

TOWN OF PATTERSON

PLANNING BOARD MEETING

February 5, 2004

AGENDA & MINUTES

APPROVED
4/1/04 MAB

- | | Page # | |
|--|---------|--|
| 1) Burdick Site Plan – Public Hearing | 1 – 4 | Public hearing held & closed
Recommendation to Town Board to set the Performance Bond |
| 2) Sypko Wetlands/Watercourse Permit | 4 – 6 | Board scheduled Public Hearing for March 4, 2004 meeting |
| 3) Noblet Subdivision | 7 – 12 | Discussion of reservation of land on Corner of McManus
Board Scheduled public hearing for March 4, 2004 |
| 4) Burdick Farms Subdivision | 13 – 21 | Discussion of access on McManus Road & other road improvements |
| 5) Eastern Jungle Gym | 21 – 23 | Discussion on survey locating wetlands |
| 6) South Patterson Business Park S/D | 23 – 26 | Discussion on the 50 foot right of way strip
Site Walk pending |
| 7) Bri Car Services Site Plan | 26 – 29 | Initial review
Discussion on wetland flagging
Board to do site walk |
| 8) Patterson Development S/D
Paddock View Estates | 29- 32 | Initial review
Discussion of stormwater
Board to do a site walk |
| 9) Minutes | 32 – 33 | Approved 11/6/03, 11/25/03, and 12/4/03 minutes |

PLANNING DEPARTMENT

P.O. Box 470
1142 Route 311
Patterson, NY 12563

Melissa Brichta
Secretary

Richard Williams
Town Planner

Telephone (914) 878-6500
FAX (914) 878-2019



ZONING BOARD OF APPEALS

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

PLANNING BOARD

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

**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

February 5, 2004 Meeting Minutes

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

APPROVED
Alfred 2/5/04

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

Meeting called to order at 7:31 p.m.

There were approximately 11 audience members.

1) BURDICK SITE PLAN – Public Hearing

The Secretary read the legal notice.

Mr. Harry Nichols was present representing the Applicant.

Chairman Schech asked is there any comments on the public hearing for the Burdick Site on Route 22.

Edie Keasbey asked is he going to say anything.

Chairman Schech asked Harry, you want to say anything.

Mr. Nichols stated this is a proposed equipment and storage facility located on 22 just north of 311 on the left side and it is a parcel that was previously used by Mr. Burdick to store his equipment. The new regulations require that a site plan be prepared in order to preserve that right. The site has been cleared of all the equipment until a site plan approval has been obtained. The plan we have submitted shows an area of pavement that will be used on which to park the vehicles and equipment which may drip some oil or grease and the purpose of that is to have a collection system that will take that runoff in a storm and put it through an oil separator before discharging it into the adjacent watercourse. The area surrounding the paved area will be gravel. The total development area including what goes through the oil separator is routed through a two pond system (unable to hear the rest of his statement). This is located approximately a thousand feet back from 22. It will be very difficult for anybody to see this. There is an existing driveway, gravel going in. It will remain gravel. There will be a gate installed at the Route 22 entrance in order to control traffic in and out of here and the facility will strictly be used as a storage facility for equipment and materials.

There will be no facilities on the site, there will be no running water, no septic and we further have added fencing in order to control the size of the yard so that it does not grow. We are also providing some landscape buffer to further screen it from the A&P Shopping Center which is located to the south.

Edie Keasbey asked this is a wetlands and watercourse permit, I didn't hear anything about that in your presentation Harry.

Mr. Nichols replied we are not disturbing any wetlands. It just happens there is a drainage ditch, a man made ditch.

Edie Keasbey stated I know that one.

Mr. Nichols stated and that is being considered even though it is man made as a wetland.

Edie Keasbey asked wetland or stream.

Mr. Nichols replied stream they are under the same permit anything within a hundred feet.

Edie Keasbey asked you must be in the buffer of it or next to it or something.

Mr. Nichols replied yes as a matter of fact we are moving the yard further away then it was previously located. It was located right up next to the watercourse. We are also submitting or making application to the DEC because we are disturbing more than one acre and they will be critiquing our stormwater management plan and report which already has been reviewed by the Town and the plan is fine.

Chairman Schech asked Edie you wouldn't know who installed that ditch do you. I think it was the State.

Edie Keasbey stated I honestly don't know Herb. It has been there forever. There was a lot of discussion when that guy wanted to put some sort of a commercial thing across the street he ended up fighting with the Budhists down in Bedford, I have forgotten his name.

Board Member Montesano stated the man that removes houses and trees among other things.

Edie Keasbey replied yes. It was long there.

Chairman Schech asked is there any other comments from the audience.

Rich Williams asked Mr. Nichols do you actually have a driveway permit from the DOT for the entrance.

Mr. Nichols replied we are still trying to locate it. They gave us a copy of the permit but it wasn't the right thing and we are still trying to get a copy of it. Unfortunately Mr. Burdick has been recovering from surgery the last four or five weeks so he is unable to pursue it.

Chairman Schech stated the thing is Harry, before we sign anything we are going to need that permit to make sure it is in place.

Chairman Schech asked can I have a motion to close the public hearing.

Board Member Rogan made a motion in the matter of Burdick Site Plan that the public hearing is closed.
Board Member Pierro seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	yes
Board Member Pierro	-	yes
Board Member Rogan	-	yes
Board Member Di Salvo	-	yes
Chairman Schech	-	yes

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

Chairman Schech asked Harry, you saw the bond calcs.

Mr. Nichols replied yes I did.

Chairman Schech stated we didn't agree with you we raised them a little bit.

Mr. Nichols replied that is expected. It was not significant.

Board Member Rogan made a motion in the matter of Burdick Site Plan, Route 22, Patterson that the Planning Board recommends to the Town Board to set the Performance Bond at \$150,000.00 with the associated inspection fees to be \$7,500.00 as set forth in the January 28, 2004 Dufresne-Henry Memo.

Board Member Pierro seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	yes
Board Member Pierro	-	yes
Board Member Rogan	-	yes
Board Member Di Salvo	-	yes
Chairman Schech	-	yes

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

Chairman Schech stated and don't forget we want that permit before anything gets signed. Before I sign that plat I want the permit in hand.

Mr. Nichols asked this is a site plan, do you sign the site plan.

Chairman Schech stated I have to sign the final plat.

Mr. Nichols stated the plan.

Chairman Schech stated yes.

Mr. Nichols asked can we ask for an approval.

Board Member Pierro stated I don't think we can issue an approval until we know we have a DOT Permit.

Chairman Schech stated until we get the DOT Permit we are not giving any approvals.

Mr. Nichols asked you are not going to give a conditional final.

The Board replied no.

Chairman Schech stated we want to see the permit.

Mr. Nichols asked is that the only open item.

Chairman Schech stated as far as I know that is the only open item.

Mr. Nichols stated we will submit now to the DEC. We were holding off until we had the Town acknowledgement.

Rich Williams asked Gene you are okay.

Gene Richards replied I am fine with that.

Rich Williams asked Harry, you are just submitting a Notice of Intent.

Mr. Nichols stated since we are over an acre since we have the plan we automatically submit it to the reviewing office.

Rich Williams asked did they ask for it.

Mr. Nichols replied they will.

Rich Williams asked have they asked for it.

Mr. Nichols replied no.

Rich Williams stated then you just submit the Notice of Intent. You can check with Pat Feracane but my instructions are that you just submit the NOI and if they want to take a look at the Stormwater Plan then they would request it.

2) SYPKO WETLANDS/WATERCOURSE PERMIT

Mr. Harry Nichols and Mr. Sypko were present.

Mr. Nichols handed the Secretary and Rich Williams the DEC Permit.

Chairman Schech asked you received this paperwork from the DEC.

Mr. Nichols stated from the DEC the permit.

Rich Williams stated no the Chairman is looking at DEP.

Mr. Nichols stated the DEC.

Rich Williams stated no he is looking at DEP.

Chairman Schech stated no I am looking at DEC.

Board Member Rogan stated no that is from the DEP. It was written to the DEC. The DEP was making recommendations to the DEC.

Mr. Nichols stated we have submitted the landscaping. (unable to hear the rest of his statement no microphone). We are going to go with the pavers, the open pavers which will preclude us from having to obtain a DEP Permit.

Chairman Schech asked do they go along with this.

Mr. Nichols stated they made recommendations to the State and the State issued the permit. If we required a waiver of any type from them, if we wanted a waiver from paving then they would have the opportunity to mandate the requirements and the stormwater pollution.

Gene Richards stated Harry, one thing you should note in my review memo it talks about the requirement for paving of the driveway so if you want to use grass pavers you have to get a waiver.

Rich Williams stated if I can interject I believe that was done several months ago.

Chairman Schech asked the new site plan reflects the pavers or.

(Unable to hear Mr. Nichols response).

Board Member Pierro asked does the new site plan show all the trees that we had spoke about.

Mr. Nichols replied yes. We are showing shade trees along the south side of the driveway.

Board Member Pierro stated yes I saw that I was more concerned about the trees near the level spreader.

Mr. Nichols stated we have shade trees along the road but down here we are screening off where the level spreader is we put in Pine Trees.

Chairman Schech stated you got the Town Engineer's memo is there any problem with that.

Chairman Schech asked do we need a motion on the wetlands permit.

Rich Williams stated we haven't had a public hearing on the wetlands permit yet.

Ted Kozlowski stated that is right the plans have changed.

Rich Williams stated they actually just submitted the permit.

Board Member Rogan stated do it for next meeting.

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

Ted Kozlowski stated Harry, you know you have to do the certified mailing.

Mr. Nichols replied yes.

Board Member Montesano made a motion in the matter of Sypko Wetlands Permit that the Planning Board schedules a public hearing for March 4, 2004. Board Member Rogan seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	yes
Board Member Pierro	-	yes
Board Member Rogan	-	yes
Board Member Di Salvo	-	yes
Chairman Schech	-	yes

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

Rich Williams asked did we cover the issue of the DEP Permits.

Chairman Schech replied apparently they are all taken care of.

Board Member Rogan stated DEC.

Rich Williams stated DEP.

Board Member Pierro stated DEC is taken care of DEP is not.

Rich Williams stated the letter if I recall correctly the letter to the DEC from the DEP references that now it was his opinion that they would need a piping and diversion permit.

Mr. Nichols replied the DEC does not want, Rich Williams interjected DEP.

Mr. Nichols stated the DEC does not want a diversion other than the pumping we are going to do. They do not want us to.

Rich Williams stated and we are all on the same page that when you are doing the construction you have to actually set up a dam, but what I am saying is DEP right here at a meeting said do the grass pavers you don't need any permit but in the letter to the DEC if I remember correctly they said and he will need a permit for piping and diversion of the stream.

Board Member Rogan stated it says specifically Rich, subject activity requires DEP approval of a crossing, piping or diversion permit and it gives the section.

Rich Williams stated correct. Now, DEP is DEP that is their regulations you have got to square that away with them. I don't happen to agree with their interpretation of their regulations this is not a piping or a diversion of a stream. It is a stream crossing.

Mr. Nichols stated it is a culvert replacement. If it was a new crossing but it is a culvert replacement and I had talks with Joe Ziminsky on this, we have no other things requiring a DEP permit and that is my understanding we do not require one.

Rich Williams stated this is Joe Ziminsky's letter.

Board Member Rogan stated let's get something in writing from Joe Ziminsky saying a permit is not required.

Chairman Schech stated get something in black and white.

Rich Williams stated I don't want you to wait until the very end and find out, talk to Joe, and get it square away.

Chairman Schech stated we have to get it squared away before you start.

Gene Richards asked Harry, what is the date on your DEC Permit.

Mr. Nichols replied actually the effective date of the permit is May 1.

(unable to hear Gene Richards and Harry Nichols)

3) NOBLET SUBDIVISION

Mr. Steve Miller, Badey & Watson was present representing the Applicant.

Chairman Schech stated do we have notes on Noblet.

Board Member Rogan stated I don't have any notes on it.

Board Member Pierro stated the only thing was we were going to ask Charlie if he could look at the corner.

Board Member Pierro asked did we get any comments from Charlie.

Chairman Schech asked Steve did you read the comments from the Planning Board.

Mr. Miller replied yes.

Chairman Schech stated the twenty-five foot reservation strip.

Mr. Miller replied it has already been taken care of.

Chairman Schech stated and also a possibility of doing something with that bad corner.

Mr. Miller replied those are the comments from the last meeting and I spoke to Rich, he indicated that this nasty corner here there was some indication that it was going to infringe on the wetland and you kind of were less concerned about giving more than twenty-five feet from center here because of (unable to hear the rest of his statement).

Rich Williams stated it ultimately comes down to an issue with the Planning Board. I understand exactly what you are saying you know by taking it in more on that corner that you had suggested we are actually encroaching into the wetlands and that could create an issue and it was up to them whether they want to give that twenty-five feet recognizing the Town probably was not going to do anything with it.

Mr. Miller stated the plan that you see now and the plan that was last submitted shows the reservation strip twenty-five feet from center across the frontage of the new Lot 1. What we are referring to is some additional clearance here at the sharp curve.

Chairman Schech stated we thought basically that it would be nice if we had a little bit more on a sharp turn in return for not disturbing anything on the original lot.

Mr. Miller stated I can certainly understand the Board's concern, I don't see that it prevents the Town from coming in at some later date and deciding that they have to re-work the road and make some arrangements with Mr. Noblet or whoever the current owner is.

Chairman Schech stated well it would make things a lot simpler if we had a little bit more on that one turn.

Mr. Miller stated we hadn't proposed that.

Board Member Rogan stated we are asking for it.

Chairman Schech stated it would be nice.

Mr. Miller stated I would like the question directed to the Highway Superintendent.

Board Member Rogan stated we would too. We are asking the Highway Superintendent to go take a look at that corner.

Rich Williams stated I have not had a chance to talk to him yet.

Board Member Rogan stated okay we are going to formally ask that tonight.

Board Member Rogan stated we understand it is a wetland area but if in the interest of public safety we decide to clean up that corner in the future we want the ability,

Mr. Miller replied I fully understand and none of this precludes the Town from coming in and negotiating with the property owner to take land, additional land at this corner to improve the road.

Chairman Schech stated but we are trying to avoid the negotiation.

Mr. Miller stated well this was a comment that I made two meetings ago that we are providing, this is a revocable offer or a revocable offer of dedication to the Town which essentially says when the Town deems it necessary they will come in and get a deed from Mr. Noblet or whoever the current owner is for this area. Now, my question to the Town Attorney at that time was what was the compensation to Mr. Noblet or the current owner at that time meaning monetary compensation because this is technically a taking.

Board Member Rogan stated he is getting a subdivision.

Mr. Miller stated that is a strong arm tactic.

Board Member Rogan stated it is a public safety concern.

Board Member Montesano stated so is the other way.

Mr. Miller stated there is no reason why the Town can't come under due process and under good faith come to whoever the owner is and negotiate some equitable.

Board Member Montesano stated well then I guess our Attorneys will make the money one way or the other so why don't we do it now and let the Attorneys make the money now.

Chairman Schech stated this is what we are asking for.

Board Member Rogan asked can we ask our Attorney what he thinks about this.

Mr. Miller stated I understand that is what you are asking for, all that I am suggesting is that in the event that this never happens this is a mute point.

Board Member Montesano stated well in case the sun comes up tomorrow morning would be a mute point also but the object is you are asking good faith so are we. The problem is there seems to be a definite line that one of us is going to have to cross one way or the other and if it has to go to court to get it done now I would rather get it over with now since we can't talk politely and we are being pushed to go that one then I would suggest we do it that way.

Mr. Miller stated I am not pushing anybody. I am trying to give you my client's position.

Board Member Montesano stated right and we are trying to tell you ours and yet we are still sitting here tonight butting heads back and forth. We have made a statement if Mr. Noblet wants to continue that way then fine have him come in and re-state his statement then we will go the hard way. The object is we are trying to avoid that for future problems. All it is a matter of doing if it is taken, you are giving us your end of it, if it is taken the Town can come and take it and we are saying if the man gives it to us then if we want to use it fine it is there if we don't use it it is still there. So, we are running into the same situation Mr. Noblet apparently wants to keep everything in his power we would like to keep it in the Town's power rather than continually arguing about it.

Mr. Miller asked well how much more land do you think the Town would want.

Board Member Rogan replied the Highway Superintendent hasn't been out there yet. We can't say.

Board Member Montesano stated we can't say. We are just asking that we do this in case something comes up. We haven't gotten a reply from him yet. The man seems to have some minor things that are keeping him busy.

Board Member Rogan stated if the Highway Superintendent comes back and says you know what the area provided on the map will give us enough room should we decide in the future he is the expert not me, he is the Highway Superintendent I would be very happy with that.

Mr. Miller stated I have to apologize then because it had appeared to me that the Planning Board had some idea of how much more they wanted.

Board Member Montesano stated no we are just trying to get, we want to keep this as balanced as we can and I feel that,

Mr. Miller stated I understand and Mr. Noblet understands.

Chairman Schech stated and we don't want to negotiate afterwards.

Mr. Miller replied I understand that but I never did get an answer to the question.

Chairman Schech stated I mean we are bending over backwards by not taking anything on his property which we normally do.

Mr. Miller stated I understand that you are not taking anything and Mr. Noblet certainly appreciates that but there is a provision in the law that allows the Town to decide not to take anything and,

Board Member Montesano stated there also is the provision to go ahead, that eminent domain nonsense is something that we are trying our best I think to avoid in the sense that you don't want to walk in there and stomp on somebody's toes so we are asking. If we need it we are going to do it yes I agree with you but it is so much easier to say look if we have to do it we will do it wouldn't you agree on that yes it is there. That is all we are asking for.

Gene Richards stated Mr. Chairman, if we go back a little bit when this issue came up previously our office was asked and we issued a memo on that and Tom McGinn in that memo pointed out the fact that this is a user road the Highway Superintendent has the ability under Highway Law at anytime to go in and widen that road to a minimum of width of three rods. Mr. Noblet when he was in front of the Board I think his main thrust was saving trees and stonewalls I guess along the frontage of Lot 2. When he was last here without Mr. Miller he seemed to me he was agreeable to give the Town the twenty-five foot taking along Lot 1 and only Lot 1. It seems like now from what Mr. Miller is saying he is going back on that.

Mr. Miller replied no not at all.

Board Member Rogan stated no he is not saying that.

Gene Richards stated not entirely because it is still on the plan but I don't think that,

Board Member Rogan stated I thought that at the last meeting with Mr. Noblet we had mentioned the corner, I know we mentioned it and we said we were going to ask the Highway Superintendent to take a look at it and that hasn't happened yet.

Mr. Miller stated okay I will have to apologize because that was not relayed to me.

Board Member Rogan stated I understand and we will get that squared away.

Mr. Miller asked can I address a few other issues.

Chairman Schech replied sure.

Mr. Miller stated the current memo from Mr. Williams indicates some minor modifications that we need to make on the plan and also the site plan quote on quote sewage treatment. The EIC should confirm that the wetlands are accurately represented on the subdivision plat.

Ted Kozlowski stated they are except you didn't take away the wetland that I thought was not wetland so if you would like to dedicate that as wetland we will take it.

Mr. Miller stated we don't have a problem with it because our Wetland Consultant says it is.

Mr. Miller stated I guess the only other thing at this point except for the Highway issue would be SEQRA and hopefully schedule a public hearing.

Rich Williams asked if I can just ask one quick question, right from the very beginning I had suggested that you might want to consider shifting the property boundary splitting the properties to follow the stonewall.

Mr. Miller replied we did it here referring to the plan. This was an interesting stonewall and we moved it here the thing is in order and we would normally do that but in order to follow the wall we would have to come up and jog over and come up and run over and it just makes for a convoluted, it is across a wetland. If there were houses involved and people were going to maintain here obviously the stonewall would be very nice to use as boundary lines.

Rich Williams stated it just makes it in the field a very easily identifiable boundaries between properties.

Mr. Miller replied I don't disagree with you but the likelihood of somebody walking across the wetland.

Rich Williams replied no but I would expect that they are going to end up down by that stonewall but it really does not impact the subdivision one way or the other. Like I said, my recommendation was based on the fact that,

Mr. Miller stated we addressed your concern in the area where, Rich Williams stated I saw that. Mr. Miller stated to clean the lines up we would have to run this way, then this way and I don't know do we run back this way.

Rich Williams stated no at that point I would just take it straight across the wetlands but that is fine.

Chairman Schech asked is the rock wall such a big issue.

Rich Williams replied no.

Board Member Rogan asked do you want to set a public hearing for next meeting.

Chairman Schech replied yes.

Board Member Rogan made a motion in the matter of Noblet Subdivision that the Planning Board schedule a public hearing for March 4, 2004. Board Member Montesano seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	yes
Board Member Pierro	-	yes
Board Member Rogan	-	yes
Board Member Di Salvo	-	yes
Chairman Schech	-	yes

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

Chairman Schech made a motion in the matter of Noblet Subdivision that the Planning Board determines under SEQRA negative SEQRA determination. Board Member Pierro seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	yes
Board Member Pierro	-	yes
Board Member Rogan	-	yes
Board Member Di Salvo	-	yes
Chairman Schech	-	yes

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

Mr. Miller asked is the request from the Highway Superintendent somewhat through official channels or is it.

Board Member Rogan made a motion that the Planning Board formally requests the Highway Superintendent, Mr. Miller stated I am not, Board Member Rogan stated we wanted to do that anyway. Chairman Schech stated it works a lot better if it goes through unofficial channels and we say would you like to come out and look.

Mr. Miller asked so my writing a letter and requesting it you wouldn't, Chairman Schech stated no.

4) BURDICK FARMS SUBDIVISION

Mr. Kellard stated the last time we were before the Board was back in November of last year and we submitted to the Board a 37 Lot cluster plan for the Burdick Farm property which conformed with the new cluster zoning. Since that time we have been preparing a preliminary subdivision application and a Supplemental EIS for the project. The preliminary subdivision plan which is being developed and we intend to submit for the next board meeting is shown on the right which includes 37 cluster lots. It is basically in conformance with the concept plan that we had before the Board in November. It includes a roadway out to McManus which includes a bridging of the wetlands as we discussed and the Board requested. In the development of the Supplemental EIS we have been exploring various alternatives to address mitigation of roadway issues accompanying the preliminary site plan submission for this meeting we presented three alternative roadway improvements for your comment. We intend to address those alternatives within our Supplemental EIS and we look for any comments the Board may have before we actually submit that document to you. Just to briefly describe the three alternatives; we have proposed the first being an alternate connection to McManus Road. McManus Road is shown at this location. You see on the preliminary plan, the concept plan our roadway crossed the wetland in the southern portion of our property. This is a common property line with the connection of McManus at this point it requires a bridge crossing in the wetlands. The alternative we are addressing within the Supplemental EIS is a roadway which connects to McManus at a location further north. It does make the connection without impacting wetlands which are shown in blue on each side of the connection and a hundred foot setback which is outlined in red. That alternative will mitigate the potential impacts on that wetland crossing, it will eliminate the need for a bridge. It will however increase some roadway length internally we would have to develop a parallel road inside the subdivision to service the lots which previously were developed on the road going out to McManus and the internal road. Instead of ending with two short cul-de-sacs on each side it would be a complete through road at that location. We would like to present this option as our primary connection but to tell you the truth we are not sure if we have the legal rights to McManus Road at this point. We believe we do but the Attorney for the Title Company investigating the abandonment of McManus Road to confirm that we do have legal rights. We intend to address that issue within the Supplemental EIS as well as the beneficial and adverse impacts between the two alternatives.

Chairman Schech asked so we haven't really investigated that point yet.

Mr. Kellard replied it is being investigated for the last six to eight weeks.

Chairman Schech stated personally I would rather see it where we are not impacting any of the wetlands but we have to make sure that we have a legal right to use the road.

Board Member Pierro stated and in the past five or six years the Developer has never believed he had the right to access that portion of McManus.

Mr. Kellard stated we are having that investigated now and it will be documented in the Supplemental EIS.

Chairman Schech stated so technically we are at a stand still until we get this squared away.

Mr. Kellard stated no. We are addressing the main action the subdivision application, the preliminary subdivision application and the Supplemental EIS will address the road connection, crossing the wetlands with the bridging of the wetlands as we discussed in our concept plan. We will have an alternative address which will explore the impacts and the beneficial and adverse and the legal aspects of the alternate location.

By the time we get it through to a final impact stage I am sure we will have everything evaluated and we will know exactly where we stand.

Chairman Schech stated I would really like to see that done first to be honest with you. I realize it is going to hold things up but I would like to know where we are going with this there or there.

Mr. Conditto stated maybe I can address that a little bit. There seems to be a couple of things clear about the legal aspects. One thing is for sure that the road was abandoned in 1976. It was recorded at the State court at that time. It was agreed on so I think that is pretty clear. I think that it was also pretty clear that the property owner at that time tried to take some statement where he created some property to make sure that the road didn't access further down on McManus Road. I think there was some action taken to do that. Now, we believe through the documents that we have acquired that we have legal access to do through that so the option we have is to probably go to court to establish legal rights to that and I am hesitant to do that obviously because I don't want to do something that is against the property owners here, the neighbors especially the Burdick's who I bought the property from. So, what I am going to suggest that we do in the near future is I would like to try to setup a meeting with the property owner and the relatives in that area and see if we can work out some means where we do have to talk about legal issues and maybe come up with some solution that works for both of us. I haven't set that meeting up yet but I do plan to do it in the nearest future as I can. Barring their interest or non-interest in this my only other option is a legal option and again I am hesitant to go that route so that is why we want to present the two plans, go through this as peacefully as we can.

Chairman Schech stated to not cross the wetlands I would rather see that option exercised personally. I don't know about the rest of the Board.

Board Member Pierro stated I still think there will be less of an impact maybe more so costly to you but I think there will be less of an impact to the wetlands if you use the bridging possibility because the area where we pin pointed where we thought the bridge could go through was a rocky culvert and it was much further away from any viable wetland then the area you are talking about going through. Ted pointed out that he in our work session he would rather see it go in between the two wetlands as you state if you can get access to the road but there is still impacts to doing that maybe you are not going over or on top of the wetland but you are impacting what is underneath both the southern end of that wetland and the northern end of it. There maybe some impacts there as well.

Ted Kozlowski stated Dave, I can't agree with that, I am sorry. The best alternative is always no impact or no intrusion into the wetland.

Board Member Pierro stated in between the two Ted may have some negative impacts as well.

Ted Kozlowski stated this project is going to have negative impacts no matter how you look at it. I mean that is going to impact the natural resources of the area but to say that a roadway and a bridge right through the wetland is going to be less imp active than as opposed to going through possibly a buffer area.

Board Member Pierro stated it is a buffer in between two large, very large wetlands that,

Ted Kozlowski stated the roadway is going through a wetland which is most likely going to be a new DEC Wetland so I would rather see the roadway without a doubt and I have always said this from day one I never wanted to see any roads going into that wetland at all.

Board Member Pierro stated I agree.

Ted Kozlowski stated and I said that when this gentleman and the people before him came before the Board before you guys were on the Board so I am in total favor of that option where the road comes between the two wetlands and I don't think the bridge or a culvert or anything is good to go through that wetlands.

Chairman Schech stated I agree with you Ted.

Board Member Pierro asked let me pose this to you Ted what happens then if they cannot access the northern part of McManus Road at all.

Ted Kozlowski replied you gentlemen have to make a tough decision. It is easy for me to sit here and say what I want to say and I will say this that day I am opposed to any road going through the wetland period.

Board Member Pierro stated right but what happens if they find they cannot get access.

Ted Kozlowski stated I am still opposed to it.

Board Member Pierro asked what happens if they find that they cannot get access through the northern part of McManus Road then our alternative is,

Ted Kozlowski stated is the bridge or whatever.

Board Member Pierro stated so wouldn't the bridging be better at that point.

Ted Kozlowski replied at that point.

Board Member Pierro stated in the rocky culvert on the furthest south of that wetland where you and I and Shawn and Rich walked through there was a rocky, hard.

Ted Kozlowski stated I don't know how I could be more clear. I am opposed to it period.

Board Member Pierro stated this crossing of the wetland pre-dated me on the Board and I didn't agree to it from day one I didn't like it but we are stuck with it I guess now.

Chairman Schech stated okay guys the ball is in your court with this.

Rich Williams stated if I can just make sure that we stay focused on the issue the issue is not whether they have access. I think that is very clear that they do have access. The issue is whether they can provide a road meeting our standards and that is a tripping point. I don't believe that they are going to find that they have the right to do that and that is the issue not whether there is access. There certainly is access, legal access.

Board Member Pierro stated yes and can they increase the volume of traffic on that road.

Rich Williams stated but can they actually build a road over it that they can then say to the Town here it is come use it.

Chairman Schech stated that is the legal aspect.

Mr. Conditto stated and I just want to bring this up again, we have told you several times that we would like to work with the property owners in this area and if they don't want access to this if there is something that we can do to block off the road, an emergency access to make the traffic flow through there very difficult, stop signs whatever in that area one way road through this area. I don't know. I would be willing to do that as well. If you guys could give us some directions or come up with some approach like that.

Chairman Schech stated actually as far as I can see this is going to be a secondary access which basically nobody really is going to use unless in an emergency and that is the reason for it. Nobody is going to want to sneak out that way and go through McManus Road when they can go out through a nice straight road and access Bullet Hole Road.

Mr. Conditto stated okay so I will do this then I will make an attempt to talk to the property owners and see if I can reach some solution and then after that we will decide which way to go but at that point we would still like to,

Mrs. Keasbey interjected he is not using the mic.

Mr. Conditto stated I am sorry so as a plan of action what I will do is contact the property owners and I will make an attempt to work this out without having to do legal action if it is successful great if it is not then we will have to decide which way it will go.

Chairman Schech asked anything else.

Board Member Rogan stated yes Mr. Kellard I am sure is going to talk about the other improvements.

Mr. Kellard stated the second alternative we presented was a slight shift at the entrance road at Bullet Hole, our entrance road where it intersects Bullet Hole Road. If you recall the original application had the roadway going through a parcel of land which is owned by the Town. It is the best location for an intersection because it gives you maximum sight line with the least disturbance to the existing road. We provided our application and the proposed action which will be addressed in the Supplemental EIS a roadway which is outside of that Town parcel. It does require us to re-grade a portion of Bullet Hole Road I think it is a maximum of about a two foot cut to obtain maximum site distance to the west of that location. Our alternative relocates the road through the Town parcel it obviously would require an approval by the Town Board for a purchase or granting of use of that property which we intend to,

Chairman Schech asked are you sure that is a Town parcel and not a school district parcel.

Mr. Kellard replied last we head it was a Town parcel.

Mr. Conditto stated I can answer that my Title Company believes it is a school property but I think Rich disagrees with that.

Chairman Schech stated the reason I say that is because it was just an old school house property I put it on the rolls as a Town property.

Mr. Conditto asked you put it on the rolls.

Chairman Schech replied yes when I was an Assessor back in year one.

Mr. Conditto stated maybe that is why we couldn't find the title transfer because you did it.

Everyone laughed.

Rich Williams stated at this point, my opinion is that it is listed on the town rolls as owned by the Town.

Chairman Schech stated I put it in there as owned by the Town because the fact was the bounty hunters were grabbing up all these odd ball parcels because nobody was paying taxes on them and nobody really knew what so I put them on as a Town owned parcel so the bounty hunters would not get it.

Rich Williams stated that is great but as far as I can tell the last known owner was Sylvester Maybee as Trustee of the School District as his direct heir I give my permission.

Mr. Conditto stated I talked to Mike Griffin twice about this and I will visit him tomorrow morning to see if he can start the proceedings at the Town Board for us to acquire this property.

Board Member Rogan stated my only question on this would be it was only a one room school house would the Historical Society have anything to say about it.

Mrs. Keasbey stated there is nothing there.

Chairman Schech stated there is nothing there.

Board Member Rogan stated there is nothing there but you know there is nothing there on a lot of places where they put these monuments and people claim all sorts of things if they don't have a problem with it. If there is not any problem with anything like that and we are going to improve sight line distance which we all I think would agree with, Board Member Pierro stated absolutely. Board Member Rogan stated that would be great we prefer that you have the sight line distance and make that as good as intersection as possible.

Mr. Conditto stated I will continue then with Mike and see.

Mr. Kellard stated and again, the proposed action will be our property with the alternative on the town owned parcel. We will explain the pros and cons between the two options.

Board Member Rogan stated it seems like you have a lot more blasting on the option not through the Town based on grading.

Mr. Kellard stated correct more road work out in the right of way, more excavation disturbance on the site.

Chairman Schech asked and you are also working on the corner.

Mr. Kellard replied the corner piece we are exploring options along Bullet Hole Road at the intersection where Ice Pond is to improve the sight line and the geometry around the curve at that intersection and I am sure the Board remembers the Findings Statement for the project the 49 lot option had a condition that the Applicant try to obtain the land ownership for a future ownership for a right of way which the Town could improve on the southern parcel. That appears to be a difficult situation and we are looking at other options. One option we had discussed at one time before with the Planning Board is to move the road to the north. It

is into private property. It is an option which would increase the radius of Bullet Hole Road to approximately a 150 foot radius from its present 75 foot radius. It would improve sight line and it would improve the intersection geometry with Ice Pond. It will require significant excavation and removal of trees.

Chairman Schech stated but don't forget this is a bone of contention over here because don't forget they sold that property well knowing that we wanted to shift that road so don't look for any sympathy over here.

Mr. Conditto stated I am not the way I look at it is if you look at these two alternatives in the sense that what is the best thing we can do to improve this now your Findings Statement from the last Environmental Impact Statement said you wanted me to acquire the property and to deed it to the Town which I will be happy to do. Now, after I have done that it is our estimation it is going to cost the Town about a half of million dollars to put enough fill in that area to round out the curve the way we actually explained it here so if you want me to do that I will certainly go ahead and make that attempt. We stopped talking to the property owner a long time ago because they didn't seem to getting a need at that time. It seems to us though and we have recommended a couple of different things I know you are not interested in them and we recommended by far the safest approach to this problem here is Stop signs and all three directions and we showed that in several different configurations. Now, at your suggestion we also went and tried to see if we could do something with this curve which is really the problem because of the line of sights coming out of Ice Pond Road here so again we are looking at a solution that I think in this case that if we did go ahead and acquire this property this would be a much cheaper and easier and probably a satisfactory solution to the problem. (TAPE ENDED).

Mr. Conditto stated it is our estimation of the two acquirings of property for the Town the better approach for you, the cheaper approach and probably the safer approach would be to do this as opposed to doing this.

Chairman Schech stated at the present time.

Mr. Conditto stated right.

Chairman Schech stated don't forget the understanding at that time was not that the Town would fill all this property in to straighten out the road it was the fact that you people were going to do that.

Board Member Rogan stated I don't think that was in the Findings Statement. I don't think that was part of the Findings Statement.

Rich Williams stated it was when we were talking about an eighty-one lot concept in the Findings Statement it was that we were going to just take the property and then we would deal with making the improvements.

Board Member Rogan stated that is what I thought.

Chairman Schech stated okay so continue on your route.

Board Member Pierro stated Mr. Chairman, I am still concerned with the lower corner.

Mr. Conditto asked are you talking about this corner referring to the plan.

Board Member Pierro replied yes.

Board Member Pierro stated you own that property, Board Member Rogan stated no you are talking about further down the road. Board Member Pierro stated further down across from Henry's house.

Mr. Condito stated I certainly own this piece of property.

Board Member Rogan stated he is talking where Mr. Condito had his further down the map.

Mr. Condito stated Ice Pond is here.

Board Member Rogan stated continue down the road right there referring to the map. That is within your control because you own the property.

Mr. Condito stated this is a new issue but sure go ahead.

Board Member Pierro stated it is not a new issue I have been saying this for the last five years that we are going to increase the speed of traffic coming down that hill and we are going to throw it into a corner and cars are going to be on a yaw and they are going to wind up sliding down into that lower field.

Mr. Condito stated again, I want to make my position perfectly clear and I think by far and my Traffic Engineer agrees with this by far the safest thing to do is to stop the traffic right here and then by the time it gets here it does not have the speed.

Board Member Pierro stated we still have to do something with that corner because as you well know a hundred years cars can do fifty miles an hour.

Board Member Montesano stated let me explain something to you this County has a very strange way of doing things. There was an incident where a man was intoxicated got into an accident on a County road and now the County is at fault because of the design of the road so we as taxpayers in the County had to pay this man a hell of a lot of money because he decided to become an alcoholic and get drunk so because he could not negotiate the road we as taxpayers in this county were stuck paying him a lot of money. Now, he had a very good attorney apparently so in this case what we are trying to express is the fact that we don't want to pay anymore taxes to some person who may or may not be an alcoholic.

Chairman Schech stated work on that corner and then we will re-visit the other site.

Mr. Condito asked this corner.

Chairman Schech replied no the top corner the one over here and we will re-visit that site over there and see what we can do with that. One thing at a time.

Mr. Condito stated I have just two issues that I wanted to bring up; one, is that we have finished with the 22 curtain drains on the hill so hopefully that wasn't much disturbance for the neighbors.

Board Member Rogan stated on that point let me bring up a question. Mr. Kellard what schedule has your office set for doing any kind of monitoring work that you have done up there for the ground water monitoring.

Mr. Kellard replied we are probably going to start very shortly. Monday we will have the surveyors out there to locate the ? (could not hear) and set the elevations.

Board Member Rogan asked about how often would you expect to check those.

Mr. Kellard replied probably every two weeks.

Rich Williams asked you said you are finished but you are planning on going back and doing some stabilization.

Mr. Kellard replied once the weather breaks.

Mr. Conditto replied yes we will do that and the other thing is we will probably be doing a little bit of excavation in terms of the stormwater basins.

Rich Williams asked the deep holes.

Mr. Kellard stated the deep holes.

Rich Williams asked so you are doing testing you are not actually doing excavation.

Mr. Kellard replied right test them, open them up and backfill them.

Chairman Schech stated it is a little difficult trying to stabilize things this time of year.

Board Member Pierro asked when do we expect to have final reports on those de-watering.

Mr. Kellard stated we will include the first round of testing in the Supplemental EIS. We will be continuing the monitoring through the spring. The Health Department wants us to test through the spring.

Board Member Pierro asked and are we going to have somebody checking those.

Rich Williams replied I am still going back and forth with Ron Gainer. Apparently it has become more of an issue than it has in the past probably we are going to be making periodic with the weather right now we are not even getting up the hill. Once the weather breaks we are probably going to have somebody out there looking at the outfalls from the curtain drains trying to make a determination about where the water is coming from, what kind of volume we can expect because it may be integral into the ultimate design of all the surface and ground water management facilities constructed out there.

Mr. Kellard replied fine we are not going to mix the water. New York City looks at ground water as the clean water. They don't want it mixed into their drainage systems. If we develop anything it would be a separate system.

Mr. Conditto stated I just wanted to make sure that you knew that there is some activity with an excavator on the site.

Board Member Pierro stated we would like you to do a better job on scratch pads and gravel at the opening there because it was quite a mess. I know it is difficult and it is a difficult time of year but it was still quite a mess out there.

Mr. Kellard stated we will make sure it is all stabilized.

Mr. Kellard and Mr. Conditto thanked the Board.

5) EASTERN JUNGLE GYM

Mr. Gary Tretsch, Putnam Engineering was present representing the Applicant.

Chairman Schech stated one thing we request before you even get started we want the stream location and we want the wetland location on the plan because we don't have that.

Board Member Pierro stated and it is old. What we have got is old.

Board Member Rogan stated Gary, this one is going to be real simple. The basic thing we are looking for here we are not looking to drive everybody crazy but we are looking to find out what area we have to work with, to confine it and then allow you to use what is in there and just make sure we are not hurting anything. We are going to keep it pretty simple on this.

Chairman Schech stated but we really want to know it does not tell us where the stream is on that map. We know where it is out in the field but we don't know it is according to the map.

Chairman Schech stated and basically it is going to be a lot of clean up there and straightening out.

Mr. Tretsch stated I think they did clean up the back quite a bit.

Board Member Montesano asked where.

Mr. Tretsch replied the back.

Chairman Schech stated not when we were there that is for sure.

Mr. Tretsch stated it was worse before. The proposal out here is to take all the sheds that are along the road and put them in front of the building and then just use that one area in the front for the gym sets.

Board Member Rogan asked does that create any kind of a problem with fire code putting the sheds I hate to bring this up but I know with certain places you can't have sheds like say on mobile homes you can't have sheds within so many feet of the building.

Rich Williams replied I did bring this to Paul's attention along with the petroleum container in the back. The petroleum container has to be in good containment a 110% storage. I was concerned and Paul had indicated he hadn't been inside and didn't know if there were going to be additional requirements as far as sprinkling and some of the other things based on inside activities but specific to the sheds in the front he indicated that there needed to be a minimum of fifteen feet of clearance between the building and any wooden structures outside. You don't have it there. Well let me say this you don't have the sheds shown there you just have display area shown so.

Chairman Schech stated they should be able to attain the fifteen feet clearance because they are moving, the gyms basically are being moved down to that one side over here right.

Mr. Tretsch replied yes and out in front. The playground equipment will be out in front here also.

Chairman Schech asked what is coming down,

Mr. Tretsch replied that is not display items but material storage. We will make sure we provide fifteen feet in front of the building.

Rich Williams stated we just need to delineate that on the plans so it is clear to anybody reading the plans.

Chairman Schech stated and the reason we want the stream location and the wetland location because we want to put up some sort of barrier so they don't keep moving into that area.

Mr. Tretsch stated we actually did show on the plan a twenty-five foot setback with a proposed fence, twenty-five on the side and ten along the back.

Chairman Schech stated but in the back we don't see it on the plan where the stream is.

Mr. Tretsch stated it is pretty much wetlands right into the edge of the blacktop.

Chairman Schech stated as a matter of fact it is eating into the blacktop.

Mr. Tretsch stated we propose to remove the blacktop behind that was a request.

Chairman Schech stated just locate it on the plan.

Ted Kozlowski asked Gary, is that an accurate plan.

Mr. Tretsch stated this plan was developed (unable to hear the rest of his response too many talking at the same time).

Ted Kozlowski stated that parking lot actually where it is, is that field surveyed in the present day or does it go back.

Mr. Tretsch replied that is the original plan.

Ted Kozlowski stated I tend to think more of that wetland was filled in since that first site plan. I am not sure. The problem that I have is that where the stream comes in from behind the building it is going into the parking lot and it wants to run straight every time there is a high flow or heavy rains and in the spring the snow melt it just goes into the parking lot and you guys have got to do something about that and then it is my understanding there has never really been a wetlands permit because all that stuff was done before the wetlands law and I think we need to have some sort of permanent place that this is what you can do and what Eastern Jungle Gym is permitted to do now say they sell tomorrow and Joe Smith comes in with his stuff no one really knows what is permitted there within the wetlands. The building is in the buffer zone, the parking lot certainly is in the wetland so we need to clean that up and have everything identified.

Mr. Tretsch stated again the intent is to have a permanent delineation and the parameter would be to set the delineation twenty-five feet off the wetland on the side of the building and ten feet into the parking lot on the back, remove the blacktop.

Ted Kozlowski stated you have to come up with something what are you going to do about that stream that keeps wanting to go into the building as opposed to making a right-hand turn. See whoever fooled around with that years ago they just did what they wanted to do and they expected the stream to make a right-hand turn.

Mr. Tretsch stated the original site plan proposed the relocation.

Chairman Schech stated I think they did relocate the stream back then.

Ted Kozlowski stated streams don't make right-hand turns without a pipe and that is what there is a constant conflict in that parking lot and you need to put a baffle or you need to do something to let that stream stay in the wetland and follow the channel out otherwise it is eating the parking lot up.

Chairman Schech stated so just give us something on paper so we have something to go by.

6) **SOUTH PATTERSON BUSINESS PARK SUBDIVSION**

Mr. Gary Tretsch, Putnam Engineering was present representing the Applicant.

Chairman Schech stated we were thinking that fifty foot right of way to get into the back why don't just include that into the two parcels into the front, you can make them both legal that way right five acres.

Mr. Tretsch stated we actually had them over five acres but at the Board's request we brought the property line back to,

Board Member Pierro asked what is the purpose of that fifty foot strip.

Mr. Tretsch replied just to provide this piece with an alternate access.

Chairman Schech stated yes but it does have access from Southeast.

Mr. Tretsch stated yes it is going to get merged with this piece is the intent.

Board Member Pierro asked my question is Gary does the State require that fifty foot access for dedication.

Mr. Tretsch replied I can find out.

Board Member Pierro stated well if you don't know then I don't think they do.

Mr. Tretsch stated well we were asked to show it on the map.

Chairman Schech stated we would rather not see it.

Board Member Rogan stated they are also showing access on that other dog leg that goes off to the right-hand side of your plat.

Board Member Pierro stated I checked that today that is definitely swamp it is a wetlands.

Rich Williams stated we may be taking a walk out there to look at it eventually.

Board Member Rogan stated yes we definitely want to site walk this. The original intent of having the lots the size they were was so that they were non-jurisdictional.

Rich Williams stated right if I could just maybe jump in and clarify having talked to the Board a little bit about this. We recognize that you were trying to get a non-jurisdictional approval.

Mr. Tretsch replied no actually with a commercial, industrial subdivision it is non-jurisdictional to begin with. This will be signed off,

Rich Williams asked is it.

Mr. Tretsch replied yes.

Board Member Rogan stated it must be he knows better than I would.

Rich Williams stated anyway the suggestion was that the lot adjacent to that fifty foot wide strip that you extend it to encompass that strip, get rid of that strip and if you needed access provide it by easement. That brought you back up to five acres.

Mr. Tretsch replied again, the goal wasn't the five acres that was just the way it worked out and it is a non-jurisdictional and the septic is done during site plan.

Rich Williams asked suppose you put a house on the property now.

Mr. Tretsch replied go see the Board of Health before you do that. As a commercial, industrial subdivision it gets a non-jurisdictional sign off.

Rich Williams stated well I understand but how do you know when it's a commercial, industrial subdivision until after it is built.

Mr. Tretsch replied well if it is zoned such. That is the way it works.

Board Member Pierro stated I am aware that the State does have another access to that larger State land there and they don't even permit parking.

Mr. Tretsch stated I will find out and then if we can eliminate this I know that is what the Board would like to see

Chairman Schech stated we would also like to do a site walk but right now it is not too feasible.

Mr. Tretsch stated we did respond to all of the comments from the prior review with the exception of a physical trip there is not much more for me to go on than that.

Chairman Schech asked can we do SEQRA and a public hearing without the site walk.

Rich Williams replied there is no requirement to do a site walk.

Chairman Schech stated but we want to do a site walk.

Rich Williams stated and there is no requirement to do it before you have the public hearing it is just that generally we do the site walk because it gives us a better feel for the property while we are making any changes to the plan.

Chairman Schech asked so should we hold off on that until we do the site walk.

Rich Williams replied it is up to you. You have got to make the judgment call about whether you think there are going to be significant changes based on your site walk.

Chairman Schech asked do you want to see it first.

Board Member Rogan stated I think if we schedule a public hearing for next month can we get out there I know the weather is kind of funny but.

Chairman Schech asked what are you going to see under the snow.

Board Member Rogan stated I am fine with scheduling the public hearing but I still want to site walk. We could do the public hearing and start SEQRA but it is a gamble, how comfortable are you that things won't change Gary.

Mr. Tretsch replied the only change that I would see is just moving this line.

Chairman Schech stated let's hold off until we do a site walk Gary.

Rich Williams stated the larger issue is the State Law requires that you take an action 62 days within having a public hearing unless the Applicant gives you a waiver. If they are willing to give you a waiver and they generally are.

Chairman Schech asked are you staked out there so we can see it.

(Unable to hear Mr. Tretsch's response).

Chairman Schech stated just the corners of the property.

Rich Williams stated if I might just take a minute, one of the issues I raised in the memo was kind of a policy issue that I raised for the Planning Board to think about and that was what they are basically proposing to do is create a non-conforming lot out of un-useable land that really isn't good for anything, break it off and then get rid of it, give it away to a land trust or the State or something else and it raises an interesting issue about what happens the next time somebody comes in and they are proposing a ten lot subdivision and there is a whole large area of wetlands that is totally un-useable to anybody are we going to break that off and hold it for the public benefit by some land trust or some government agency and take it off the tax rolls. I don't have an answer for you it is just a question that needs to be thought about in my

opinion by the Board about what policy the Town is going to establish for these things. Whether we want to encourage or discourage this.

Board Member Pierro stated that is why a site walk is going to tell us if this is any kind of property that the State may want to attach to,

Board Member Montesano stated well it is whether the State or not the object would be what do we allow. We were trying to get regulations that said if you have a sixty foot hole full of water that is un-useable and un-buildable do we subdivide that so you can slop it off is that part of the original acreage required to make a legal lot. Here we are running in to the problem where we make something illegal and then we are going to cut it off even more.

Chairman Schech stated this is going to take a lot of thought.

Rich Williams stated I am not saying that we should be opposing something like this or supporting it. I am just saying this is one of those policy issues the Board needs to think about and decide which direction you want to go.

Board Member Rogan stated we have for a long time been saying that when we look at a lot we discussed the idea of looking at just the useable area, the area that is not steep slopes, that is not wetlands when we consider the area of the lot not that this applies to you necessarily but in this case you are taking land that doesn't have real good access without going through wetlands and you are joining it potentially to a DEC property which they do pay taxes on, probably not the same well it is residual property so it is not a high tax parcel anyway.

Chairman Schech stated this parcel I don't see any problem with because it is tying into a larger parcel. The ones that I am totally against is some odd ball parcel whether it be five acres or a hundred acres sitting out in the middle of no where with no access to it I can't see taking that off the rolls, tie it to the adjoining property.

Board Member Rogan stated and again it is residual property the tax implication isn't what people would expect. Maybe the idea is to look at how that property is taxed and I don't know from a tax assessment you would have a better knowledge of this but how do we tax residual property that is greater than thirty percent slope that is wetlands or that is flat and useable. It is all residual right now isn't it. It is all done the same way.

Rich Williams stated I don't know.

Board Member Rogan stated but maybe that is the way to look at it looking at how you tax that property. Whether or not it is useable residual property or un-useable residual property.

7) **BRI CAR SERVICES INC – Site Plan**

Mr. Tretsch stated this is two lots past Eastern Jungle Gym.

Chairman Schech asked what are they doing.

Mr. Tretsch replied they are a contractor. It will be a contractor's yard. It is similar to what is out there now. This is a permitted use in this zone.

Board Member Montesano asked on which side of the road.

Mr. Tretsch replied on the same side.

Chairman Schech stated it is another one we want to do a site walk on and what was the thing with the buffer zone.

Ted Kozlowski asked Gary when were the wetlands flagged.

Mr. Tretsch replied recently.

Ted Kozlowski stated there are two issues; one is that there is no way I can verify the flagging in the present conditions and there is a red flag because on your plans there is a Town Wetlands posted sign that your surveyors picked up which disagrees with your consultant's wetland flagging and that is probably an over flow from the Lea-Rome property which is next door right.

Mr. Tretsch replied right.

Ted Kozlowski stated years ago when we went through that process we identified the wetlands and then I was the one who posted the wetland signs up so one of my signs is on your property and it clearly is closer to your development than what Mr. Steeley's delineation is so I would hold off on putting your buffer zone on those plans until we can verify the wetlands. I can't do it now with the present conditions out there. It is not that I am afraid to walk in the snow but the snow is covering the wetlands and I don't know what the wetland delineation line is going to be.

Mr. Tretsch stated I wouldn't expect it to move too much.

Ted Kozlowski stated right but right now your buffer is right on the edge of what you are proposing to do so a foot or two difference is going to be the determination between a wetland permit or not a wetland permit.

Mr. Tretsch stated we will make every effort to stay out of that buffer and if we have to make some adjustments we will.

Chairman Schech stated and site walk just give us the corners of the building.

Rich Williams stated if I might, we talked about maybe making significant changes to the layout because they are currently showing all the stormwater management facilities, the larger facilities in their entirety in the buffer area and it looked like it may be possible to move things around on the site so that we could look at maybe pulling them at least partially out of the buffer area.

Chairman Schech stated all right so let's take a look at it and then we can,

Rich Williams stated what I am suggesting is Gary may want to react to the memo.

Mr. Tretsch stated we can tighten this up. When we showed the basins that was more schematic.

Board Member Rogan asked Gary, they are not going to do any outdoor storage on this site.

Mr. Tretsch replied there would be (unable to hear his response).

Board Member Rogan asked not gravel, sand or any materials like that.

Mr. Tretsch replied no.

Chairman Schech stated with a construction yard they are going to have all kinds of crap laying around.

Mr. Tretsch stated they are more of a trucking company.

Chairman Schech stated another site walk.

Rich Williams asked do you want him to adjust the plans, stake it or do you want to just go with what we got.

Chairman Schech replied I would just go with what we have got and then we can adjust afterwards.

Board Member Montesano asked where is that buffer area that we were just talking about that he might be in.

Mr. Tretsch showed Board Member Montesano on the plan.

Board Member Rogan stated on the back of the lot.

Ted Kozlowski stated my recollection from the Lea-Rome and this is going back years so I am not sure but I thought that stonewall is pretty much the dividing line between what is wet and what is not. I could be wrong.

Mr. Tretsch stated if it did go to the stonewall it would require a little bit of it.

Board Member Rogan asked is it going to change the building location significantly.

Mr. Tretsch replied no. If anything we would probably shift the parking.

Rich Williams stated I had suggested shifting the building east and south closer to the road.

Mr. Tretsch replied the one thing that we didn't want to do was put parking in the front.

Rich Williams stated and I suggested putting parking in the front. Move up the pavement forward leaving some room between the buffer and the edge of the pavement to put the stormwater facilities.

Board Member Montesano stated it is one of the rare locations where you are not expected to have a tourist walk through.

Board Member Rogan stated I would prefer that if the building location is going to move unless it is insignificant I would prefer to show the location in the field of where you think this and maybe you guys settle that first before we go out there.

Mr. Tretsch stated if anything it might come forward a little.

Chairman Schech asked what is a little.

Mr. Tretsch stated maybe at the most twenty feet.

Rich Williams stated yes but the issue was I was trying to reduce the pavement in the back as much as possible so you could pull the stormwater facilities out of the buffer also, to do that it is going to take a major shift. I think you have got the room to do that shift but you as the design engineer really has to take a look at that and react to it.

Mr. Tretsch stated I think the bottom line is what is going to occur on the site is going to occur right here.

Board Member Montesano asked do we want two entrances and two exits I mean that circular exit, entrance stuff.

Board Member Pierro stated it might be easier for the kind of equipment they are moving in.

Board Member Montesano stated I thought we were going to be like the State where you are only allowed one.

Board Member Di Salvo asked it is a one story building.

Mr. Tretsch replied yes.

Board Member Di Salvo asked and where is the office is going to be.

Mr. Tretsch replied right in the corner. It is actually shown on the plan. It is just going to be a small office.

Board Member Rogan stated we are getting a septic system on this one.

Mr. Tretsch replied yes.

Mr. Tretsch stated we will get the building staked as it is shown and then if we have to we will move it forward.

8) PATTERSON DEVELOPMENT CORP. SUBDIVISION

Mr. Daniel Donahue, Engineer representing the Applicant.

Mr. Donahue introduced himself to the Board and stated this is his first time before the Board.

Mr. Donahue stated the owners of Paddock View Estates has eighteen acres and are planning to have access off of Route 292, with 1800 feet of road, we plan to put in a ten lot subdivision. Each lot is greater than one acres which conforms to the zoning. With respect to the interest in the road we have submitted a sketch to DOT; we asked them to review it and gave us a verbal regarding sight distance so we are okay with our entrance to the properties. We have already gone out to the property. I have had DEP out there just to take a look at it with us and we have also had the Health Department out and dug deep holes on all the lots. Most of the soils are well drained. They are a "B" type soil, they are well drained soils and we propose a basin over here and a water quality basin over here and we have done some comps to figure out the size needed. So, we are here for a concept plan and receive your comments which I appreciate and will address them as best as we can and I appreciate any other comments the Board may have on it.

Chairman Schech asked do we have in the comments about the retention ponds on private property. We don't like them. We found that as time goes by if it is on their property, nobody is watching, they come along and fill them in.

Board Member Rogan stated he is talking about for Lot 1 obviously.

Chairman Schech stated Lot 1 and also the other lot there is another retention pond.

Board Member Di Salvo stated six.

Mr. Donahue stated all the water drains out to this area in fact there is a culvert which crosses the road.

Chairman Schech stated that use to be a pond years ago right there actually it was up further it was in about two hundred feet.

Rich Williams stated it was on the other property.

Chairman Schech stated no it was right next to his house when Herbst had it.

Rich Williams stated there is a pond showing directly behind the barn.

Chairman Schech stated no it was basically on the side there.

Board Member Rogan asked Rich is the goal here with these basins because I hate them anyway to be honest with to have them on their own parcel and then make them a maintenance district type thing for the homeowners.

Rich Williams replied it is one of the things that we wrestle with all the time and it goes back and forth. If we are looking at 20 or more lots certainly we talk about forming a district, under 20 lots we go on a case by case basis. We have never really made a decision but generally the thought process is to form a district because they are benefiting specifically the property involved and they should be responsible for the long term maintenance recognizing that the new requirements there has to be significant maintenance to these.

Board Member Rogan asked have we ever looked at the idea of doing a performance bond type calc on maintenance over a time frame and then having that be a separate tax to these parcels either at the time the subdivision is done or in the long range like a garbage bill.

Rich Williams stated that is what we do when we form the district. When we form the district an engineer has to do what is called a map, plan and report outlining what the improvements are going to be, what he cost is going to be and what the long term estimated operational costs are going to be.

Board Member Rogan asked in other words every five years they have to do x, y, z and this is what it is going to cost.

Rich Williams stated right and then we actually apportion that over the years and we tax these people as a special district. We have several going right now.

Board Member Pierro asked in the case of Lot 1 Rich can this basin be subdivided off of that lot and still have a conforming lot.

Rich Williams replied no. This basin takes up about a third; Board Member Rogan stated it makes it an ugly lot. Rich stated about a third of that lot. If you took away that much area you would not meet the minimum requirements for the lot.

Mr. Donahue stated the ridge line runs right through here up through here and then here.

Board Member Rogan stated it is the perfect spot for it.

Mr. Donahue stated in actuality there aren't too many places to be able to put it.

Rich Williams stated and I am not sure why that basin is that big Dan maybe because there is a considerable drainage area draining to that spot.

Mr. Donahue stated most of the water here is going down into that basin, and of course you have the DEP requirements of retention and treatment which is in this basin also and that basin so they have a tendency to make everything bigger when we deal with them.

Chairman Schech stated there has to be some sort of solution for this thing.

Mr. Donahue stated like I said here is our ridge right here so I don't have too much area. This is where the road has to go so I don't have to many.

Board Member Pierro stated there is really no other alternative.

Chairman Schech asked could you possibly move it to this side of the road and lose a lot.

Mr. Donahue replied the ridge is right here.

Rich Williams stated it is high.

Board Member Pierro stated it is very high. How can you make water go up hill.

Board Member Rogan asked how attached are we to these two houses on Lot 1.

Board Member Di Salvo stated they just re-did the one.

Board Member Pierro stated he just spent a lot of money on the one in the front.

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

Chairman Schech stated we have to do a site walk on it so give us center line of house and driveway.

Mr. Donahue stated what I have right now is the center of each one of the septic areas out there right now would that be.

Chairman Schech stated if we can relate them to the house yes.

Mr. Donahue replied I think you will be able to relate them to the house.

Chairman Schech stated and driveway.

Board Member Rogan stated I think we need center of house just drop one.

Chairman Schech stated we will take a look at it and get back to you maybe we can help you out with that.

Board Member Rogan stated we acknowledge it is the perfect spot for it and we hate Lot 1 but it is not your fault.

Chairman Schech stated legally perhaps we can come up with something that makes everybody happy with that retention pond.

Mr. Donahue thanked the Board.

9) MINUTES

Chairman Schech asked did everyone look at the minutes.

Board Member Rogan asked do you have any corrections.

Board Member Pierro stated yes there were some.

Chairman Schech stated there was one there where they did not have you down Shaw on the top.

Board Member Rogan stated on the December 4th minutes you don't have me as being present.

Board Member Montesano made a motion to approve the November 6, 2003, November 25, 2003, and December 4, 2003 with the correction of Board Member Rogan being present in the December 4th minutes. Board Member Pierro seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	yes
Board Member Pierro	-	yes
Board Member Rogan	-	abstain

Board Member Di Salvo	-	abstain
Chairman Schech	-	yes

All in favor and motion carried by a vote of 3 to 2 abstentions

Board Member Montesano made a motion to adjourn the meeting. Board Member Pierro seconded the motion. All in favor and meeting adjourned at 9:22 a.m.