

TOWN OF PATTERSON
PLANNING BOARD MEETING
February 26, 2004 WORK SESSION
AGENDA & MINUTES

APPROVED
4/1/04 *meb*

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PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

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

PLANNING BOARD

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

February 26, 2004 Work Session Meeting Minutes

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

APPROVED
2/26/04

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

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

5 members in the audience

1) BURDICK FARMS SUBDIVISION

Ms. Marianne Burdick handed the Board a letter from her father and a copy of a portion of the deed.

Chairman Schech stated so what I get out of this is that they are going to go over the wetlands. They are not going through the backside.

Ms. Burdick stated I have documentation, the deed restriction, I also have something in the original contract of sale that states, and it being understood that said exclusion shall run from the westerly side of Overlook Road and shall include the actual roadbed over Overlook Road running in front of the said farmhouse and garage, and what they are saying is that that is not to be used as the roadbed and that is in the original contract of sale.

Chairman Schech asked is that the original with.

Ms. Burdick replied this was the original with Skyview and then Vista Development took, Board Member Pierro stated assumed Skyview.

Ms. Burdick stated yes.

Ms. Burdick stated but basically when my Dad, the road was abandoned in 76 and to my understanding when a road is abandoned the adjacent property owners gain ownership to the centerline of the road so when he sold the property in 85 he didn't retain ownership of the whole roadbed. He just retained ownership of the section that you guys refer to as Bill's house really my Dad owns that parcel but he owned where the house is, 30 acres around that, the roadbed and then across the street there is a .4 acre parcel. There is a well on there that serves the house and then there is a little shed. Two reasons he kept that parcel; one because of the well and the shed, the second was to ensure that he kept ownership of that roadbed. Also, in the deed restriction which Missy has a copy of the full deed, I gave you guys a copy of the page that I thought was important it does say in the last paragraph that he gives the property owner permission to cross that until such time that a public or private road is developed for them to access the northerly section of the property but at no time shall the public or private road be permanently to the north of that piece of property that he retained. We kind of feel now that there is a subdivision road in they have access to the back property so at this point it is voided. There is something in the original contract and I am not an Attorney so I don't know if my interpretation is right or not but it says that in an assignment or sale of that property unless the new owners are fifty percent of the previous corporation any special easements and stuff are null and void which we are not going to argue at this point because we think the deed restriction speaks for itself but my Dad's intent always was that the 30 acres stays private because he didn't know what was going to happen around his house on Bullet Hole. He knew the property was going to be developed. He figured at some point those lots were going to be developed and he wanted to be able to move away from the development if he had to.

Chairman Schech stated okay there is only one question I have to ask, now it is our requirement to have two accesses to the property and there are two options; the one where you don't want it and the other one which crosses the wetlands which apparently that is the one we are going to use. Now, suppose we did not have an option of crossing the wetlands.

Rich Williams stated and he had no way then the road, Chairman Schech stated and we still insist on another access.

Board Member Pierro stated then we are stuck at a 1500 foot road.

Rich Williams stated the road would be limited to 1500 feet unless the Planning Board waived that requirement.

Chairman Schech stated so we would have an option of limiting the road to 1500 feet.

Ted Kozlowski asked Richie, are we the only ones that have to approve a wetlands crossing.

Board Member Pierro stated Army Corp. has got to approve this.

Ted Kozlowski stated right.

Rich Williams stated yes.

Board Member Pierro stated that is where we were six months ago why don't we get Army Corp. in here now to find out if we can get an approval. If they can get an approval.

Ted Kozlowski asked does DEP have a say in that because that is a stream.

Chairman Schech stated that is up to the developer not us.

Board Member Pierro stated we asked him to.

Rich Williams stated DEP is going to get involved if it involves a stream crossing.

Ted Kozlowski stated it is a stream and a wetland but what happens if DEP or Army Corp. deny them the stream crossing.

Board Member Pierro stated then they have a 1500 foot project.

Board Member Montesano stated 1500 feet and that is it.

Board Member Rogan stated unless the Planning Board decides the 1500 and allow some extension on that.

Rich Williams stated or unless a Judge steps in, Ted Kozlowski stated because crossing the wetlands, Chairman Schech stated we have to be careful a Judge can step in and say put a 120 houses.

Ted Kozlowski stated crossing a wetland goes against conventional wisdom about crossing wetlands and if he can't get through the road is he forced to live with a limited road, Board Member Pierro stated 1500 feet.

Board Member Pierro stated and he is forced to live with the percs that he can get on those front lots.

Chairman Schech stated unless he goes to court.

Board Member Montesano stated if he goes to court, Chairman Schech stated and you know what judges do in court.

Board Member Pierro stated yes but you know what I have great faith in judges.

Chairman Schech stated you have not been before enough of them.

Board Member Pierro stated I have spent 20 years before judges my friend. I have been before more judges than you have ever been in your life and, Chairman Schech asked are you getting excited sir, Board Member Pierro stated and I beg to differ with you I think you are wrong. I think you are wrong. I am getting excited.

Chairman Schech stated you can think anything you want to think.

Ms. Burdick stated when Mr. Conditto contacted me to approach my father for the second time about purchasing property or getting an easement he felt that the Board was directing him to take it to court. He felt that he was being told to by the Board to go to whatever extent he had to. He didn't feel that you were going to accept the fact; Chairman Schech stated he was getting an attorney's opinion on it. Ms. Burdick stated I am just telling you what he told me. He felt that this Board was telling him go to whatever extent you have to because we need an alternate site we are not going to accept the fact that you can't cross this property. So, I just wanted to let you know that is what he expressed to me. I just felt that at that point

when he was giving me that information that is when I felt because we have really tried to stay out of this whole thing we don't want to get involve in it and my Dad just wanted you guys to know what the intent was from the beginning. We tried to show that by the original contract of sale, the deed restriction and the fact that he did retain the ownership on both sides and explicitly have that section excluded once they have an access road.

Ted Kozlowski stated I thought he was going to the Burdick family and making it nice. I was at that meeting and he clearly indicated that he was going to go and this was going to be a friendly, neighborly.

Ms. Burdick stated he did but my father doesn't want to sell, my father doesn't want to grant an easement because his intention only was to preserve his privacy of the property that he retained. We like our seclusion, we like being on property without a lot of neighbors and he did that with the intent that he may have houses right next to him and yes the project has taken a long time to continue on but he wants to make sure that the property still maintains the privacy so Mr. Condito did, he has been very nice. The first time it was in writing just asking my father if he was interested. My father declined. This time it was a telephone call to me because he did not know my parents health because of their age which I thought was very thoughtful of him and in discussing it with my parents they think that it would be a big impact to the house that is there now and a potential impact to the rest of the property so they respectfully declined and I just wanted you guys to know that because Mr. Condito indicated that it was the Board asking him to seek an alternate site and we feel that is not a viable site based on the deed restrictions.

Ted Kozlowski asked how did the family feel about having that only as a gravel emergency access, you can't do that.

Rich Williams stated no.

Ms. Burdick stated well our feeling right now is that there is a deed restriction and he can't cross that section to make a roadway in.

Board Member Montesano stated this is the same generalization about a certain road being widened and fixed and then the property lost ownership so the man is still speaking the same way but politer.

Board Member Pierro stated but he thinks that he is acting with our best wishes at hand and it is not the case.

Board Member Rogan stated Missy can you pull the minutes because at the last meeting I got the distinct impression that any business of going court was Mr. Condito's idea that our Board said to him if this is a viable option go seek out and see if this is possible. We didn't say and if it is not possible you go to whatever extent you have to prove it. He brought that up quite honestly I think because the crossing of the wetland is a big time constraint in the permit process and it is a big cost.

Board Member Montesano stated and also there is a very good chance of it being denied.

Board Member Montesano stated the Army Corp. if they get involved in this plus New York City doesn't like the idea, Board Member Pierro stated they are going to say no.

Board Member Rogan stated in the Supplemental Impact Statement we are going to ask for alternatives to impacts; crossing a wetland is obviously going to be some type of impact. We would require either

mitigation of that impact or some kind of alternative at that point it would be feasible to say this is an alternative to go to the north of the property, Marianne is saying that is not a possibility because of restrictions on the property so at this point he has one possibility of going by the turn around with the bridge that we have discussed. I don't know what his other alternative is to that either it is a no action alternative or it is the site that we were looking at before the bridge which was closer to Bill's house through the wetland which we all said was a more viable wetland than the area by the turnaround. I don't know where else he would go with that in terms of the Supplemental Environmental Impact Statement.

Chairman Schech stated as far as I am concerned right now he is going to go with the bridge operation if he wants to go that way if he gets approval.

Ms. Burdick stated when he said about going to court that is when we felt that we needed to come down, give you all of the information, at least get something on record, submit a letter because if it does go to court we at least want our opinion and our information on record because if we have to hire an attorney to fight it like I said we at least wanted something on record that we stated our opinion.

Board Member Pierro asked what if anything do you know of these deeds are filed.

Ms. Burdick stated this is a filed deed. The copy that I gave you is a filed deed. The Liber and Page number I think it is on the top of, Missy has the original and it is on there.

Board Member Pierro asked is the easement filed as well.

Ms. Burdick stated that easement that was a temporary easement no. I don't believe, Board Member Rogan stated it is a verbal easement, Ms. Burdick stated because that is a verbal, temporary easement until such time that they have access.

Rich Williams stated well it is not a verbal easement it is part of the deed.

Board Member Rogan stated what I mean is it is not a delineated easement.

Rich Williams stated it does not have metes and bounds that is correct.

Board Member Montesano stated all we can do is they asked for a direction, these are the direction that were offered if he can't fulfill them that is his headache not ours. He has to convince us when he does come up with an alternative it will pass and he also has other people and now the two people that he has to convince if he puts that bridge in would be the Army Corp. and he has New York City.

Board Member Pierro stated right but we as a Board can't be telling him in public and it is my opinion, my humble opinion that we as Board should not be sending him a message that we want him to go through a wetlands and we have been doing that for the last three or four times that they have been here. We have to stop it.

Board Member Montesano stated we can say that, Rich Williams interjected Mike if I can, we have because before you were on the Board, Dave I believe in 1996 we spent almost a year evaluating all the alternatives about providing the infrastructure for this site all right and after a year of going through just the road scenario the scenario that we came up with which was the most reasonable, least impactful was to go from the entrance that he is going in now through the wetland.

Board Member Pierro stated and at that time no one, no one took a look at the deeds and no one researched, Board Member Rogan and Chairman Schech stated they were on this side, Board Member Montesano stated that is not our job to research the deeds. You are bringing in your project that is your job with your attorney and your engineer. We sit here night after night when we have meetings giving our opinions on stuff. We are not the engineers. We have a gentleman here that helps out engineers surprisingly way beyond what should be they are ridiculous. They come in and they dump everything on our lap. That is not our job.

Board Member Rogan stated remember also the wetland was smaller.

Ted Kozlowski stated just regarding and I want the Burdick family to know that I have always been opposed of crossing the wetland.

Board Member Pierro stated absolutely.

Ted Kozlowski stated from day one. It just goes against everything that we do. Now, if it is not appropriate for the family to have the road there and it is not legal I agree with them.

Board Member Pierro stated and it is up to the developer to come through.

Ted Kozlowski stated I feel it is not my responsibility to find them and alternate roadway.

Board Member Pierro stated absolutely.

Board Member Montesano stated agreed.

Ted Kozlowski stated I oppose the wetland crossing and if it is a legal document and the Burdick family does not want to negotiate with this guy that is their right so make bigger lots and bigger houses.

Rich Williams stated and to respond to your concern Dave, I was on the Planning Board when that all occurred, I am not an attorney but I do know something of Highway Law and I have said from day one, I have told you all my opinion is that it is not a viable alternative crossing through there just based on what I know about road abandonment within Highway Law so no I didn't look at the deeds because I didn't feel there was any need to.

Ms. Burdick stated and we never brought this forward because it just came to my attention when Mr. Conditto contacted us the second time where the entrance was going to be. I was always under the impression that it was at the turnaround so at that point when I brought the information to my father he started saying no we retained the ownership so that couldn't happen and that is when I pulled all of this out. I was not here when this sale originally took place I was in school. I just had to go on his recollection and then search out to prove that his memory was accurate.

Ted Kozlowski asked does their attorney have this information, did they always have this information.

Ms. Burdick stated Mr. Conditto's attorney has it because he told me that he read that section on the deed five different times to understand what it meant and his interpretation is that it gives them the right to cross it. That is before I had a copy it. Once I got a copy of it and read it he left out the part that said until such

time there is a road that can service the north portion and if at the time I had a copy of it in front of me I would have argued his statements to me but I went on good faith that he was reading what the deed stated.

The Secretary stated the Applicant claimed for the last few years that he had no rights. One of the last meetings Mr. Kellard stated that the Applicant for all these years never thought that they had any right to go over that.

Board Member Pierro stated because the wrong message is being sent.

Rich Williams asked what message is that Dave.

Board Member Montesano asked what message Dave. I don't get paid as his attorney; I don't get paid as his engineer. If he interprets what I say to be the wrong message that is not my fault.

Board Member Pierro stated we should be discussing a 1500 foot project.

Board Member Montesano stated should we.

Board Member Pierro stated yes.

Board Member Montesano asked how do you figure that.

Mr. Pierro replied because the Applicant doesn't believe he has the right to the road, right to use the road, the family does not choose to give up any further easement,

Chairman Schech stated that is off the table now.

The Secretary stated I think everybody should go back to the minutes of the last few years.

Board Member Pierro stated I can go back to just my short term recollection the Chairman at our last walk suggested to all of us that the road should go through the wetlands it is the best place for it I quote. We should not be sending that message.

Board Member Montesano stated the object is when you set this thing up and we have gone through wetlands as unfortunate as it is but there were alternate means that were utilized was the one up on Cornwall Hill where we were told by the City of New York when people came in that we were not allowed to make a connecting road and now there is.

Board Member Pierro stated the City of New York permitted us to go over that runoff that was coming down the hill.

Board Member Montesano stated see the object is those people wanted to sue us. They weren't going to sue the City of New York. They wanted to sue us.

Board Member Pierro stated nobody is looking to sue us now because we are not creating an action that,

Board Member Montesano stated we will be I guarantee you sooner or later that 1500 feet will.

Board Member Pierro asked what if we say to him 1500 feet he is going to file an action.

Chairman Schech stated it is off the table as far as I am concerned.

Ms. Burdick thanked the Board.

Chairman Schech thanked the Burdick's for coming.

Board Member Rogan stated Rich; I know that you had a conversation with Marianne about boulevards.

Rich Williams stated yes.

Board Member Rogan stated the new subdivision at the intersection of 312, what is it called Dykeman, the new one I don't know the name of the subdivision but it goes off of 312 and I drove the subdivision. It only has one access road but the total length of the subdivision from the entrance to any furthest point because there is two cul-de-sacs; a straight road and one dog leg and the furthest point I think was somewhere around I will say 3500 foot. It was near a half of mile but not quite or I am sorry about 2500 it was nearing a half of mile. There was I think we counted somewhere around 30 or so lots but I guess the setup because it is a boulevard it is theoretically two roads because there is a median with spaces that you can pull through and I can understand the logic that they may not be a good idea because if something drastic were to happen you could in fact block. If a tractor trailer went in there and flipped over you could block both but I am wondering what the Town of Southeast not having the history on why we adopted the 1500 feet I am wondering why other municipalities haven't followed suit or if they have had problems with this.

Rich Williams replied they have but different municipalities have different points of view on using different techniques like boulevards, like lollipops at the end of cul-de-sacs things like that. Again, this whole 1996 period when we looked at road standards we looked at boulevards and we rejected it for a number of reasons. One is it is still possible to very easily block both lanes if you got a gas spill or something else. A tractor trailer goes in he still has to pretty much go to the end and turn around. You are not creating a through road network it gives developers a loop hole. You know it is like the whole issue with common drives. You take one property that is unique and special and allow a common drive and all the engineers in the audience see that the next thing you know you have five applications for five common drives and then you got a hard time because you let the first one go through.

Board Member Rogan stated although, within a cluster subdivision on a 1500 foot road you could potentially have more than thirty houses depending on the zone. In other words, you could have one acre lots you could have more than thirty what I am saying is that it is possible on that distance to have that many houses that if there was something on a 1500 foot road that got blocked at the entrance you are screwed either way. The same logic applies if you block that 1500 foot road entrance those back houses you can't reach maybe the 1500 foot is saying well if we connect twelve lengths of hose.

Rich Williams stated I don't know that it has ever been a question about the density of housing as it is the length and if you block it off at 1500 feet you have got to hike back to take somebody out you are talking a maximum of 1500 feet as opposed to if you block it off on a 3000 foot road you have got to go more than a half of mile.

Board Member Rogan stated because I tend to agree with David from this perspective if this project had come in before us right today I think my instinct would have been to say let's look at maybe a 2000 foot

road and then I will be the first to admit I am not opposed to long driveways because I have one myself I would be a hypocrite to say that I am opposed to them, I could go 2000 feet in and then have off the spur have four single drives to access some of the back property. That might be 1500 feet long in and of themselves. You get all your density upfront, you get a couple of horse pasture parcels out back and you are done.

Rich Williams stated let's talk about that. We adopted new regulations for subdivisions last night for the first time we have a maximum length of a driveway of 2000 feet.

Board Member Rogan stated 2000 I didn't even realize it was even that far. I thought this Board was saying like 500 feet.

Board Member Pierro asked Rich, when did we change from 2000 maximum for a cul-de-sac to 1500.

Rich Williams replied probably 98 after they were in.

Board Member Pierro replied after they were in. Is there anyway they can come back at us and say well you changed it because.

Rich Williams replied no.

Board Member Montesano stated if you go back to the original project, Chairman Schech stated initially we wanted two entrances.

Rich Williams stated from day one the problem is, Board Member Rogan stated it is a linear, Rich Williams stated it is a very linear piece of property, it is very narrow up front, comes to a bottle neck so you know looking at it is reasonable and this is the other half of the argument, is it reasonable to say to them given that it is a 168 acres you can only have a 1500 foot road or even a 2000 foot how many lots does that get them and,

Board Member Rogan stated right and what kind of subdivision does it create because you could say well 1500 feet but then it could be the ugliest subdivision in the world because they are cramming in every lot in the first 1500 feet and that I would not approve of either.

Board Member Pierro stated we may be biting our own nose to spite them.

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

Board Member Montesano stated right now we are allowing a 2000 foot driveway so that means I put in a 1500 foot road and off of that lollipop at the end I put a 2000 foot driveway, a 1000 foot driveway. If I want to get back there that is fine. The object of having two entrances was mainly for the safety of the people living in that community.

Board Member Rogan stated I understand that.

Board Member Montesano stated and that is the only reason and unfortunately my feeling was yes, we will have Ted's blood pressure go up a little bit, as important as a wetland might be to me one persons life is worth how many square feet of wetlands.

Ted Kozlowski stated sure Mike I agree with that but then don't do the project then.

Rich Williams stated I am going to step in we have a long agenda tonight. Let me just try to close this up by saying we haven't approved anything, if you want to pull the plan out and take a look at 1500 foot road, 2000 foot look at the number of lots you think they could get considering the wetlands that they have got up front that might be impacted also. Take a look at it if you think it is reasonable then advocate that position.

Board Member Pierro stated right and is there anything else that we could suggest.

Ted Kozlowski stated I would like to ask something a procedural thing we have never in this Town to my knowledge maybe I am wrong because we have done a lot of wetland permits not had something this intrusive, this big in a wetland.

Rich Williams stated besides Deerwood.

Ted Kozlowski stated Deerwood they backed off it is just a horrible design but anyways can we rest our wetland decision based upon review by DEP and Army Corp. If they are two other approval agencies for this crossing because of the situation can we hold off our decision on a wetlands permit.

Rich Williams stated we always do.

Ted Kozlowski stated so we are not going to grant a wetlands permit until we hear from Army Corp and DEP.

Rich Williams replied yes.

Ted Kozlowski stated we are looking at a long time.

Rich Williams stated they have three years to get this project done Ted under the old rules they chose to come in with a design which apply to the new regulations because they didn't think they were going to be done three years.

Board Member Rogan stated they are looking at a five year plan. The only other question that I have for Ted actually is when we look at wetlands do we say all wetlands are grade 'a' or do we say this is a productive area in other words is there a way of looking at them and classifying them in terms of their value.

Ted Kozlowski stated we don't formally do that but when I look at the wetland I look at the overall picture and such and this particular wetland I am firmly convinced is going to be a DEC regulated wetland when they do the reevaluation which is coming so to me that is much more significant. It also has combination open meadow, stream, pond it has all the attributes of every kind of wetland system you can find. To me this is very productive wetland because it has all those things I said. This is not a little miniscule wetlands system. This is a rather elongated one with all sorts of eco-systems involved. I think it is an important one.

Board Member Rogan stated not that we should be so concerned with costs but bridging where we are talking about at the turn around.

Ted Kozlowski stated the wetland fee is about seventy thousand dollars.

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

Chairman Schech stated let's go on here.

2) SYPKO WETLANDS WATERCOURSE PERMIT

Rich Williams stated Sypko is in for a public hearing as of the last meeting Gene had pretty much wrapped up the review and said that he was good to go. I had not checked in on the plans for a couple of months I figured the planning end of it was done and the engineering had taken over. I happened to glance at the plan and see a typo and that lead me to the next thing, and the next thing and the next thing now I am issuing a memo.

Board Member Pierro asked what was the main issue Rich.

Rich Williams replied I think my biggest issue at this point is my original direction was to try to accomplish three things with the direction that I was given him. One is to divert clean water coming down on to the site away from the areas that were going to be disturbed. The second thing was to minimize the disturbance that was going to be on the plan especially the south west side of that property where the really steep slopes are and the third thing was to take all the stormwater that was going to be generated from the disturbed areas and gave it safely down the hill, give it a little bit of treatment and get it back into the streams in the most environmentally sensitive way that we could find. When I checked in with the plan there was a little area down in the north west corner of the site that wasn't being disturbed. They pretty much were blowing out the whole site. I have talked to Ted about this, my biggest concern is at this point the thing that I would like to see changed is again, the two outfalls are being discharged on to that steep slope along with the detention pond and level spreader now that he has got and everything else be taken off and just eliminated. The detention pond is giving minimum water quality treatment. It is a detention pond, it is not sized to do anything significant and I think we can handle that with the basin at the bottom just getting the water from the impervious area on the hill. I still say that my issue with putting the dry wells in was not so much water quality but water quantity you know capturing say ninety percent of the rainfall events of the footing drains and hopefully getting them back into the ground rather than having them go down the hill and the drywells under my scenario would be put in disturbed areas so that we would not be disturbing new areas.

Chairman Schech asked you think drywells in that type of soil would work.

Rich Williams replied they are 'b' soils they have got infiltration. One of the problems is he is going to have to go out and test them to demonstrate that there is sufficient infiltration but yes I think they are going to be fine.

Board Member Pierro stated and if needed drywells to work he could change the soils around then correct.

Rich Williams replied no not really. You need soils with a certain permeability for them to really work well. If they are real clay soils you are not going to get any perc. You are just going to fill them up one at a time and it would take forever to drain out.

Board Member Pierro asked but can't he change the type of soil that is there.

Rich Williams replied no.

Board Member Rogan stated Rich; I will ask the stupid question of the night, what is the NYSUEFC.

Rich Williams stated New York Erosion and Sediment Control manual.

Board Member Pierro stated guidelines, New York Guidelines for Urban Erosion.

Board Member Rogan asked is it in there somewhere.

Chairman Schech stated yes right before it.

Ted Kozlowski stated Richie and I had a discussion today about this and I understand where Rich is going on it and I don't have a big issue. The only reason I say to keep that detention basin up there although Richie assures me that we can get around that is that we all have been around construction sites, this is on a hill, everybody throws stuff all over the place, the mud and all of the stuff that is going to be involved is going to come running down that driveway and is going to wind up in the lower detention basin filling it up quicker than you would think. My thought was that the detention basin up top would capture everything from the top of the hill before it got down there. Richie makes the argument that if we sequence this right and monitor it right we can avoid that.

Board Member Pierro stated again, I echo your support for Rich and I applaud the work that he does. God knows that he checks things out more than most engineers that come in front of us but to agree with you, we don't have redress against Rich. If we don't get the thing put in there, if Rich says yes I think it will work, I respect his opinion but if it doesn't work who do we go after. How can we get them to correct it.

Rich Williams stated through enforcement we get them to correct it but, Board Member Pierro stated but Rich we are in Patterson. Rich Williams stated I understand. Tom McGinn and I both have gotten much more involved in this, looking at this, looking at the sequence, getting them to stabilize sites. The one that we have been really wrestling with right now the two of us is Deerwood. Wish you could have been a fly on the wall the other day when these guys came in to try and push us around and keep going on the site and walked into Tom and I and Paul and they walked out with their tail between their legs and they are going to start doing things right out there.

Ted Kozlowski stated that is hopeful thinking. We have been burned.

Board Member Pierro stated we all have got to drive by it everyday and just let them know send a message.

Rich Williams stated but they also know that we are watching every little detail that they do.

Board Member Montesano stated we have to have some kind of a plaque that says Patterson Planning Board this way you put one on your car when you drive by then you can drop it off and we can put one on my car and I will drive by.

Board Member Pierro stated that may not be such a bad idea.

Board Member Montesano stated the more that you see visually that someone is watching you the less of a problem it gets to be.

Chairman Schech asked so what are we going to do with Sypko not issue the permit.

Rich Williams stated after the last meeting I did this memo right away, I ran it past Gene, Gene said everything in there is right on, I immediately called Harry and said Harry let's sit down, let's talk about this, let's see where we are going with this and get it squared away for the next meeting because the public hearing is coming up, yeah, yeah I will let you know when we can meet.

Board Member Pierro stated you did more than you were supposed to do.

3) NOBLET SUBDIVISION

Rich Williams stated they re-submitted plans, I have gone through the plans, and the plans appear to be good to go. The only outstanding issue right now is the issue with the road frontage. (Too many speaking at the same time unable to transcribe). I talked to Charlie again today and I asked him to have the memo done by next Thursday. He is going to try to get out there and put something in writing about his opinion on what should be done along the frontage.

Board Member Rogan asked in terms of the corner you are talking about so if Charlie says hey guys, Rich Williams stated the road frontage and the corner that is what I did.

Board Member Rogan asked is that too vague.

Rich Williams stated I said the road frontage and the corner.

Board Member Rogan asked is that too vague of direction for Charlie no offense but.

Rich Williams replied well I have been more specific and I suggested he take Tom out and I actually sat with Tom and went over it and usually he does.

Chairman Schech stated okay so we are awaiting something from Charlie if Charlie does not come through we put them off for another month.

4) NORTH EAST MESA – Sign Application

Rich Williams stated they have submitted a sign application. They have actually submitted two different dimensions and I have to get clarification on which dimensions they are going with. It meets all the Code requirements. The question really for the Board is do you like the location, do you like the look.

Chairman Schech stated it looks fine to me.

Board Member Montesano stated it is on his building it is fine with me.

Rich Williams advised the next three items are all lot line adjustments there are no zoning issues with any of them.

5) NELSON LOT LINE ADJUSTMENT

Chairman Schech asked why does Nelson want a lot line adjustment like he is proposing.

Rich Williams replied because he wants to gain a little bit more property from his mother who has the property right next door and boundary with his future (unable to hear the rest of his response).

Board Member Rogan stated the line on Nelson says that it goes through the old septic system I assume that is the old septic system of Lot 2, the mother's house.

Rich Williams stated it says that but I don't believe it is. I think that was the one hundred percent expansion area because if you look at the plan there is also another old, smaller septic area on there.

Board Member Rogan stated yes it says existing septic and then original septic to be vacated.

Rich Williams stated they have re-designed it they are putting the septic up on top they are relocating the septic.

6) PUGLISI LOT LINE ADJUSTMENT

Rich Williams stated this is off of Farm to Market Road the first one in.

Chairman Schech asked is that the one with the garage right on the line.

Rich Williams stated there is a garage right on the line.

Chairman Schech asked is that something we are creating or was it there.

Rich Williams replied no it was there and we are not changing anything.

Chairman Schech asked on the site map am I crazy or is the site on the wrong side of the road.

Rich Williams stated I would say you are crazy.

Chairman Schech stated this is all the wetlands across the street from Schutz's house right.

Rich Williams replied yes.

Chairman Schech stated her house isn't in the wetlands down on the corner. It is on the other side.

Rich Williams showed the Chairman on the map.

Board Member Rogan stated they are increasing it by three acres.

7) TARANTO LOT LINE ADJUSTMENT

Rich Williams stated Taranto is right next to Puglisi. There is just minor corrections on all three plats that have to be done.

Board Member Rogan asked where is all this property coming from.

Board Member Pierro asked that Heelan piece on the corner.

Board Member Rogan stated it is basically worthless and they are divvying it up.

Rich Williams stated and I have a feeling what is going on is they are divvying it up between a couple of property owners who expressed an interest then he is going to dump the whole thing to a land trust.

Rich Williams stated as much as I hate to hear that it is probably completely un-buildable.

8) BURDICK FARMS

Chairman Schech stated we did that.

Rich Williams stated why they are really on the agenda just so everybody is aware they are supposed to be bringing in their SEIS. They did submit plans. I explained to them that nobody is going to look at any plans anymore. We are not going to spend any more money until we get the SEIS, he said they would like to be on the agenda to come in, present the EIS and that way the clock starts our review of it.

Board Member Rogan asked wouldn't you need to be somewhat firm on a subdivision concept before doing a Supplemental Environmental Impact Statement.

Rich Williams replied it usually helps, we are not.

Board Member Rogan stated you are saying we don't want to do anymore review on the plans until we get the SEIS isn't the SEIS the second, wouldn't you say okay this is the layout that we are going with.

Rich Williams replied no you would say this is the layout that looks good to us then Gene and I would do the technical review.

Board Member Rogan asked then they would prepare a Supplemental Environmental Impact Statement based on that concept because they have to take into account the impacts of that concept so if we haven't figured out this whole mess of the concept.

Rich Williams replied well the direction that I have heard there is still concern over that wetland crossing and they explained that they were going to look at that as different alternatives within the SEIS but the general concept of the way that it is all laid out with the open space lots is generally, generally.

Board Member Rogan stated I think everybody generally there were some exceptions for,

Board Member Pierro stated except for the three lots on that secondary access road that are very close to the wetlands.

Rich Williams asked why what was the problem with them.

Board Member Pierro replied I think they are very close to the wetlands.

Rich Williams stated they are outside of the hundred foot buffer, I mean the entire lot is outside the hundred foot buffer. It is not like the house is outside the hundred foot buffer the entire lot is.

Ted Kozlowski stated the only thing Shawn I know the family, I know they are very concerned about that road and I would be too if I lived there no doubt about it but this layout with the wetland crossing I believe houses are now closer to Bill's house.

Board Member Rogan stated the septic systems are the same. They haven't moved the location of the septic.

Ted Kozlowski stated no they are moving the houses with going around the other way.

Board Member Rogan stated you know the funniest part about this is that the person who is going to be the most impacted hasn't had any input in this, Bill. He does not own the house but he lives there. It is Mr. Burdick's property and he has always had that this is what was he was going to do.

9) THOMAS SUBDIVISION

Rich Williams stated Thomas Subdivision is a four lot subdivision across from Couch Road. They are back in, they submitted plans you might want to open them up and take a look at the construction plans and the stormwater basins other than that I think everything else is pretty straight forward.

Board Member Rogan stated Thomas this is the one we pulled the houses up.

Rich Williams stated in order to treat the drainage you always have to treat in generally the lowest drainage point of the property that happens to be right along Route 164.

Chairman Schech asked it can't be moved anywhere else away from 164.

Board Member Rogan stated the only other low spot is a wetland it looks like.

Rich Williams asked are you looking at the basins.

Board Member Rogan stated no actually they are not shown on the map I am looking at.

Chairman Schech asked that is not going to create a situation like we have on Fair Street where the water runs down the road all the time under the pavement.

Board Member Rogan stated let's just let the water run off into the woods on this one.

Rich Williams stated it is going to create another situation like we have at Deerwood.

Ted Kozlowski asked is it going across the street.

Rich Williams stated it goes down through an open meadow down to the river, Great Swamp.

Ted Kozlowski asked how far away.

Board Member Pierro asked can they legally do that.

(Unable to hear Rich's response)

Board Member Montesano asked can you dump like that into somebody else's property.

Rich Williams stated as long as you don't create a peak rate of runoff.

Board Member Rogan stated and you are not dumping into someone else's you are dumping into the road basins.

Rich Williams stated right which discharges across the street.

Board Member Rogan stated that is ugly.

Ted Kozlowski stated it is. It is ambitious.

Board Member Rogan stated I hate these basins Rich. I really don't like them at all.

Rich Williams stated DEP, DEC requires them.

Board Member Rogan stated I know.

Board Member Pierro asked what about our desire to have these basins on their own separate lots. What do we do here and what do we do with the ten lot subdivision out on 292.

Rich Williams replied again, we are kind of stuck in the same situation we really need to be putting these on their own individual lots.

Board Member Pierro stated we would like to under best case scenario.

Rich Williams stated we would like to right.

Board Member Pierro stated I don't think with either of them.

Rich Williams stated well it may be possible to do it on this but you guys have to decide which way you want to go on this. Right now, they are proposing to access all these lots by way of an easement across each others property. It is a 280a. They don't meet any of the requirements, frontage anything. Our Code requires them to look at a cluster alternative. Now, here is the difference in design as I see it; if you do the 280a this is what it is going to look like. If you do the cluster design basically you are going to take each one of those houses and septic and put it on an acre to acre and a half lot and all the area surrounding that is going to be dedicated common, open space. In that case it may be possible to break those basins out on to their own lot.

Chairman Schech asked how many basins do we show just the one.

Board Member Pierro replied one.

Rich Williams replied well there is actually three and a little tiny one.

Chairman Schech asked now what is going to happen to these basins. You know darn well nobody is going to (unable to hear).

Rich Williams replied no actually as part of the MS-4 requirements we have to identify everyone of them, make sure that everyone of them has a maintenance plan and do periodic inspections. The Town is required to implement that program.

Board Member Rogan stated that is a part-time job.

Board Member Pierro asked who does the maintenance plan here. I mean who does the inspections.

Rich Williams replied the Town is going to do the inspections. They are going to have to do their own inspections.

Board Member Montesano asked and where is the cost for maintaining these is that included in the taxing of those individuals or it just comes under the Town.

Rich Williams replied it depends. Some of the older subdivisions we let them go nobody owns them. They are just there. Recently, like the Astro Subdivision, Deerwood we have setup drainage districts so there are taxing authority on the homeowners that are benefited. This particular subdivision they are proposing to setup a homeowners association to maintain these.

Chairman Schech stated that never works.

Board Member Montesano stated no Alpine had one.

Chairman Schech stated yes and see how well that worked.

Rich Williams stated Herb, I hear what you are saying but if we do the homeowners association plus a drainage easement that benefits the Town or that the Town has some right to step in. I don't know what else you are going to do. You are not going to form a drainage district not for just four lots.

Chairman Schech asked why not.

Rich Williams replied because the problem with drainage districts is they are an administrative headache for the Town.

Board Member Rogan stated in other words, someone would need to go out there and say okay this year, this drainage district is going to need three thousand dollars worth of work and they would have to somehow charge the people through their taxes.

Rich Williams stated we actually when we setup the drainage districts we set up an annual cost so we are developing a pot of money so that you don't have any one year where you are going to have a big increase in cost. Then as we see what is really going to be required then we can adjust it accordingly.

Board Member Rogan stated not knowing a whole lot about it I kind of agree with Herb that I would rather see it as a district that once it is setup it might be a headache in the beginning but once it is setup it is not up to a couple of people that have their own homeowners association especially four lots. I almost think a homeowners association works better when it is larger because then there is more people involved in it and you tend to have more people either taking charge. I don't know but homeowner associations are terrible.

Chairman Schech stated I seen one in Mahopac go de-funk, I seen Alpine Village basically go to funk.

Board Member Rogan stated especially when people are on their own lots. It is different in a condo complex where there is common ownership.

Rich Williams stated if you feel more comfortable with districts we can certainly setup a district but, Board Member Pierro stated I would like to waive the two of them. Rich Williams stated we can sit here and setup, you know they want to have a homeowner association we can make them give us a drainage easement whereby the Town will go in and notify them give them 30, 60 whatever days to do the maintenance that we have identified and if they don't then we simply charge it back to them on their taxes.

Chairman Schech asked that works.

Rich Williams replied we can set it up that way.

Chairman Schech stated that is okay if you can set it up that way if it works.

Board Member Rogan asked but doesn't that also seem like a lot of work. It is an on going inspection that I mean, Rich Williams stated we are going to be doing on going inspections anyway.

Board Member Montesano asked this 280a I sat there and watch that thing go on the other night where we had 2 people come in for 280a. That is getting dangerous. There seems to be an awful lot of them walking in where there is no entrance to the property on a Town, State, County whatever on the road frontage and they all get 280a's to come in and that is that paper road garbage or whatever. Years ago we use to fight that tooth and nail because that is all a certain family member in a building organization would look for, for taxes then come in and get a 280a and put dog legs in and 60 houses and then walk away and people would suffer.

Board Member Pierro stated in this kind of economy that is what people are forced to do now.

Rich Williams stated it is not even so much the economy it is a situation where we are getting to some of the parcels that are less desirable now become more desirable to develop. It wasn't just years ago I mean we are still fighting it. Look at the problems Fuca had, Fuca was a 280a, Budakowski was a 280a that never happened. The two parcels that you happen to see; one of them was off of Buhlier Road which is an existing dirt road that was created back in 1981 I think.

Board Member Pierro stated and that is in litigation.

Rich Williams stated I haven't heard anything about that.

Board Member Pierro stated it is in litigation big time.

Rich Williams asked not with Maxwell.

Board Member Pierro replied with Maxwell.

Board Member Pierro stated he is suing every homeowner on the road because they refused to let him have access to a lot that he owns on the corner.

Rich Williams stated ultimately it is not my decision but I can't imagine the Town of Patterson would let him come in.

Board Member Pierro stated I don't think we are going to allow him to access because the first portion of that road is in Patterson.

Rich Williams stated right and it can't sustain that kind of traffic.

Rich Williams stated the other 280a the other night was a parcel that eventually is going to be coming to this Board, God help him but it is a completely landlocked piece of property. There is no way to get access to it.

Board Member Rogan asked how did it get landlocked.

Rich Williams replied I really don't know other than it was owned by Charlie Stuart and his sister and it was all part of this Deerwood property and when the attorneys came in and took the property from Charlie Stuart because he was either drunk or stoned didn't take that piece with it. This goes to one of the problems we have all through the Town is there are contiguous properties in single and separate ownership that never get merged so all of a sudden there is a deed transfer and now we have two owners and a landlocked piece.

Board Member Rogan stated I am comfortable with the layout of this the way we have it for Thomas. Nobody likes the idea of the basins. You don't want to put up a whole bunch of screening along the road so you can't see the basin and then block your sight line distance up the road so that is a problem maybe we need water incinerators or something like that.

Chairman Schech stated this one at least you are discharging it to a catch basin. The one on Fair Street over there I don't know where the hell it is discharging. It discharges underneath the blacktop.

Board Member Rogan asked is that the one right at the corner of Simpson.

Chairman Schech replied yes where you get that icy spot. It is created by that one detention pond right up the street there.

Ted Kozlowski stated maybe people shouldn't develop the property to the maximum extent possible.

Board Member Rogan stated I agree.

Board Member Rogan stated I don't think that this subdivision is cramming it down our throats. It is just unfortunate that the property does not layout perfectly for stormwater.

Ted Kozlowski stated because the property does not work.

Board Member Rogan stated we pulled them up off of those steep slopes.

(Too many speaking at the same time)

Rich Williams stated this property is not being overly developed. The problem is just basic drainage design. Water flows down hill you have to go with it. You can't pump it back up.

10) HANSEN SUBDIVISION

Rich Williams stated Hansen is back in with a new subdivision plat. There were two issues that the Board identified at the site walk. One of them was the northern most lot they were parking on a grassy area they really didn't have any formal parking area and the other one was the southerly most lot the Board had kind of indicated that they wanted Gary to look at improving the sight distance and the geometry of how that driveway came out. Neither of those two issues have been really addressed. Everything else I think is done.

Board Member Pierro stated I am drawing a blank.

Board Member Rogan stated we walked up in it. It is the two houses that are connected by a common inward driveway type of thing.

Board Member Pierro replied right I got it.

Board Member Rogan stated terrible to get on and off on Farm to Market. It was coming in on such angle we wanted them to, Chairman Schech stated they are taking down the shed.

Rich Williams stated they are taking down shed, both driveways are paved by the way, he is proposing to take down the shed and put a parking lot but he is proposing to do that with an Item-4 surface so,

Board Member Pierro stated the driveway is paved.

Rich Williams stated well technically he has to pave it unless this Board wants to waive that requirement.

Board Member Montesano stated he has to have it blacktopped and that is it.

Board Member Rogan asked you are talking about where the shed is where they would now be parking cars for the first lot when you drive in.

Rich Williams stated the southerly most lot.

Board Member Rogan asked we require the driveway to be paved, what requires the pull-off.

Rich Williams stated all parking areas have to be paved also.

Board Member Rogan stated this is kind of a mute point because you are talking about the size of a shed. You are talking about a nickel and dime job for blacktop. It is not a big deal.

Board Member Pierro stated yes it is not a large area.

Rich Williams stated it is up to you whether you want to do it or not.

Board Member Montesano stated let them pave it.

Rich Williams asked what do you think let them pave it.

Board Member Rogan stated yes make them pave it. It is not like you are talking about a significant hardship.

Rich Williams stated I think the bigger issue is, is the Board comfortable with the access.

Board Member Pierro stated as long as he took down that mound.

Rich Williams stated he didn't do anything.

Board Member Rogan stated what we are saying is that he really hasn't done what we have asked in terms of improving the geometry of the way that driveway goes in to there.

Board Member Montesano stated then he has to be told again and then the next time he gets taken off until he does it.

11) FRANTELL SITE PLAN

Rich Williams stated Frantell is back in, they have submitted new plans.

Chairman Schech stated it looks the same as the last one. I couldn't see any changes at all.

Board Member Pierro stated he moved the parking lot, he moved the building forward.

Rich Williams stated no he did not move the building forward.

Board Member Pierro stated it looks like he did. He made the building smaller then.

Rich Williams stated he knocked off the L and put a dumpster and a pull-off for a loading area.

Board Member Pierro asked what was he at with the initial concept how many square feet.

Rich Williams replied I believe the initial was 37,200.

Board Member Pierro stated so he came off by what 5,000.

Board Member Rogan asked Ted, do these wetland lines now reflect.

Ted Kozlowski replied I am glad you asked that question Shawn.

Chairman Schech stated I would say he is going to be putting the detention ponds in the buffer. I could put up with that but I don't want all this bull---- parking and loading zones down here in the buffer.

Board Member Rogan stated I agree with you.

Ted Kozlowski stated Shawn you had a question for me.

Board Member Rogan stated I had a question when we walked out there it seemed like the wetland delineation line followed the mower path and I was wondering if we have had them corrected and the true delineations done with shovel in hand.

Ted Kozlowski stated I am glad you asked that question, no.

Board Member Rogan stated okay well we need to have that done.

Rich Williams stated basically what he is trying to do is come up with a concept that is acceptable to the Planning Board before he really moves forward.

Board Member Rogan stated okay our concept I think you were pretty clear.

Ted Kozlowski stated I think we told him at the last meeting stay out of the wetlands.

Board Member Rogan stated stay out of the wetlands, the wetland buffer. Let me back up on this, the one exception to this parcel that I thought I heard mentioned and it almost seemed like it was from the prior proposals maybe before I was on the Board that it was mentioned that the area that he is showing for parking there was some talk about it not being a problem to use that buffer because it was not all that in fact even maybe when we were out there we talked about it.

Rich Williams stated way back in 92, 94 when he originally came in with this the Planning Board went out there with the ECI at the time and everybody was okay with the fact that it was kind of a wet meadow and it really wasn't a wetland area and he could use it for parking at that time that Board.

Board Member Rogan stated that was the south side of the property.

Rich Williams stated and that ECI.

Ted Kozlowski stated and that ECI was the same ECI that you are looking at right here.

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

Chairman Schech stated if you go in the minutes what did I tell him the last time shrink the building up to here somewhere.

Rich Williams stated listen, I have got to be honest with you I sat with him and I sat with the Board, I sat with the Board outside of Louie wasn't here and asked what did you want and what I heard was no impervious surface within the wetland. That is what I heard and he has done that except for the,

Ted Kozlowski stated time out is this, Board Member Rogan stated this is the edge of the buffer. Ted Kozlowski stated the issue here Rich again, he didn't have this re-delineated and when we were out there on that cold day these areas in here were questions so I know this is going to change to me it is a waste of this Board's time to even be looking at this until the wetlands are properly identified and you have got something to work with because these lines are going to change.

Rich Williams replied are you going to go out there this time of year and do anything.

Ted Kozlowski replied Richie, we told him, and Rich Williams asked are you going to go out there this time of year.

Ted Kozlowski replied no.

Rich Williams replied okay and neither is anybody else going to go out and do a proper flagging so we do have some time, he wants to move the project forward, it is his money, it is his expense, if the whole thing falls apart because the wetland is not correctly shown on the plan and he has to change it all around that is his problem.

Ted Kozlowski stated but he is already in the wetlands.

Board Member Rogan stated so what we say next week is simply assuming that the wetland line stays the same we are still not comfortable with the parking being in that shown buffer.

Rich Williams asked the buffer.

Ted Kozlowski stated Rich, the parking goes right on the edge of the wetland. There is no way you are going to put that in without going into the wetlands. This is ridiculous.

Board Member Rogan stated even the road is through the wetlands.

Board Member Montesano stated the more that we entertain him to me what he is setting is a paper trail to go in there and say they lead me on. He is going to say they are leading me on.

Board Member Pierro stated he has got to make the building smaller.

Board Member Montesano stated he is going to say they are leading me on. They are allowing me to come in. He shouldn't be. He didn't do what we told him to do keep him the hell off the agenda.

Ted Kozlowski stated and you know what there was enough time because he was talking to Beth Evans Associates, I know this for a fact because I was out there with them at the Burdick Farm site and he didn't want to pay them and there was all sorts of issues so that is not our problem. That is his problem.

Board Member Montesano stated but he keeps appearing here which gives it something that we are going to allow stuff.

Rich Williams stated that kind of misrepresents what was going on at the time. At the time, Beth wouldn't talk to him. Beth didn't want anything to do with him.

Ted Kozlowski stated this is what he is telling you Beth didn't want to have anything to do with him because she was telling him, advising him stay out of the wetlands, don't do this and this is exactly what he is doing. The only reason his Consultant is not going on that site is because she doesn't want to go in the wetlands, she knows not to, she is telling him not to and yet he is coming back to this Board with the same plans.

Board Member Montesano stated he is going to wear us down but he shouldn't be on the agenda. He did not do anything that we asked him to do. What the hell is he doing on here.

Board Member Pierro stated if he cuts this building down by another four or five thousand square feet.

Board Member Rogan stated on the back the line touches the buffer so therefore any maintenance on the building you are going to be in the buffer okay fine but you don't want construction activities in the buffer.

Ted Kozlowski stated and there is no way that they are going to construct that without being on the wetlands. No way.

Board Member Rogan asked is this road right here proposed, the road that goes around the back of the building. Is that proposed or is that showing an existing because it goes right through the septic area.

Rich William stated no that is proposed that is the fire access lane behind the building. It is also the way you get back to maintain the detention ponds.

Board Member Pierro stated he has got to cut this building down by 5,000 square feet, he has to pull it forward.

Board Member Rogan stated I could eat probably that part of the road being in the buffer. I could probably eat that but not this.

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

Chairman Schech stated let's not waste our time with him right now until he changes something.

Dunkin Donuts

Board Member Rogan stated maybe we should build a Dunkin Donuts on Frantell.

Board Member Montesano stated they won't allow two franchises in that proximity.

Board Member Rogan no we would knock the other one down.

Board Member Montesano stated I think we ought to close them down.

Board Member Rogan stated I asked Paul informally when I saw him at a meeting to open the books back up on Dunkin Donuts and check into what was supposed to be done from the time we met out there like the stupid stripes which I really didn't care about at the time but that makes it look like a garage, the overhang and there was something about the cooler sticking out in the back.

Rich Williams stated Mike Fitzgerald who actually owns the site called me and asked me what the status was and I explained that there was outstanding issues and violations that had not been addressed and it really had to do with the dumpster issue and the fence. He said how do we handle it because Bill is saying we can't do it now and I said Bill agreed to do it and it is an issue between Bill and the Planning Board he should send a letter and come back in and talk to the Planning Board about it. Bill called me up and I explained that to him and that was two, three weeks ago and he was supposed to submit a letter for this Planning Board meeting. Honestly, I am glad he didn't but I have not heard hide nor hair. Mike Fitzgerald called me again today and said did he submit the letter, is he coming in and I haven't heard a thing.

Board Member Rogan stated it would be the same concept if we said to someone well, you don't have the roof on your house but we know you are going to but we will give you a C.O. and you do it when you get a chance. With Health Department we say unless, Rich stated stop picking on Paul. Board Member Rogan stated no it is not Paul it is the fact that when we were out there the guy said okay whatever but we didn't deadline him. We learn, like you guys say you get screwed in the butt when you don't deadline people. You give them a deadline.

Rich Williams stated you give them thresholds and steps that they have to follow.

Board Member Rogan stated you tell them what is going to happen when they don't meet the deadline you know what your site plan approval in this case or in our case the Health Department your permit to operate a food service is going to be voided or you know that is it. Anyway I rant and rave certain things eat at me and those kinds of things when we go bend over for somebody.

12) NEW ENGLAND EQUINE PRACTICE SITE PLAN

Ted Kozlowski stated I have to address the Board on this one this is a nice report okay I am not arguing with the report unfortunately the report is a delineation based on Federal Standards. Our Town Wetlands Law is based on our own standards.

Board Member Rogan asked why would they do that Ted.

Ted Kozlowski replied who.

Board Member Rogan replied the preparer.

Ted Kozlowski stated and I brought this up at the last meeting.

Rich Williams stated you didn't tell me who did the report.

Ted Kozlowski stated yes I brought this up at the last meeting saying that I felt and I also want to say I really like this project and I am not looking to delay it in anyway but on a technical matter that open field, that grass field that they mow I am convinced is hydric and wet. The report is not acknowledging that because they are going by Federal Standards. Our standards says vegetation and or hydric soils. I am going to call the Engineer and if it is all right with you guys I will just straighten that out.

Board Member Rogan stated I think that would be wonderful.

Ted Kozlowski stated I also felt the flagging was a little off and they should re-adjust it. I don't think that will affect this project in any way but just on a technical matter.

Board Member Pierro asked what about the stream crossing there in the back.

Rich Williams stated they haven't mentioned the stream crossing.

Ted Kozlowski stated we wanted them to clean that up right.

Rich Williams stated we wanted them to go out and at least do a preliminary evaluation about the condition of the stream corridor and the crossing and what they thought might be going on.

Board Member Rogan stated there would almost be a benefit to having them clean it up and removing the bridge since they are not proposing to use on the other side of the bridge remove it.

Board Member Montesano stated that might be good but then again think what happens if they decided to come in and then re-do it.

Ted Kozlowski stated before they remove it they have to clean up that crap in the back. There are junk cars.

Chairman Schech stated it is my opinion without your input here anything that happens there has got to be better than what is there.

Ted Kozlowski stated absolutely I agree.

Board Member Pierro stated we all agree.

Chairman Schech stated Ted I will give you the floor and you can tell them what you want with this.

Ted Kozlowski stated no I am going to handle it behind, (too many speaking at the same time unable to transcribe).

Board Member Rogan asked how are we with this trailer area isn't that a concern.

Board Member Pierro asked yes how far were they pulling back.

Board Member Rogan stated do you remember Herb the area where they were going to park and unload their horse trailers was into the wetland buffer we were talking about that.

Board Member Montesano stated we were talking about putting a fence up.

Chairman Schech stated we were talking about putting up some sort of barrier so they don't, Board Member Pierro asked how far were we going to limit them and where is the wetland mark in that area.

Ted Kozlowski asked where.

Board Member Pierro replied where the tractor-trailers are.

Ted Kozlowski replied it is very close.

Chairman Schech stated as long as they don't intrude any further put up something there that they can't move.

Board Member Pierro stated we didn't agree to that. We agreed to have them pull out of that a bit.

Board Member Montesano stated yes and then we said some kind of steel barricade of some sort to block it off so you don't back in.

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

13) D'OTTAVIO SITE PLAN "A" & "B"

Rich Williams stated he is back in gentleman don't be fooled by D'Ottavio it is still actually two separate site plan applications but they are showing it on one site because they are so intertwined.

Rich Williams stated they have reduced the amount of impervious surface on the site and actually pulled the ponds away from 22 which is a good thing. I think that is real benefit. They are still in the buffer for the stream.

Board Member Pierro asked have we seen any or had any conversations with them as to the easements for the septic system.

Rich Williams replied I was just going to say that we haven't seen anything on the easements. I did talk to Steve he is working with Liz Hudak who is a pretty good Attorney in the area and she hasn't gotten anything done yet.

Board Member Pierro stated that was the key.

Rich Williams stated right the Board wanted to see the easements before they went any further.

Board Member Pierro and Board Member Rogan stated right.

Rich Williams stated they didn't see them.

14) BILL HENRY TREE SERVICE SITE PLAN

The Board reviewed the plan for a few minutes.

Chairman Schech asked is he coming along all right after all this time.

Rich Williams replied he is now showing his drainage being collected over to D.E.W & Macal's detention basin.

Board Member Rogan asked Rich to repeat what he said he did not hear.

Rich Williams stated he is now directing all the run off from the site over to the D.E.W. & Macal stormwater basin.

Chairman Schech asked is that going to work.

Board Member Rogan asked is that basin designed for it.

Rich Williams replied I don't think so.

Chairman Schech stated well somebody has to tell us if it is designed for it or not.

Rich Williams replied yes that is the Engineer's job but more importantly does he have a right to go in there.

Board Member Pierro stated there would be an easement required correct.

Board Member Rogan stated the stormwater basin which hasn't been built would have to be designed to handle the flow. I could see them saying you know what Bill, for whatever twenty-five grand we will let you put your stormwater in and we will design for it but they need to know that in the design.

Rich Williams stated I suggested this to them two years ago, get together with Insite get it squared away and I don't think they have ever gotten together.

Board Member Rogan stated but that is really the way to take it for us is to, (too many speaking at the same time unable to transcribe).

Rich Williams stated they have until Christmas.

Board Member Rogan asked it expires.

Rich Williams replied that is when his variance expires from the moratorium then he is out of business.

Board Member Rogan asked D.E.W. and Macal.

Rich Williams replied no Bill Henry. He has until Christmas to get a signed approved site plan or otherwise, Board Member Rogan stated or he has to meet the new requirements. Rich Williams stated otherwise he falls under the new regs and contractor's yards are not permitted.

15) OTHER BUSINESS

a. Kozlowski Wetlands Permit

Rich Williams stated I haven't really taken a hard look at this yet to set a public hearing but just to keep everybody in the loop I have started to take a look at the amount of impervious surface and our fees are based now on in large part the amount of new impervious surface that is constructed within a buffer or within a wetland proper so just to let you know Burdick Farms is requiring a \$73,000.00 wetlands permit, Pondview is requiring a \$100,000.00 permit and I think this one is going to break that.

Chairman Schech asked Ted Kozlowski are you increasing the amount of impervious surface.

Ted Kozlowski replied decreasing it.

Chairman Schech asked how are you decreasing it.

Ted Kozlowski replied I am taking away the whole driveway.

The Board reviewed the plans for a few minutes.

Ted Kozlowski stated I gave a narrative to explain it but basically we bought the house in 1984, the house pre-dates zoning. It is two and a quarter acres but everything, the house, the existing garage, the driveway, my septic holding tank, everything is within the wetland buffer and my house is right on top of my neighbor's property boundary. The septic is pumped six hundred feet it goes over the stream and then over the hill. (Too many speaking at the same time unable to transcribe).

Ted Kozlowski stated the existing one car garage has got an accumulation of twenty years of marriage and three kids in there. The garage is literally leaning towards the south. It was constructed poorly by the original owner. It is falling apart. I want to take that down, I want to remove most of my asphalt driveway and have a new garage, barn garage and I brought a copy here of what it will look like. It is from Country Carpenters that I am going to put up myself. To be honest with you Jeanne has gone back to work we can afford what we have always wanted to do was to put a pool in. I want to Landscape it my friend Ken Uli, is a Licensed Landscape Architect he is the one that designed the landscape layout. The landscaping is going to take a couple of years because I can't afford it all in one shot. As you can see the blue line I put where the wetland buffer is and the only spot is where I want to put the garage and part of the garage is going to be in the wetland buffer but that represents eighty feet away from the stream as opposed to the existing garage which is about twenty-five feet from the stream. I am trying to do everything the right way. I am making the argument that I am taking more impervious surface away then I am installing. One drawing is the existing conditions, the second drawing is the same thing with erosion controls and then the third drawing is the final landscape drawing. I have to get a ZBA variance for the barn because it is not going to be 40 feet but there is an existing town culvert here and I can't go into this area. That is it.

b. Building Inspector - Discussion

Rich Williams stated Paul asked to be placed on the agenda to come in and talk to the Board about water supply standards for new subdivisions. He wanted to come tonight, I mentioned it to him and he said oh yeah and he is not here.

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