted Kozlowski stated well we know the National Fire Sprinkler Association is headquartered here in Patterson.

Board Member Rogan asked are they. I don't know the company.

Chairman Schech stated I know water storage tanks speaking as a used to be a fireman I think I still am we tend to break a lot of things when we go out and use them for practice. It happens. Pumps burn out it becomes very expensive when you go out and exercise all these tanks and what not. We had one guy throw us off the property the guy across the street from our Supervisor's house he had a system there which was wonderful and we used to practice there a lot and we burned out three or four of his pumps and he said don't come back anymore.

The Board thanked Mr. Clark and Mr. Hogan.

Mr. Hogan thanked the Board for their time.

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

Ms. Theresa Ryan, Insite Engineering and Mr. Bob McCormack, Applicant was present.

Board Member Rogan asked Rich were you able to meet with this gentleman.

Rich Williams replied I did prepare a memo you all have a copy of the memo which I did subsequent to the work session and Monday evening before our legendary meeting we did meet and go through some of those issues.

Chairman Schech asked Theresa did you get our memo.

Ms. Ryan replied yes.

Mr. McCormack stated we go back to December, I filled out an application for a site plan waiver, provided a sketch plan of what it was that we wanted to do at Poppy's with a storage area in the back, at that time the Board decided they wanted to go out and do a site visit which was done. January's meeting things were discussed nothing was said really about a site plan just discussed things and at that time we were to provide something better than what we had on paper. I tried to get a good feel of what it was that was being requested and I was just told to get something on paper. We got the survey work done. I had it drawn up, got something on paper and since this was all done now it appears that a site plan is being requested. I am in a situation now where spring season is rolling around had this taken place a couple months ago I would be a couple of months ahead of it.

Chairman Schech stated the thing is we sat down and we thought that we were digging ourselves a big hole and we don't want to be in that position so these are the requirements and this is what we want just like what we want from every other applicant. This should have been done years ago and it hasn't been done and we realize the season is coming about but.

Board Member Rogan stated Theresa looking down the list it is not that great or extensive. It does not seem like anything on here is all that detailed.

Chairman Schech stated it is a shame that the Applicant has to go through the expense it should be the owner going through this expense.

Ms. Ryan stated right it is an unusual situation where you have several businesses on one site but really this application is really just for Poppy's Place so we would like to be able to keep it to that. By the way, Bob since he does have to do a site plan has asked Insite to help him out with it.

Board Member Rogan asked going back to what you just said what other businesses are on site.

Ms. Ryan replied the Cuckoo's Nest is there and Tela Cook Real Estate.

Chairman Schech stated we have no idea where the property lines are.

Ms. Ryan stated right we have no problem with that we will prepare something with the property line as long as it does not have to be a full blown survey. There are ways that we can apply the property line in relation to the structures that are there if that is suitable to the Board. So, what we would need to do is request a partial site plan waiver like topography and a full blown survey. We would make a list of those things. We realize that you want the wetlands and the watercourse but if we made a list is that something that the Board could act on to waive partial.

Board Member Rogan stated when we were on the site from what I remember was that we had said that the topo wasn't as important for the site but we were concerned about I mean drainage where, it is pretty straight forward how the drainage goes on this property.

Rich Williams stated everything drains to the stream.

Board Member Rogan stated everything drains to the stream, the limits of disturbance were from that Pine Tree which I noticed there was a big machine there moving that Pine Tree the other day about a hundred feet further, no I am just teasing. (Some laughed).

Chairman Schech stated about the only thing that I don't think that we would require would be a topo but everything else I think we need.

Board Member Rogan stated Theresa, if there is any questions the main frustration that I am getting from the Applicant is let's make sure we hammer down exactly what the Board is looking for tonight so that you can come back and we can get through this process because I don't think anything that the Applicant is proposing is anything extreme it is just that we want to know the limits of disturbance, where we are going, where we are putting things, where the property lines are that are in relation to the impact that we are seeing so that we make sure we are not going off site on things. Basically that is the impression that I have been getting and no one is looking to delay. That has got to be a frustrating standing in your shoes not knowing what the heck we are asking for.

Ted Kozlowski stated Theresa the other thing and Bob the site is surrounded by a regulated stream and wetlands okay and it is not so much Bob and it is not so much the concept of Poppy's Place it is something that we have all tried to work with Bob as well as the previous owner. It is what I brought up earlier with the other site on 22. There is limits to this property, there is environmental constraints and Bob might not be the owner next week or next year or ten years from now and the new applicant coming in might want to have a used car lot there or might want to have something else that is completely different than from what is there now and we need to document and clarify exactly those constraints so there is no question that Bob or whoever else comes after him is fully aware of what is there and there is no surprises and this is going back on twelve years of doing this job where you try to be a nice guy and then it comes back and bites you. So, we just understand it is not you Bob it is not the nursery which I am very partial to it is just that you have got a site there that isn't free and clear of environmental problems.

Mr. McCormack stated sure.

Ted Kozlowski stated you need to address it you need to show it. You need to actually file a wetlands application.

Ms. Ryan stated that is understood too.

Ted Kozlowski stated because you are bringing in fill.

Ms. Ryan replied no.

Ted Kozlowski stated yes you are technically you are. You are bringing in material as part, Theresa stated storage of materials is considered fill. Ted stated that technically is fill all right whether it is sitting there a week, a month, a year it is fill. How high are we going with it, how big is it, how wide, what is it, and how is it going to be held back.

Chairman Schech stated we want to protect ourselves and the Town.

Ms. Ryan stated sure.

Chairman Schech stated I don't have anymore places left to bandage they all have been bitten already.

Ted Kozlowski stated it is not an effort to kill this. It is just an effort so we are all on the same field.

Board Member Rogan stated I heard a lot of people just recently actually maybe even Monday night say that small businesses such as yours are the ones that they really want to promote in the Town. You would hope that those people would come out and support you so that you are in business for the next twenty years. I think that would be a great thing for the community because as Ted said, these are the types of businesses that a lot of the communities says that they want so now they need to show that. It is their opportunity to keep you in business hopefully that will happen.

Board Member Pierro asked where did we go with the lines, the survey lines of this particular building, this particular business because it is one large piece of property.

Board Member Rogan stated we were just talking about that.

Board Member Pierro stated it is for Rich's benefit he stepped out of the room.

Ms. Ryan stated we said that we could show you the property line but we would like in relation just to the improvements for Poppy's Place because that is the application in front of the Board. So, we can give you the property line in relation to the building that is there and the limits of the disturbance that are there now and then also show what he proposes to put there in the way of new materials.

Board Member Rogan asked Bob, do you have any idea and this is just for my edification do you have any idea of where the property lines are right now in relation to that plan, could you just point around where you think they are.

Mr. McCormack pointed to the plan and stated it is approximately fifty to seventy-five feet south of this grave area, more or less right down through here.

Board Member Rogan asked okay what about the other side.

Mr. McCormack replied it is a couple hundred feet from the building.

Board Member Rogan asked and the back.

Mr. McCormack stated and the back goes from here probably four hundred feet.

Board Member Rogan asked and what about the other side.

Ms. Ryan stated it is a nine acre piece and this takes up two acres maybe.

Board Member Rogan stated so in other words in all probability the closest property line to the building would be to the right, to the south.

Ms. Ryan stated to the south.

Rich Williams asked so you are not looking for a boundary survey.

Board Member Rogan stated I don't think that they need to delineate the boundary of the whole property if we are sure that the property lines are more than so many feet from all the improvements in this case but it sounds like you want the one to the south, can we just take this and just off tax records,

Chairman Schech stated I think it is just as easy to layout the entire property boundary, no then to locate them from the building.

Ms. Ryan stated it is easy to do but the tricky part is without doing an actual survey well we do have information on Telecom and Kect Construction so we can kind of float that property line in based on what we have there and an aerial photograph and then actually survey locate the structures that are there.

Rich Williams stated they would just mark off and assume the property lines.

Chairman Schech stated yes technically that is close enough for our no,

Ms. Ryan stated we can put the property line based on the,

Board Member Pierro stated in the future I can see gee well we have all of this property surrounding this business we can go a little further. I would rather have an exact number of feet from the property lines around showing the limits of disturbance of this business.

Board Member Rogan stated well you are only talking, Ms. Ryan stated that would be hard to do from the rear even for somebody to tape it off.

Board Member Rogan stated I think if you just survey located the southern property line once you get two hundred feet beyond the limits of disturbance of that top right corner then you could just stop that line I would think that at least you have got a certified survey located on the map that shows that is the southern property line. If the other one from the limits of disturbance you say property line approximately eight hundred feet away personally I think that is fine I mean maybe we are going to get bit on this but,

Ms. Ryan stated we were trying to avoid a certified survey.

Board Member Rogan asked just for one line.

Ms. Ryan stated yes we would show the structures in relation to the property line but it would not be a certified full blown survey because that would be more time and money.

Board Member Rogan stated okay I see what you are saying.

Ms. Ryan stated but we can actually show the structures in relation to the property lines and give you plus or minus dimensions.

Ted Kozlowski stated I have got to say one other thing that has an impact on this that south boundary line there is a significant wetland violation on the property just south of Poppy's Place. In fact, they might have gone on to your property and I am going to take action on that come spring right now everything is frozen and buried under snow but there is a significant wetland violation that is going to be addressed and it would probably be a good idea to know what that property line is.

Board Member Rogan stated that is why Theresa I am asking and I don't know the process for surveying or overlaying this stuff but if you had a surveyor layout from Route 22 the one property line to a certain scale whatever that scale is twenty scale and then lay that information into it with just scaled off that wouldn't work. In other words I don't want you to have to have a surveyor locate all these proposals.

Ms. Ryan stated in order to do the full blown survey you would actually have to, Mr. McCormack stated go around the whole property, Ms. Ryan stated yes you would have to do the whole boundary.

Board Member Rogan stated okay there is no marker on the front like on 22 or something.

Mr. McCormack replied no unfortunately.

Ted Kozlowski stated well Tela Cook is a real estate company they don't have a survey, Board Member Montesano stated it is an unfortunate situation Bob and I don't want to see you get stuck with it but unfortunately we have got to start somewhere. You have got four businesses being conducted on this property and we don't know where the heck we are and unfortunately this man is stuck with that position. He can go to the owner of the property and make them come up with it. We can't he can it is his prerogative. We keep saying no that we don't want this from him then we don't want it from the next guy and that is how certain people did certain things on that property because they didn't need anything from us and they went and proved it.

Chairman Schech stated if we keep watering this down then we might as well just go with what we have there.

Board Member Montesano stated I can't see that.

Ms. Ryan stated we can give you the full boundary, Chairman Schech asked do you have this sheet over here.

Ms. Ryan replied yes and we have no problem with any of this as long as the survey does not have to be certified because then they would actually have to go out and do a field survey.

Board Member Rogan asked what is the difference in that mean.

Chairman Schech asked how close is a non certified survey.

Mr. McCormack replied within a couple feet. I mean you have got from fifty to seventy-five feet here so it is plus or minus to the nearest foot,

Chairman Schech asked Ted would you be happy with a non-certified survey.

Ted Kozlowski replied yeah you know we need to know the limits of disturbance,

Ms. Ryan asked in relation to the property line.

Chairman Schech stated we will go along with the non-certified survey.

Ms. Ryan thanked the Board.

Ms. Ryan stated so we will give you the entire boundary.

Chairman Schech stated yes and give us locations of what is there.

Board Member Montesano stated and I am sure a real estate office should have the whole damn thing.

Mr. McCormack replied she doesn't.

Board Member Rogan stated the rest of it on the list is pretty straight forward.

Ms. Ryan stated also there are no other approvals required we were wondering if the Board would consider doing an uncoordinated review on this one.

Board Member Montesano stated no.

Chairman Schech stated I believe we also need a wetlands permit right Ted.

Ted Kozlowski stated you absolutely do.

Board Member Montesano stated I want to see what it looks like before I give anything else.

Ms. Ryan stated but it does not have to go to any other outside agencies.

Chairman Schech stated Theresa before we do anything else let's get that survey.

Board Member Rogan stated I think what Theresa was asking though is whether or not we were going to do a coordinated or uncoordinated review and I don't see how that,

Ms. Ryan stated that is all I was asking.

Board Member Montesano stated I know that.

Chairman Schech stated no we are not doing anything until we get,

Board Member Rogan stated Mike, I understand that but the question, Board Member Montesano stated I realize what you are saying, Board Member Rogan stated the question and I think it is asinine the way that you are saying that it is the bottom line is it is based on whether or not there are other agencies involved. If there are no other agencies involved it is a moot point it is an uncoordinated,

Board Member Montesano stated I don't know that yet.

Board Member Rogan asked who are you going coordinate with, tell me who you are going to coordinate with it doesn't make any sense.

Board Member Montesano stated I like making no nonsense tonight.

Board Member Rogan stated I am sorry. Theresa chances are we will be doing an uncoordinated review because we don't know who else we would coordinate with but you can take it from,

Board Member Montesano stated from him.

Ms. Ryan asked and if we can get a package put together for the February agenda including a wetland application,

Board Member Pierro stated this is the February agenda.

Ms. Ryan stated the March agenda I am sorry if we submit February 15<sup>th</sup> for the March agenda.

Chairman Schech stated I know you can do it because you are good.

Ms. Ryan stated thank you very much.

## 9) PATTERSON OUTDOOR STORAGE SITE PLAN

Mr. Jack Karrell, Engineer and Mr. Herb Lackner, Architect were present representing the Applicant.

Chairman Schech stated we like all the colors.

Mr. Karrell stated the last time we were here we showed the one building to the north, the long narrow building and Rich suggested that we also show the proposed future building and design the site for both proposed buildings. We are showing the second building, the stormwater would be in this area here, septic in this area, we have gone to the Health Department and we have done perc tests and deep tests and we are all set with them. We have some minor comments from Rich I think the major thing is designing the stormwater. One of his comments was the turning radius for trucks. We thought we had the parking turning radius but we will talk to you tomorrow.

Chairman Schech stated I think we had a problem with the upper level trying to get trucks in there.

Mr. Karrell stated he modified, I think before this was wide open now we have an area where trucks can come around and go out.

Rich Williams stated Jack, I don't think the issue was the turning radius I think you have the turning radius the issue was the parking stalls that are shown, they don't meet the Town of Patterson requirements for angle parking stalls. When we show how it is supposed to be laid out by Patterson's Code the stalls are actually extend out into the drive lane.

Mr. Karrell replied okay we have enough room there that we can modify that.

Rich Williams stated the other issue just so you know is in a very brief conversation that I had with the Code Enforcement Officer he suggested that all drive isles must be a minimum of twenty feet wide.

Mr. Karrell asked even (could not hear).

Rich Williams stated well that was his opinion.

Mr. Karrell asked twenty feet.

Rich Williams replied yes you might want to check.

Mr. Karrell stated this site is big enough where we have enough area that that we could accommodate that. That is not a problem.

Chairman Schech stated check with the Building Inspector.

Mr. Lackner stated I think what we were hoping for was just to get some consensus on whether this layout that we should run with it now.

Board Member Rogan stated I think it is fine.

Board Member Pierro stated I think it is very good. I didn't understand why we had to get commercial vehicles into that upper lot.

Chairman Schech stated there is a wood shop there.

Board Member Pierro asked there is a woodworking shop.

Mr. Karrell replied yes we have to get some we are not talking about tractor trailers.

Mr. Lackner stated that actually generated from the last meeting it was a request of the Board.

Mr. Karrell stated the only problem is the isle width there is plenty of room to modify that.

Rich Williams stated Jack I beg to differ with you most woodworking shops that I have had experience with usually get deliveries with tractor trailers so I think you need to consider that with the design.

Mr. Karrell stated you said the radius was okay it was just the isle.

Chairman Schech stated if you look around most straight trucks are tractor trailers because they can squeeze more product on them with one driver.

Mr. Lackner stated the intent was to have a pull off area here (unable to hear the rest of his statement). We will look at that.

Mr. Lackner stated there was a question or a comment on your review memo about parking at some of the buildings and you refer to certain building numbers so I am not sure, we have parking at this level, we have parking in here for this building, parking for the upper level of this and it was our sense that this is sort of the true industrial part of the site and why would you want, frankly we don't want cars down there because they are going to get in the way of moving trucks around. We probably should avoid keeping personal vehicles from here and also from this center area which is why we pulled them down.

Rich Williams stated I can appreciate what you are saying it was my thinking that you are going to have employees, mechanics, service people working in the back and typically they are going to park where they are close to work, where their work activities are that there should be some parking in that general area.

Mr. Karrell stated perhaps we can re-work the storage bins a little bit and put some parking there.

Mr. Lackner stated there was another question that I had also that quantity of spaces we came up with two numbers either we need eleven spaces or we need thirty-one spaces depending on how we are doing the calculations so maybe we could talk with you about that.

Rich Williams stated (hard to hear) reasonable as far as the parking spaces that are there you just need to demonstrate based on the uses of the site.

Chairman Schech stated somehow there are never enough.

Mr. Karrell asked what is the next step.

Rich Williams stated the next step is I think speaking to the Board is you actually stake the site out as you have got it laid out and the Board will do a site walk out there.

Mr. Karrell asked stake the buildings.

Rich Williams replied stake the four corners of the building, probably the driveway entrances, (unable to hear too many conversations going on at the same time).

Mr. Karrell stated we will do the staking and take it from there.

Chairman Schech thanked them.

#### **10) CIPRIANO SITE PLAN**

Mr. Cirpiano was present.

Chairman Schech stated I understand that we are holding off on this for awhile.

Mr. Cipriano stated we are holding off. We re-went over the layout of the plan and we didn't like how the flow was between the two buildings we are worried about people getting run over by cars so we are working on it and resubmitting.

Chairman Schech stated thank you.

#### **11) COUCH ROAD SUBDIVISION**

Mr. Joe Buschynski, Bibbo Associates was present representing the Applicant.

Chairman Schech asked we have I think three different scenarios on this.

The Board replied yes.

Chairman Schech stated explain for the audience please.

Mr. Buschynski stated I don't believe this property has ever been before the Board.

Chairman Schech replied no I always wondered how come nobody has ever done anything with it.

Board Member Rogan asked Joe could you just use the microphone.

Mr. Buschynski stated the property is in the Estate of John Urban and it is now in contract with 17 Couch Road Corp. and with me here tonight are the principals, Tom Frasca and Vince McGough. The principals and ourselves spent some time asking town officials and interested neighbors on their ideas of what the impacts might be of the development of this property and how we should look at it. It is in technically two zones there is an R-4 line here, four hundred feet in from 164 and beyond is the conservation overlay. In discussions with Rich Williams he suggested that we look at some alternates and Plan #1 was a four acre scenario predominantly with the exception of a large lot, Lot #1 that plan proposed six lots it does not meet the conservation overlay requirements for a maximum lot size of 55,000 square feet. We were looking at the parcel in terms of preferred land slope for houses, septic systems, and accessing the houses by driveways that stay as close to grade as possible. With the provisions of the conservation overlay Plan 2 was developed with an exception rather than a Town road or individual drive we looked at it with common driveways to serve three dwellings off of each and allow the R-4 parcel to be proposed as a single lot. This works nicely for the land. It minimizes cuts in off the road but it is none the less a common drive approach which we know that the Town in general considers a last resort. Plan #3 was a effort to provide lots that meet the requirements of the overlay district meaning 55,000 square foot max and in each effort I should point out as Chapter 139 requires open space was to be designated wherever possible and so there is three different approaches in connection with each plan designating open space and incidentally we did have discussions with Putnam Land Trust who controls property to the north. There was a request to consider a trail through the larger northern end, the larger parcel on the northern end and each concept that is accommodated here. Plan #3 the limitation with the requirements of the district are for this property lot size. We would much prefer larger lots in order that driveways could go in from the road at improved grade condition. Although, what you see shaded here is twenty percent slope and above we are not severely sloped but it is moderate enough where you need to move around with the driveways to enter the property and this concept is not allowing me to do that. I in affect have to go straight up the hill and that is a lot of excavation because of my lot width requirement, I have to put septic systems somewhere you can't be excavating a driveway next to a septic system. I need more width on conservation overlay district lots than 55,000 square feet will permit. Like I presented in our letter, our preference is Plan 1 with the larger lot concept. It allowed us more flexibility to sight houses, sight septic systems, sight driveways. It was an attempt to at least pair the drives to make the cuts in off the road at least look less than six individual drives.

Chairman Schech stated I have a dilemma here we would like to go out and take a look at this but how in the world are we going to stake this.

Mr. Buschynski replied pink, blue, green.

Chairman Schech stated there is an idea.

Mr. Buschynski stated I don't think you need that. In this concept here just flags on the road and you know what you are looking at.

Board Member Rogan asked does anybody on the Board think we can rule out the common driveway idea because we have so vehemently opposed them in the past.

Chairman Schech stated I don't like it to be honest with you.

Board Member Pierro stated I am not prepared to rule it out yet. We are not talking about homes that you are selling to the Hatfield's and the McCoy's. You are talking about homes that you are going to sell probably to a very upscale clientele.

Board Member Montesano asked and they don't fight. They just use better terminology when they do.

Board Member Pierro stated if there can be a benefit to the Town and to other issues by allowing common driveways let's take a look at it and see what the benefits are. Let's weigh them. I don't think we need to rule anything out at this point.

Board Member Pierro stated I have a concern about the conservation easement although in the grand scheme of things it is going to be a beautiful place to walk but on the adjoining property that the Luschynski's own there is a rock quarry there and that is an incredible amount of liability to have people being able to walk off the edge of a hundred foot cliff. I don't know if we are all ready to allow this to happen. I mean I have to see it because I have climbed from the quarry up and down it but I have never come in from this side.

Board Member Rogan stated when we looked at it at the work session it seemed like your bottom proposal there which was the smallest lots that the corridors between the lots I think we had talked about basically just trying to pull those lot lines together. I know that it affects the lot size but we had also spoken about maybe changing the requirements on the overlay to increase the lot size because quite honestly the small areas that are created of open space between those lots are not necessarily effective corridors to people or wildlife.

Mr. Buschynski stated they are buffers.

Board Member Rogan stated they are buffers but we have seen so many times you are creating so many lines that we have to then try to designate so that people know that they are a conservation area and we see especially on Big Elm Road conservation easements that had great intentions that were not followed or builders when in and leveled or added. The plans didn't show fill for septic area or grading and the grade just ran down hill into the conservation area and you admit this has a lot of limitations on grade. I would agree with a concept like that if we were able to pull those lot lines together and create a wider band of conservation land behind those lots.

Mr. Buschynski asked wider than shown.

Board Member Rogan replied no, no what you have there so you actually on that plan you would be losing a little bit of the conservation easement land but I think you would be just cleaning up the lot lines a little bit more. What I think I don't like about the other two plans and we spoke about this again at the work session is you are setting the houses so far up away from the road up on to the ridge and whether or not that is for view shed or not I think keeping them somewhat closer to the road may be a better alternative. Certainly I don't want them right on the road but I think there is a happy medium between the two.

Mr. Buschynski stated there is not tremendous difference between well these are far back.

Chairman Schech asked they are far back for what reason because your septic are in the front or you are proposing the septic in the front.

Mr. Buschynski stated a nice house site.

Chairman Schech stated yes but the trouble is it is on a ridge line.

Mr. Buschynski stated we are significantly wooded.

Chairman Schech stated they won't be wooded once you get the houses in there.

Board Member Rogan stated it is hard to tell too without being to the site as you can imagine none of us are professionals at reading topography so until we actually see it, and walk and feel that site I think it is difficult for any of us to envision it. I honestly haven't driven down Couch Road in years I don't have any clue of what it looks like.

Mr. Buschynski stated here is a difference of ten feet from here to here that is not significant. If we are concerned about being seen from Route 22 right now there is no (unable to hear) but in terms of ridge on the slope there is not that much difference.

Chairman Schech stated we try to get the houses blended into the slope a little bit more because they are up on the ridge and although the trees are left there to hide them the people want the views, they move in, they grab up the old chainsaw and away you go.

Board Member Rogan stated at least if someone clears the trees around their house and their roof line isn't above the ridge line at least the back drop of the land helps to blend the house into the hill a little bit. I tend to think that we put too many houses up on top of our ridges.

Chairman Schech stated we have got to take a look at this but the thing is,

Board Member Rogan stated how do we mark it.

Chairman Schech asked how are we going to set this up.

Board Member Pierro stated I think we wait for the snow melt then at least get up in there and see if we want the houses down low close to the road, or want them in the middle or further back. Let's decide that first,

Board Member Rogan stated maybe they don't need to mark anything.

Mr. Buschynski stated why don't we flag this plan they would be the ones of concern.

Chairman Schech asked do you think we are going to get enough idea if we just flag one of them.

Board Member Rogan replied yes because we can relate it to the plan.

Chairman Schech stated all right give us center line of house, center line of driveways for that first one and we will take it from there.

Mr. Buschynski stated one thing I did not point out we have got a few specimen Oaks out here, if you see a flag running through them we are going to be moving things to keep the specimens. Generally, it is (unable to hear).

Board Member Rogan asked is the western property line behind the bulk of your houses would that be fairly obvious for us is there any kind of demarcation posted signs or something that would label that whole property.

Mr. Buschynski replied a stonewall for most of it from here to here there is not. It is fairly identifiable when you are out there where you are. We would be glad to come with you if you want to make an exception and have us tag along or off in front.

Board Member Rogan stated I don't know that would be necessary I appreciate the offer though.

Board Member DiSalvo asked what is the land like on the other side of the stonewall does it start sloping down.

Mr. Buschynski stated yes it does.

Board Member DiSalvo stated I am not a fan of common driveways but I do see probably Dave's concern about seeing six driveway cuts going down that road.

Chairman Schech stated there is a good distance between them.

Board Member DiSalvo stated I drove down there on Tuesday.

Board Member Rogan stated the cuts are side by side though then the two driveways become one cut so it is one opening really with two side by side driveways.

Board Member DiSalvo stated then we have to make sure like on Bear Hill that we weren't putting the driveway opposite whoever is across the street there like one or two houses on that side.

Board Member Rogan stated I am sure it will all be much clearer when we have been out there.

Chairman Schech stated okay let us know when you have it flagged.

Board Member Rogan stated and I appreciate you going through the effort of doing the three plans of putting it out there from the beginning I like that that is nice.

Mr. Buschynski stated when Tom and Vince came to us and we looked at the Code we weren't quite sure so we immediately called Rich he said look at it with some options.

Chairman Schech thanked him.

Mr. Buschynski thanked the Board.

Board Member Rogan asked I haven't been down there in so long are the houses more predominantly closer to the road.

Ted Kozlowski stated there are no houses in this area.

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

Board Member Pierro stated I own property in the Beaver Kill Valley up in the Catskills, Rockefeller came in there thirty years ago and bought probably three thousand acres. You are not allowed to build a house on any of the land that he allows for sale if it can be seen by the road, there are common driveways exactly like this setup, most of them are weekend houses, very expensive. With the mind towards preservation all of the land around the outskirts of the rear of the homes is common, it is conservation area it fits itself to this type of roadway structure.

Ted Kozlowski stated if you want my opinion I like the little drawing.

Board Member Pierro asked which one was that.

Ted Kozlowski stated the common driveways.

Board Member Pierro stated less impact.

Ted Kozlowski stated less impact to the road.

Board Member Pierro stated you are talking about selling homes that are probably going to be in the seven range by the time we get there maybe more. I am just a small town real estate I get little condos I don't fly in that neck of the woods yet.

Ted Kozlowski stated I live on a similar road personally and this is just me speaking the aesthetics of keeping that tree line and the rural character of the road is important and I think less driveways infringing on that road you have less amount of trees you will be cutting.

Board Member Rogan asked what about the idea of the houses being close to the road because a lot of the older style communities the houses are set very close up it seemed like the road was the sense of community, Edie, I have heard your house is rather close to the road.

**Edie Keasbey** stated do you know why it is very simple they didn't have plows back then.

Ted Kozlowski stated you know I live on the road if I had my preference I would rather be a mile in.  
(Too many speaking at the same time unable to transcribe).

Chairman Schech stated let's take a look at this, this is not a public hearing we can argue about this next time.

Board Member Pierro stated we are not arguing we are discussing alternatives and options.

## 12) CLANCY BROTHERS

Rich Williams stated they are off the agenda

Board Member Montesano stated they withdrew.

**13) Other Business**

**a. Eastern Jungle Gym**

Chairman Schech stated we are getting tired of waiting.

The Secretary stated Paul Lynch is here I don't know if he has.

Paul Lynch replied I am here but I wasn't here to represent them.

**b. New England Equine Practice Site Plan**

Chairman Schech stated set the bond amount do we have a bond amount.

Rich Williams replied I do not have it with me.

Board Member DiSalvo stated I have it.

Board Member Pierro asked has Gene reviewed the bond amount.

Rich Williams replied it came from the engineer's office.

Board Member Pierro asked have you reviewed it with Gene.

Rich Williams replied I typically don't.

Board Member Rogan made a motion in the matter of New England Equine Practice Site Plan that the Planning Board recommends that the Town Board set the performance bond in the amount of \$405,000.00 with \$20,250.00 associated inspection fees. Board Member Pierro seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 5 to 0.

(TAPE ENDED)

## Eastern Jungle Gym

Rich Williams stated Mr. Chairman if I could just back it up a second to Eastern Jungle Gym being that the Engineer for the Applicant is here. I raised a concern about a number of projects at the work session that seemed to just languish out there and never seem to come to any sort of completion and this is the one that we have been wrestling with for the longest time, there is a violation that has been issued. There does not seem to be any movement on this even though there is a pending court case, there is a violation issued and it has just been going on and on and on and we need to you know we have so many projects going on right now and they are going on and on forever. We see submissions every six, eight, ten months sometimes so it was my suggestion to the Board that they start putting notice to some of the Applicants that either you are going to move with some (hard to hear) or they are just going to deny the application.

Board Member Rogan stated Paul so you are aware there was a point before you were involved in the project that the Planning Board was going to deny the application and they really said let us clean the site because every time we went out there the site was a wreck and they said they had just bought a huge amount of supplies because of what was going on in the economy with plywood and such and we caught them at a bad time. We said okay clean it up and we will come back and it still really had a lot of problems. Basically the business does not fit the site anymore and that is good news for them it shows they are obviously doing a business. We had suggested that they look for an alternative site but we would be willing if they could come up with a site plan that met the requirements we would allow them to proceed provided that they can fit what they have to do within that site and they still haven't done that so that basically is where we are at. They have violations on the property and every time you look at the place it is over flowing with building materials and things. They use their parking for building storage.

Board Member Pierro stated they are using the system in order to continue to do the business.

Mr. Lynch stated I think I was here in October or November.

Chairman Schech stated we will probably end up denying the project.

Mr. Lynch stated and at the time you gave me that message and I passed it along to client. (Unable to hear the rest of his statement no microphone).

Chairman Schech stated they are just sitting on it.

(Unable to hear Mr. Lynch).

Chairman Schech stated okay so they have been warned.

Rich Williams stated so hence they don't come back.

Board Member Rogan stated the message really would have to be then that we want some kind of a letter of intent from them I think would be an appropriate thing either we are going

to pursue this or I mean I don't know what would their response be. They are going to either try to either stay in the loop because,

Rich Williams stated where I was looking to go is either they come back in agenda after agenda with some consistency or come in and explain why they haven't done what they were supposed to do or we just deny it as an incomplete application.

**c. Triple J Subdivision Wetlands Watercourse Permit**

Mr. Paul Lynch, Putnam Engineering and Mr. Jay Hogan were present

Mr. Lynch stated I got a copy of your letter from the 28<sup>th</sup> responding to John Drake's letter of the 14<sup>th</sup>. I think we last appeared early January at that point we notified you of the change that the DEP requested of us. In January we reported that our most recent discussions with the DEP where they had changed design directive in essence and wanted us to eliminate two ponds, two out of the four and proceed in that fashion. So, we presented that I think withdrew off the agenda that night we just gave you that information. Then there has been some letter writing summarizing some of the events that had taken place. We had put a plan together that's addressed what our understanding was from our conversations with the DEP and we submitted that to the DEP on January 19<sup>th</sup>. I tried to get in here for your deadline for tonight's meeting but again we didn't get here until the 19<sup>th</sup> so I don't think you had the opportunity to look at it.

Rich Williams asked I did not see it.

The Secretary stated it may be in the box do you want me to go check.

Mr. Lynch stated I don't think you looked at it.

Rich Williams stated I haven't looked at it I didn't even realize, Mr. Lynch stated I read your letter I knew you didn't look at it.

The Secretary stated if it came in it may have went in the box. I could check the box do you want me to do that.

Chairman Schech stated no not right now it is a little late.

The Secretary stated well they are here if we don't have it at all we could tell them because Rich is looking at me like we don't know if we got it.

Rich Williams stated well if we don't have it I will call Paul.

Paul Lynch stated I will explain to you what we have done in the interim time period, this is the area in the Town of Southeast where we originally had two ponds. The two ponds have been replaced by one extended detention pond that meets one of the New York State DEC criteria. This pond number two which used to be pond number three in our series of ponds since its location was here we decided that at this point in time somehow we have to be able

to take whatever we outflow from this pond here and allow to migrate into the wetland whether you do it through a point discharge or some type of a level spreader one of those two mechanisms is going to have to be used. We are showing a level spreader. That is how we are proposing to handle our final discharge of water off of the property. Both ponds are extended detention. They are just different design types.

Rich Williams stated DEP's letter suggested a filter practice.

Paul Lynch replied there is no filter we did not put a filter practice in.

Rich Williams asked can I ask why.

Paul Lynch replied I don't think we could meet the criteria for the filter.

Rich Williams asked in what respect.

Paul Lynch replied I can't tell you directly because I didn't do the actual study. My suggestion is that instead of us going around in circles that if possible that you, DEP and our office can meet I think we can come to a conclusion of what type of ponds.

Rich Williams asked is DEP going to accept this design because it was their recommendation to go with a filter practice followed by a wet pond.

Paul Lynch replied I think they used the terminology filter practice other than what you are thinking of. I think they just used it as a terminology as opposed to a specific type of pond.

Rich Williams replied well they were referencing the DEC manual and it is laid out very clearly within the DEC manual different types of filtering practices.

Paul Lynch stated that is why I am suggesting that the three of us the Town Planner, the DEP and I can sit down we can it does not matter to me what type of pond goes in I just know I need the pond.

Chairman Schech asked a filtering pond is a sediment pond right.

Rich Williams replied a filtering practice is something that accepts a volume of water that then filters through some sort of medium to an outlet structure that it discharges out the other side but it is just that. It is like a coffee filter. It filters out the various pollutants.

Board Member Pierro asked and this filter pond it is planned to be renewed in a few years time. Do they do any maintenance to them.

Rich Williams stated they are very maintenance intensive which is why one of my suggestions was DEP had initially suggested you put that first in the treatment train and my suggestion was you put it second in the treatment train because it will reduce the maintenance significantly on it.

Paul Lynch stated that makes sense to me that is not a problem if in fact that,

Rich Williams stated and typically what we are seeing, what we are recommending is that they do some sort of organic peat filter because it has a different pollutant pathway for removal of the pollutants and it is more efficient than say a typical sand filter at removing phosphorous which I am sure you know.

Mr. Hogan stated we are in the middle of something right now where nobody knows, they don't know what they are trying to do and we are trying to figure out what they are trying to communicate to us and we got the DEC regs, the DEP regs and,

Board Member Rogan stated I agree with you all sitting down at the same table.

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

Mr. Hogan stated I don't know whether the Town allows you to go down to meetings at the DEP or not.

Rich Williams stated they can't come up.

Mr. Hogan replied I don't know. We will do whatever it takes to accommodate such a meeting to take place.

Rich Williams stated I will be down there next Wednesday so.

Paul Lynch stated I will set something up as soon as I can.

Ted Kozlowski asked what kind a level spreader.

Paul Lynch replied at this point we just showed it as a mechanism.

Ted Kozlowski asked and then you want that water to slowly discharge into the wetlands.

Paul Lynch replied yes.

Ted Kozlowski stated that is the site of the previous wetlands application of the detention basin that you were going to put there correct.

Paul Lynch replied this is that area where you had all that broken up concrete.

Ted Kozlowski stated but the plan shows that you don't have a pond there.

Paul Lynch stated yes.

Ted Kozlowski asked okay so now that is going to daylight into what. What are you going to put there.

Chairman Schech stated a level spreader.

Ted Kozlowski asked are you going to create a wetland buffer situation.

Paul Lynch replied yes.

Ted Kozlowski stated so what you are going to do then is make a functional buffer.

Paul Lynch replied yes.

Ted Kozlowski stated okay that is the word I was looking for.

Paul Lynch stated but that is the kind of details I would rather sit down with you to work out as to how you want this discharged into the wetland.

Ted Kozlowski asked right so it is not like a riprap watercourse.

Paul Lynch replied yes.

Ted Kozlowski stated you want to migrate through an appropriate vegetated buffer.

Paul Lynch stated correct.

Rich Williams stated but just so everybody knows what I am thinking if you go through a wet pond, extended detention pond you don't have to treat the water quality volume you just have to treat a portion of it anything about the ten year you can just release directly out of a extended detention. That will reduce the size of your filter practice and then release that separately and you should be able to pull a lot of that disturbance back up and out I would think.

Ted Kozlowski stated right but why not release it into he has got a disturbed site so why not make it a functional buffer it should be.

Chairman Schech stated the big question is how do we get everyone off the same page.

Rich Williams asked why would you put structures in a buffer when you don't need them.

Ted Kozlowski stated no I am saying that you have got disturbed site there whether he puts anything there or not he has a disturbed site.

Rich Williams stated right.

Ted Kozlowski stated so why don't we agree if you are not putting any ponds there you turn it to a functional buffer.

Rich Williams stated absolutely I agree.

Board Member Pierro stated well try to get down to the Wednesday meeting Rich will be there.

Paul Lynch stated I will set it up for when I can.

Rich Williams stated I am sure you will call John Drake and I will give John a call.

Mr. Lynch stated probably John and then also Margaret.

Mr. Lynch and Mr. Hogan thanked the Board.

**d. Burdick Farms Subdivision – CEO Letter**

Rich Williams stated I did talk to Paul he said he could make the 15<sup>th</sup> meeting, I asked him to put it in a letter to the Planning Board and I did talk to Dave Raines who will also be coming.

The Secretary stated I did the advertisement.

Chairman Schech asked Rich Williams and I have to come in tomorrow afternoon to talk to that guy.

Board Member Pierro asked what guy.

Rich Williams stated Fred Koelsch.

Board Member Pierro asked in what regard.

Rich Williams replied Burdick Farms. Fred had placed a call to me to talk to the Chairman about the project and I said that I would not give him his home phone number but I would relay the message.

Board Member Pierro asked I mean this is a standard practice for a guy to come in at this stage of the game and speak with the Chairman.

Chairman Schech replied yes.

Rich Williams stated yes.

Board Member Pierro asked will there be minutes to this.

Rich Williams asked will there be minutes on the phone conversation.

Board Member Pierro stated no a summary of a meeting with Fred Koelsch and the Chairman.

Chairman Schech stated there is no meeting we are having a talk on the phone.

Board Member Pierro replied oh, I thought he was going to come in because you said you were going to come here.

Chairman Schech stated yeah I will call from here.

Board Member Pierro stated I was assuming that he was coming to meet you here. I apologize.

Rich Williams stated and to address that typically no. We don't do minutes when we, Board Member Pierro stated or a summary at least. Board Member DiSalvo stated or a memo to the file can you do that. Rich stated we don't do that when we meet with clients looking for guidance.

Chairman Schech stated if you would like to come in I am sure we can hook up a phone so you can listen in.

Board Member Pierro stated no.

#### **14) MINUTES**

Board Member DiSalvo made a motion to approve the October 28, 2004 minutes, November 4, 2004 and the November 23, 2004 minutes. Board Member Montesano seconded the motion. All in favor and minutes were approved by a vote of 5 to 0.

Board Member Rogan made a motion to adjourn the meeting. Board Member Montesano seconded the motion. All in favor and meeting adjourned at 9:42 p.m.