

TOWN OF PATTERSON
PLANNING BOARD MEETING
March 4, 2004

AGENDA & MINUTES

APPROVED
Skelton MLB

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

Howard Buzzutto, Chairman
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PLANNING BOARD

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

**Planning Board
March 4, 2004 Meeting Minutes**

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

APPROVED
3/16/04 mt

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, Gene Richards, Town Engineer, Craig Bumgarner, Town Attorney and Ted Kozlowski, ECI.

Meeting called to order at 7:32 p.m.

There were approximately 16 audience members.

1) SYPKO WETLANDS/WATERCOURSE PERMIT – Public Hearing

The Secretary read the legal notice.

Mr. Harry Nichols was present representing the Applicant.

Mr. Nichols stated this is a single parcel of land approximately four acres located on Birch Hill Road about half way up between Route 22 (unable to hear the rest of his statement). The Applicant, Mr. Roman Sypko is proposing a single-family residence and in conjunction with the residence we are required to replace an existing culvert that is in the full line of Stephen's Brook currently the culvert which is inadequate and has been there for sometime so we are replacing it with a concrete box section up to today standards. In addition to that we are providing stormwater quality basins one at the bottom and one at the top of the driveway. The driveway is essentially following the path of an existing cart way that has been there for years. The septic system will be located in this area referring to the plan. We have already done our testing with the Board of Health and the New York City DEP and it will be served by a water well located over here. We have obtained a DEC permit for the culvert replacement and we have one last sign off to get and that is from New York City DEP. They are requiring us to file an application for the work we are doing on the stream but I believe it is a rubber stamp of the permit that we already received. We anticipate receiving that back very soon with that I will open up questions to the Board or public.

Chairman Schech asked is there anyone in the audience with a question on this. There were no questions.

Board Member Montesano made a motion in the matter of Sypko Wetlands Watercourse Permit that the Planning Board closes the public hearing. 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.

Board Member Pierro asked Rich, at the work session we discussed one other issue or a couple of issues that you would like to speak with Harry about.

Rich Williams replied I have several issues.

Board Member Pierro asked did you get an opportunity to do that.

Mr. Nichols stated I got your (Rich) memo and we will take care of all those items I will get together with you.

Rich Williams stated let's talk about them before you just go changing the plan.

Mr. Nichols stated okay.

Chairman Schech stated Harry what we are really concerned about is the last line there where it says, the latest plans results in disturbance of the majority of the site. We are trying to avoid that right.

Mr. Nichols stated we are putting in level spreaders and we are doing it in areas that are already vegetated so not only the level spreader will serve to reduce the impact but the existing vegetation (unable to hear the rest of his statement).

Mr. Nichols stated the whole site itself as you know is encumbered with steep slopes. (unable to hear the rest of his statements due to noise of plans being shuffled by the Board).

Board Member Montesano asked have you read the February 9th report from Richie.

Mr. Nichols stated yes.

Board Member Montesano asked now all these questions are coming out of here. The hammerhead is in excess of ten percent grade and you are not supposed to exceed five, do you recall reading that. Board Member Montesano handed Mr. Nichols a copy of the memo.

Mr. Nichols stated I have one in my files to which Board Member Montesano replied that is not going to do any good in your file.

Mr. Nichols stated I will meet with Rich and we will as you say lock the door and hammer this out.

Board Member Montesano stated then I am done until he gets that done.

Board Member Rogan thanked Mr. Nichols.

2) NOBLET SUBDIVISION – Public Hearing

The Secretary read the legal notice.

Mr. Steve Miller, Engineer with Badey & Watson and Mr. Noblet were present.

Mr. Miller introduced himself to the Board and the audience and Mr. Noblet.

Mr. Miller stated I represent Mr. Noblet regarding a proposed two lot subdivision of his property on McManus Road South in the Town of Patterson. As the property currently exists it is a 23 acre parcel currently improved by two dwellings and some accessory buildings; sheds, barns. There is a small pond on the property with a large wetland that runs through the property generally north and south. There is a smaller wetland on the south end. The wetland has been delineated and inspected by the Town Wetland Inspector. We propose a two lot subdivision essentially we are dividing the property into one, ten and a half acre parcel and a twelve and a half acre parcel. The twelve and a half acre parcel will retain the existing buildings. The ten and a half acre parcel is a new single-family residence lot. We have shown a proposed driveway, dwelling, septic area and well. The proposed improvements lie outside the wetland and outside the wetland buffer. We have reserved a twenty-five foot strip along the front of Lot 1, the new lot as is required by the Town, the Planning Board regulations and as of this point we have addressed all the comments of the Planning Board save one that comment being the Planning Board's concern about a sharp curve in McManus Road South where they had discussed the possibility of future road improvements where they may request some additional reservation. At this point the Planning Board has made an inquiry to the Highway Superintendent to look at that particular section of road and hopefully get some comments from him as far as the direction we will go with that. If anybody has any questions I will be happy to answer them.

Chairman Schech asked is there any questions from the audience. There were no questions.

Board Member Montesano made a motion to close the public hearing in the matter of Noblet Subdivision. 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.

Chairman Schech asked have we heard from Charlie.

Rich Williams replied no.

Chairman Schech stated all right irrespective of Charlie if we hear from him or not let's put the additional, how much did we want originally.

Rich Williams stated that was the subject of debate and the Board was seeking an opinion of the Highway Superintendent to see if it was even necessary.

Mr. Noblet stated not last time but the time before I explained to the Board that I had a mortgage held by the and she is not giving me the right to say and you can look and I have a letter from the son. The mortgage reads no portion of the land can be sold without the consent of the mortgagee (unable to hear the rest of his statement). She said no and I can understand because she is getting a nice interest on my behalf so I would like and then the other question was that you recognize that it was part of a wetlands and then you say that you would have to make sure that Army Corp. would have to be involved with this and you say I am not sure it is worth the trouble. That is what you say (referring to Rich Williams). So last time when Mr. Steve Miller came the story was different so I was not here but I would like what was said at the meeting two months ago so in the meantime I still am paying the mortgage and I would love to be able to resolve this problem.

Chairman Schech stated we have nothing to do with the mortgage that is your problem.

Mr. Noblet stated I know but you can recognize that I have no rights.

Chairman Schech stated that is your problem then you shouldn't be here.

Board Member Rogan asked Craig, can you explain what he means by this because I am confused that they can't offer a piece of the property to the Town when they have done it on the other parcel. I am not understanding why they can do it in one regard but not in the other. We have gained property along this lot.

Mr. Noblet stated but you are trying to get even more.

Board Member Rogan stated but what I am saying is if we have gained a little bit how are we able to gain that if the mortgage does not allow us to gain anything further. I am not following that.

Mr. Noblet stated because here this is reserved by me next time if I sell this spot would be reserved as per the requirement of the Planning Board. Here this becomes a completely different story where the Army Corp of Engineers could be involved and we have to make a dedication. The dedication has to be made right away that means the Town has to act on this and I have to give the right right now. This I cannot do.

Board Member Rogan asked does the Army Corp have to do anything.

Chairman Schech stated the Army Corp has nothing to do with giving us a piece of property.

Rich Williams stated let me interject, let me be clear because something was said before, what I said was if the Army Corp. has to get involved it may not be worth it to the Town to try and move the road in that area. I don't know that the Army Corp. for certain would be involved. I have not gone out and looked at this

wetlands certainly Ted is more qualified than I am to understand whether even it might meet Army Corp. requirements. I said if the Army Corp. is involved.

Board Member Rogan stated but certainly the Army Corp. does not get involved with a transaction of property.

Rich Williams stated no but Board Member Rogan stated there is no impact at that point.

Rich Williams stated it might get involved if we go to do the road improvements and fill that wetland.

Chairman Schech stated I am trying to avoid additional expenses to the Town in case someday down the line, twenty years from now they decide to straighten out the corner so if we get the property now at no charge. It is not detrimental to the value of the property certainly because it is a piece of wetland which you can't really do anything with. Now, if you can't explain that to the mortgage holder then you have got a problem.

Mr. Noblet stated no she is eighty-eight years old.

Chairman Schech stated you have a problem.

Mr. Noblet stated yes I have a problem.

Chairman Schech stated okay don't give us the problem. It is not out problem.

Mr. Noblet stated I am sorry that we are getting into this kind of situation but I have no right at least not now.

Board Member Rogan stated Craig, can you explain to me my original question because I really don't understand why we gain our right of way in that area because we are gaining property as of this subdivision we gained it for the new lot am I correct. How can we gain that twenty-five foot right of way but not gain in one area say a forty foot strip. I am not following why that has anything to do with the mortgage.

Craig Bumgarner stated it sounds to me like it is his mortgage holder raising this issue with giving that property away or not. The mortgage holder has the rights you know when you contract with them for the mortgage they have the right to approve or deny that request and apparently she is not,

Board Member Rogan asked so Mr. Noblet you went to the mortgage holder and said that you wanted to offer a strip of land to the Town for the road improvement and the mortgagor she said fine. When you back a second time for a possible additional strip she said no.

Mr. Noblet stated she said no.

Board Member Pierro asked does the mortgage holder have to approve your subdividing this lot.

Board Member Montesano stated that is what I would like to know because does Mr. Noblet have the rights, Board Member Pierro stated because if she holding you hostage for the corner piece of property is she holding you hostage for the amount of land you are subdividing.

Mr. Noblet stated yes because I am paying the mortgage, I am paying the interest on this I am paying so much interest on this that she is very happy and she can now hold me.

Board Member Montesano asked Craig, in this particular situation does he have the right even though he is not the owner per say apparently he has a mortgage on it, his name is on the Title yet he has to go get her permission to do something.

Craig Bumgarner stated he does not need her permission to subdivide. He would need her permission to sell it off because the mortgage covers the whole piece of property. If he cuts it into two lots and decides to sell one lot she would have to approve if he decides to sell any of the property or even give it to the Town and portion of the property that is covered by the mortgage it would require her permission not to subdivide because understand subdividing it is not alienating. He is not subdividing and then immediately selling it off. If he did go to do that she would have to be either paid off or she would have to agree to a partial release of the property.

Chairman Schech stated I would get an appraisal from an Appraiser and mail it to her stating that the parcel that we are asking is not detrimental to the value of the property.

Mr. Noblet stated you have to understand eighty-eight years old, they have different value on the land, they have different ideas of the value of the land plus the son is really a Doctor in Tenaflly, he is really behind this and saying listen we cannot say anything and in the meantime we are getting the interest. I have no way to push them to do what they don't want. I have been trying for a month and a half now and there is no success.

Board Member Rogan stated I want to hear from Charlie.

Rich Williams stated the reality is we don't even know if the Highway Superintendent is interested in this so it may be mute.

Board Member Rogan stated with all due respect to Charlie even if the guy comes back and says that at this time he does not see that they would need it does not mean that it would not be needed three years from now or five years from now under a different Highway Superintendent. I think that,

Mr. Miller asked with all due respect what would prevent you from deciding okay Mr. Noblet we want that whole ten acres that is kind of what you are saying.

Board Member Rogan replied that is not what we are saying.

Mr. Miller replied sure it is.

The Board replied no.

Board Member Rogan stated I think that is un-realistic. I think that what we are saying is I think when you are talking about straightening out a corner and possibly we are talking about say we already have the twenty-five from center maybe you would need fifty from center. That sliver of land is probably in the neighborhood from one to two thousand square feet. Certainly not talking about anything more it is un-realistic I think given the grade, given the slope that we are talking anything more than that and I don't know how it was presented to the owner and you are saying that the son is involved who is not eighty-eight

years old so I am sorry so I don't sympathize with your argument. I think that if Charlie says that we want that.

Mr. Noblet stated in the meantime I am the one paying.

Board Member Rogan stated I am sorry.

Mr. Miller asked how much more is the Planning Board looking for do you have any idea.

Board Member Rogan showed Mr. Miller on the plan where he was talking about, Mr. Miller asked Board Member Rogan where would they re-align the road to. Board Member Rogan replied I am not a road; I don't profess to be a professional. I am just saying, Mr. Miller asked well how do you know that they only need that. Board Member Rogan stated I don't I am just saying (unable to hear the rest of the statements no microphones). Board Member Rogan stated I don't know what the radius of this curve is but I know that it is a difficult, it is the worse part of the road. Mr. Miller asked where do you live. Board Member Rogan stated I live at the end of the road. I understand your problems with the Mortgagor. I don't know how you asked the question but you were able to convince this person on the twenty-five foot right of way to get your subdivision I am just amazed that this is turning into this kind of an ordeal and we have been told by our Town Planner that it is much cleaner to do it at this point in time. We are trying to do things in the best respect to the Town. I think that this is really ridiculous.

Mr. Miller stated exactly, exactly and as I mentioned before in a past meeting, Mr. Noblet we reserved the twenty-five feet from center. There is an additional area that the Town would like to have, granted. At some point, that has a value and the Town is kind of ignoring the fact that it has a value. At some point some additional as this creeps back I agree that you are not sure at how much you could possibly need but at some point if the Highway Superintendent went out there and looked at it and said you know I could really build a beautiful road if I pulled this back into here a hundred feet. I could build the best road and you guys,

Board Member Montesano stated with that in mind if we were to offer you fine the Town is now going to give you ten dollars a square foot for this property but if we don't use it for twenty years and the value turns out that it may be a thousand dollars a square feet are we going to come back and have another lawsuit because if I knew how to predict that I would have had the lottery numbers for the last week and I probably would have walked out a rich man but I have no idea. You want us to predict the future price of what something is going to be and that is impossible unless you want to go down to the market and see if you are going to have stock advances and what else have you.

Mr. Miller stated no and this will be the last thing that I say about it I certainly don't want to take up anymore time then we have to. I certainly would be willing to allow and I am sure Mr. Noblet if the Town at some future date decided that they needed the area they could come and negotiate and then you wouldn't have to guess what the price was going to be ten or fifteen years.

Board Member Montesano stated but that is not what we are here to do. We are here to plan for the future. That is why they call it a Planning Board. We have not had a problem and it is not at anybody's expense.

Chairman Schech stated let's do a site walk out there, Gene can you make it when we do a site walk out there and we will find out exactly what we really want regardless of the Highway Superintendent.

Gene Richards stated maybe you can arrange it so Charlie can be there.

Chairman Schech stated if possible.

Mr. Noblet stated my next question is if the owner still resists if the owner of the mortgage still does not want to do it so what would be my recourse.

Chairman Schech stated I really don't know.

Rich Williams stated let's take one step at a time. If you want to do a site walk out there let's take a site walk and maybe the Board will say it is not really maybe they will come up with a scheme and then maybe we can take it to the next step and figure out a way to make everybody happy.

Mr. Miller thanked the Board.

Chairman Schech stated it is the best we can do.

Rich Williams asked so just so I am clear before they walk away this is automatically going on the next agenda.

Chairman Schech stated as long as we can get out there before it.

3) **NORHT EAST MESA – Sign Application**

Mr. Giuyio Burra was present

Chairman Schech stated I have no problem with this. I don't know if anyone else does. It looks fine to me.

Chairman Schech stated we have to do SEQRA on this too.

Board Member Rogan asked so the size of the sign meets zoning.

Rich Williams stated yes.

Board Member Rogan asked any illumination on this sign.

Mr. Burra replied no the only illumination comes from there is an existing light that is on the telephone pole on the corner of Fair and Commerce Drive that shines on to our building but there is no direct illumination on this sign.

Board Member Rogan made a motion in the matter of North East Mesa Sign application that the Planning Board declares it an un-listed action, conduct a un-coordinated review and issue a negative determination of significance of SEQRA and approve the sign not to exceed 87 ½ square feet. 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.

4) **NELSON LOT LINE ADJUSTMENT**

Mr. Eric Nelson was present.

Mr. Nelson introduced himself to the Board.

Mr. Nelson stated I live on 17 Old Road and I am applying for a lot line adjustment basically to change my road frontage from a 100 feet to 150 feet.

Board Member Pierro asked you are acquiring this property from.

Mr. Nelson replied my mother she owns the property next door unfortunately she could not be here tonight.

Board Member Rogan asked did you get a copy of the Town's review memo.

Mr. Nelson replied yes.

Board Member Rogan stated it just seemed like there were a few minor issues that needed to be resolved.

Board Member Rogan made a motion in the matter of Eric & Jean Nelson, 17 Old Road that the Planning Board declares it an un-listed action, conduct a un-coordinated review and issue a negative determination of significance of SEQRA and approve the lot line adjustment with the inclusion of the comments in the Planning & Zoning Office Memo dated February 25, 2004.

Rich Williams stated you might want to put a time on there in which the comments need to be addressed.

Board Member Rogan stated I thought it was prior to approval.

Rich Williams stated generally it is a good idea to put say ninety days on it, they have to be addressed within ninety days.

Board Member Rogan stated okay so moved.

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.

Mr. Nelson thanked the Board.

5) PUGLISI LOT LINE ADJUSTMENT

There was no one was present to represent the application.

Chairman Schech asked can we do Puglisi and Taranto together.

Rich Williams stated you can talk about them together but do separate motions.

Board Member Pierro stated Rich, I have a question on these two Parcels of where these parcels are being cut out of is wetlands and wetlands buffer correct.

Rich Williams replied on Taranto's I don't believe there are any wetlands on the back lot. There is some on the Puglisi side.

Board Member Pierro asked are they aware of their inability to impact those wetlands, buffers.

Rich Williams replied I believe they are and they are doing this solely so they have more buffer between that and anything that may occur in the back.

Board Member Pierro stated I just want to eliminate them coming forward in the years saying okay we want to put our horse paddock in or our swimming pool in. I would like to be sure that they are notified.

Rich Williams stated then make it a condition.

The Secretary stated none of them are here the Puglisi's or Taranto's.

Board Member Rogan asked we are setting these off for now.

Board Member Pierro stated yes.

Chairman Schech asked you want to take them off or,

Board Member Pierro stated put them to the side at least.

Chairman Schech asked do they have to be here.

Board Member Pierro stated it is an initial application are we going to react to this tonight.

Chairman Schech stated they don't have to be here.

Board Member Rogan stated they are just simple lot line adjustments.

Rich Williams stated it is at your discretion.

Board Member Rogan stated I feel comfortable taking care of them we can condition our approval.

Board Member Rogan made a motion in the matter of Cyndi & Guy Puglisi, 616 Farm to Market Road that the Planning Board declares it an un-listed action, conduct a un-coordinated review and issue a negative determination of significance of SEQRA and approve the lot line adjustment with the conditions in the February 25, 2004 Memo from Rich Williams and the items are to be done within 90 days and notice to the Applicant that the land that they are acquiring is wetlands and may not be useable for anything other than buffer property. Board Member Di Salvo 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.

6) TARANTO LOT LINE ADJUSTMENT

No one was present representing the application

Board Member Rogan made a motion in the matter of John & Jennifer Taranto, 610 Farm to Market Road that the Planning Board declares it an un-listed action, conduct a un-coordinated review and issue a negative determination of significance of SEQRA and approve the lot line adjustment with the conditions in the February 25, 2004 Memo from Rich Williams and the items are to be done within 90 days and notice to the Applicant that the land that they are acquiring is wetlands and may not be useable for anything other than buffer property. 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.

7) **BURDICK FARMS SUBDIVISION**

Mr. Kellard, Kellard Engineering was present representing the Applicant.

Chairman Schech stated we just received the EIS today so we did not have time to do anything on it.

Mr. Kellard stated I am only here to make the request of the Board receive the document to begin this review. That is my only purpose here.

Chairman Schech stated okay.

Chairman Schech stated one thing that we have is the Burdick property, we have to take that one road the one all the way over to the right that is on the other side of the Burdick property where you are going to come out that is going to be off.

Board Member Rogan stated it was the alternative that you show that did not go through.

Mr. Kellard stated we would like to keep it in the document as an alternative. We also took Mr. Burdick's letter and included that in the Environmental Impact Statement also. Our reasoning is to show New York City the crossing of the wetlands that we have looked at alternatives and that there are no practical alternatives available to us.

Board Member Rogan stated Rich, I have one question that I might as well ask now. The alternative that we are showing currently which proposes to bridge the section of wetland at the southern most part of that crossing area.

Mr. Kellard stated that is the proposed action.

Board Member Rogan stated right the proposed area, was it this Board that recommended that it be a bridge because I am trying to compare that crossing to something like Sypko that we just did where we did I think it was probably a boxed culvert.

Chairman Schech stated that is basically what they are proposing.

Ted Kozlowski stated Sypko was a stream this is a wetlands.

Board Member Rogan stated that is what I am saying Sypko is a stream with more velocity than what this is.

Rich Williams stated we recently did a site walk out there again another site walk on Burdick Farms and it was during that site walk that the subject of potentially moving it down from where it was reviewed the last time doing a stream crossing and doing it with a bridge was first brought up.

Board Member Rogan stated okay because I don't know that I have any preference. It would seem that if you could bridge something and at least not have an impact directly to the wetland certainly both sides of the bridge would have an impact on the buffer but the wetland is pretty narrow in that area. I am wondering whether or not it should be looked at similar to Sypko with a I don't know what is proposed now whether it is a span bridge or whether it is a box culvert type scenario.

Mr. Kellard stated we actually proposed a double arch because of the span across the wetlands so much. I believe it is close to seventy some odd feet. We couldn't span that complete seventy feet even with two box culverts, it would take multiple box culverts so we proposed two arches so we are proposing a footing in the wetlands between the two arches which span approximately eighty feet.

Board Member Rogan stated so that would reduce, that in affect spanning it reduces the grading that would be required in other words if you went with box culverts you would have a lot more grading that would be required in the wetlands.

Mr. Kellard stated much more grading.

Ted Kozlowski stated box culverts would be much more disturbance.

Board Member Rogan stated so in other words this option it would be lesser of the two impacts.

Mr. Kellard stated we tried to minimize the impacts by doing the arches.

Board Member Rogan stated I am just curious because I didn't remember how we derived at the idea of a span versus something like a box culvert.

Rich Williams stated and I just want to add in here that it is difficult to evaluate the impact without actually ever having ever reviewed the design. It is just a concept because we have not seen anything yet.

Mr. Kellard stated and we provided the details within the Impact Statement and on the preliminary subdivision plan which along with the document we have revised a plan package we revised it as of the date of the document. There were some minor changes to the plan based on the documents.

Board Member Rogan stated the other thing that I was surprised at reviewing the set of plans that we got within the last few weeks, the full set of there were everything from grading plans to erosion control, etc., the corner that we are talking about at Ice Pond and Bullet Hole the proposed possible realignment of that corner I was surprised to see that the proposal was to grade from the roadway back up to the residence as opposed to some type of wall I don't know what the grade is proposed at and maybe you know but it seems like the grading from that road is going to just be a sharp bank right up to the edge of the persons deck and I am wondering if anyone on the Board has any ideas about whether that is preferable to some type of retaining wall. I don't have any real preference but I am just putting it out there as a thought.

Chairman Schech stated well that is if they can make a deal with the homeowner.

Board Member Rogan stated right but this is all assuming that,

Board Member Montesano stated depending on the retaining wall that means every time a plow comes by, Board Member Rogan stated well even on a step back type idea it makes no difference to me I am only putting it out there for discussion.

Board Member Montesano stated I am just saying that one thing that I would be worried about is that one day that the storm is there and the guy hits it with the plow.

Chairman Schech asked have you approached Army Corp. on the bridge yet.

Mr. Kellard stated it hasn't been submitted to Army Corp. but it will be. There will have to be an application to Army Corp. and I believe they will be an involved agency in the process.

Rich Williams stated they don't really participate in SEQRA because they are a Federal Agency.

Mr. Kellard stated they won't be notified.

Rich Williams stated generally we don't circulate to them no.

Mr. Kellard stated we can ask our wetlands consultant to make sure that they send the report to them.

Chairman Schech stated because otherwise we will be spinning our wheels if they decide to come through and say no.

Rich Williams stated we don't have a problem including them. There is no prohibition to that.

Mr. Kellard stated it probably would be the easiest step is to include them on the list of agencies which receive the document.

Chairman Schech stated okay see you next time.

Mr. Kellard thanked the Board.

Board Member Pierro stated before we adjourn that Mr. Chairman I would like to inform the audience about what all of this was all about if you don't mind. On February 26th the Burdick Family submitted a letter basically outlining their exclusive use of the northern part of McManus Road where this Board had discussed a secondary access point through a wetlands after receiving the information a copy of the easement agreement that was used to convey that property this Board took off the table the use of any secondary access road on the northern part of McManus Road so we are back to using an area near the turn around if you know where that is and that is less not that it is any less viable but it is less wet of a wetlands it is more of a rocky drainage area still vitally important basin but we felt that a bridge over that wetlands would be safer and less invasive. Also, I would like to see this letter as part of the minutes of this meeting.

Board Member Pierro asked okay Rich yes or no can we read it in or,

The Secretary asked just the letter itself you don't want any of the deed information.

Board Member Pierro replied no the letter is fine.

Mr. Kellard stated as I mentioned before the letter is within the document and it is part of the Environmental Impact Statement also.

8) THOMAS SUBDIVISION

Ms. Theresa Ryan, Insite Engineering was present representing the Applicant.

Board Member Rogan stated Theresa, I wish that all your engineers and all their infinite wisdom could come up with an alternative to these stormwater basins maybe something that like boils the water out, rocket science. There has to be a better alternative to these things.

Ms. Ryan stated the last time we were here we had a sketch submission and the Board was fairly good with the layout so we went ahead with a preliminary application. We have Rich's little review.

Chairman Schech stated I was discussing with Rich and I don't know do you think we could have an alternative here with a cluster zone.

Ms. Ryan stated we could do a study on that. We did the lot count and it said we could have nine lots so if we did a cluster we would be clustering probably eight lots there because we already have one lot here that would leave eight down at the bottom clustered. If that is what you want us to look at it.

Chairman Schech stated I would like to look at that so we have an alternative.

Ms. Ryan stated there would be more disturbance but okay.

Board Member Rogan stated I am kind of happy with what we have.

Ms. Ryan stated there probably would be more disturbance because now we only have three lots.

Board Member Rogan stated and we have clustered those three lots into an area, I mean the disturbance into one area. What would be the,

Board Member Pierro asked the advantages of doing a cluster zone.

Rich Williams stated I think the issue is this, right now they are proposing to basically create an easement for a way of access which the Board typically doesn't like. It was also within the development overlay zone the Town recently adopted. The question is whether the Board is comfortable or more comfortable with this current scenario providing access by easement, having a homeowner association created to maintain the road and the drainage improvements or would they like to see that road broken out into its own separate lot, each one of the individual houses could be placed on its own individual lot of an acre to an acre and a half and then the remaining area surrounding all the lots, all the houses would be held in common by the property owners as protected open space. The upside to that is you are going to make most of that site and maintain it in its open natural position. The down side to that of course is that you are limiting the property owner's use of the overall site. Something that was pointed out to me today is that there is a potential that the large property there may eventually like to have horses with a barn, certainly if you place that parcel along with the one acre lots they would not be able to do that.

Board Member Rogan stated plus that does not sound like that would be something that the large lot to the rear the property owner would want to do. Is that what you are talking about that would also end up on a one acre.

Rich Williams replied right.

Board Member Rogan asked is the property owner here. I can't see.

Ms. Ryan stated that is not what their goal is.

Board Member Rogan stated I wouldn't imagine.

Ms. Ryan stated the way we have it laid out now is pretty much they wanted large lots and they wanted to leave the existing house on a large tract of land and they had said they wouldn't consider a conservation easement at this point but they would prefer just to have a deed restriction instead of a conservation easement. The deed restriction would just say no further development from any of the lots.

Rich Williams stated the difference between the two is a conservation easement would limit the property rights what they could do on the overall property. The deed restriction is just against further subdivision. They would be able to still go in, do clearing and put up whatever structures they want or use it any manner that is consistent with zoning.

Board Member Rogan stated you mentioned the idea of creating I guess what would be a fee simple parcel for just the road that would then allow it to be dedicated to the Town. It would be a Town maintained road.

Rich Williams replied well it could be offered for dedication if it was its own separate fee simple parcel. The other question is what road standards would you then apply. Right now they are proposing a sixteen foot wide common driveway basically a driveway to improved standards. The Town would never take anything like that. They would want them to build it to town road standards with a different base and different width and normal drainage so it would never actually be accepted by the Town unless it was a Town road constructed to Town road standards.

Board Member Rogan stated it is not a very extensive road.

Ms. Ryan stated the majority of it too is an existing driveway. The majority of it is just to widen it. She showed the Board on the plan the existing driveway and the new portion of the driveway.

Board Member Montesano asked Craig, we are going to put a deed restriction on that says that can't be subdivided have we run into problems with that in the past.

Craig Bumgarner stated yes it is not a great way to go (unable to hear the rest of his statement no microphone).

Board Member Montesano replied thank you. So, as far as I am concerned a deed restriction saying you are not going to develop it is a waste of time and money.

Craig Bumgarner stated you might be better off even if we left them plenty of room to do things around it maybe the Board could come up with something they felt comfortable with on a metes and bounds or limit of disturbance or something like that and still leave them plenty of property that they can use.

Chairman Schech stated the only thing that we can see coming up is the view shed and if you have a hundred foot by two hundred foot indoor riding ring spring up there over night.

Ms. Ryan asked is that permitted because whatever they could put on this property is whatever is permitted by Code.

Board Member Montesano stated also there is something that I believe we have in this Town called a variance that can be obtained and if you have x amount of acres I am sure a variance could be obtained.

Board Member Rogan stated well it is not to say that some type of use for horses would be objectionable I don't see that is not a sticking point for me.

Ms. Ryan stated there is not going to be any further houses there.

Board Member Montesano stated at the present time there is not going to be anymore houses.

Board Member Rogan stated we are talking about a four lot subdivision.

Ms. Ryan stated and if they can come up with some kind of language they really don't intend to further subdivide it.

Chairman Schech stated we have heard that one before.

Board Member Pierro asked can we put it on the plat that any further subdivision would require; Board Member Montesano stated no it does not work.

Rich Williams stated no that does not work at all, a deed restriction is much better but what if we did a deed restriction and a conservation easement.

Craig Bumgarner stated I don't see why you would have to do a deed restriction and all I am saying is you don't have to restrict the whole thing or reserve a lot section. We are just saying do metes and bounds and leave them an envelope or something like that and do your conservation easement off of that.

Board Member Rogan stated if you look at the slopes on this lot too a majority of this lot you are not going to put up a horse stable on some of that area it is thirty and forty percent grade.

Rich Williams stated you know I try to stay objective but this is exactly the parcel that somebody is going to come in and pull a building a permit to put a second house and put it as high as they can on the ridge and we got one on the end of Big Elm that did just that.

Board Member Montesano stated and also you got one going up right now that we just had on the first part of this meeting that he is building on a hill that leaves you with an awful lot of problems.

Board Member Rogan stated then why don't we re-visit our Zoning Code and talk about ridge line development and pulling these houses down off the hill maybe that is what we should do.

Rich Williams stated you have to take it to the Town Board I can write it it is no big deal.

Board Member Montesano stated that is good but right now we have got to find a way that I feel satisfactory with.

Board Member Pierro asked so a conservation easement would limit the areas where they could develop like a riding ring or.

Craig Bumgarner stated I am saying pick an envelope and leave an envelope for continued accessory structures and if it is the ridge line you are worried about or whatever then have a metes and bounds that would.

Ms. Ryan stated I will talk to the Applicant because he had really said he didn't want to do a conservation easement.

Board Member Pierro stated the only two possible places on the site would be to the left of the house at the top of the road and to the lower right of the existing house.

Board Member Montesano stated what I am looking at is this twenty years ago when people tried to build there was prime land and people bought it and they built on it and then suddenly what was left over is being built on today and what is going to be left over today somebody will try to figure out how to put a house on it and since there is no limitations on engineering.

Board Member Rogan stated that we have got to address it with our zoning.

Board Member Montesano stated we try but zoning changes also so the idea is our main thing is to look for the future and try to plan for it although we seem to have a lot of objections about planning for the future.

Rich Williams stated Theresa, if you go back to Mr. Thomas and explain we can structure a conservation easement probably to meet his goals and ours.

Board Member Rogan asked how do we want to proceed with this roadway. We had not really decided what we want to do this with in terms of right now it is proposed by easement which Rich had said the Board generally does not like.

Ms. Ryan stated there is a section which I pointed out too there is a section in your Code which lets these lots if they are on a State Highway that permits them to gain access through an easement.

Rich Williams asked there is a section in our Code.

Ms. Ryan replied yes. She looked for it in her documentation.

Board Member Pierro stated we ran across that once before Rich but I thought it was something completely different.

Ms. Ryan could not find what she was referring to.

(Too many conversations going on at the same time unable to transcribe).

Chairman Schech asked what were you talking about a homeowner association taking over the road.

Chairman Schech stated Theresa also look into a homeowner association for the maintenance of the road and the detention basins.

Craig Bumgarner stated if you are not going to have any open space areas setup don't do a HOA just do a maintenance agreement.

Chairman Schech stated for the detention basins and road.

Craig Bumgarner replied yes.

Board Member Rogan asked do those maintenance agreements for roadways do they put more burden on the person further in.

Craig Bumgarner replied I have seen them many different ways. Some just chop it up in four, some do percentages.

Board Member Rogan stated because I saw one let's say it was on a four lot subdivision where the first quarter of the road was split four ways, the second quarter was split three ways so the guy at the end by the time you figured it out the guy at the end was paying about eighty-five percent of the total maintenance because he was paying all of the fourth, a third of the third you know down the line.

Craig Bumgarner stated I recently did one for a Client in Carmel where the person in the back took it all the way through their property then through Lot 2 it was split between Lot 2 and Lot 3 then when you got to Lot 1, 1, 2 and 3 split the maintenance. This you do have a turnaround there so you might not want to do it this way because if they are going to stop maintenance at the turnaround and this person at the end is going to be taking care of the long stretch of driveway anyway (TAPE ENDED).

Craig Bumgarner stated they have their own significant expense there.

Board Member Montesano stated that is why when you say you are going to give them a right of way it drives you crazy. That is why it is easier to say put a road in.

Board Member Rogan asked Rich what are the minimum Town Road specs that the town could accept.

Rich Williams replied that the Town would accept as far as I know the Town is not going to accept anything less than a 12 inch base, top coarse, 24 foot wide, (unable to hear the rest of his response).

Board Member Rogan stated which clearly isn't needed in something like this for a couple of lots.

Rich Williams stated no but the Planning Board can down size the standards it is just going to remain private.

Board Member Rogan stated I see so we can down size the specs but then the Town will not take ownership so there is no point.

Rich Williams stated it has to be brought up to Town Road specs.

Ms. Ryan asked so getting back to the cluster do we do that because if we do we are going to do eight.

Chairman Schech stated no.

Rich Williams stated I believe the only other real issue that we need to get over in order to proceed with this project is the issue with the stormwater basin by the road and I just want to hear that the Planning Board is as comfortable as you are ever going to get.

Chairman Schech stated there is no solution to it where else are you going to put it.

Board Member Rogan stated I would love to say we would like some screening between there and the road but we don't want to reduce the sight line distance either that is a terrible area unless you can figure out how to get water to flow up we are as comfortable as we will ever be I think. I would have rather have you disintegrate the water or something.

Ms. Ryan asked start SEQRA declare your intent.

Chairman Schech asked are we ready.

Rich Williams stated I suppose.

Board Member Rogan made a motion in the matter of Thomas Subdivision on 469 Route 164 that the Planning Board declares their intent for Lead Agency. 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.

Ms. Ryan thanked the Board.

Rich Williams advised the Chairman that Mr. Tretsch from Putnam Engineering might be a few minutes late.

9) NEW ENGLAND EQUINE PRACTICE SITE PLAN

Mr. Joe Buschynski, Engineer with Bibbo Associates, Harold Lepler and Dr. Cook were present.

Mr. Buschynski stated we didn't submit this with the application back in December. This is a schematic of the building, a floor plan on the second sheet. (He handed copies to the Board).

Chairman Schech stated we haven't had the wetlands delineated yet right, staked.

Mr. Buschynski replied we have but one of the issues outstanding is addressing the comments on the wetlands received by Ted. Joe Bridges is our wetland consultant and he will be contacting Ted and the DEC also next week now that the snow is gone. The question is, it is concerning the lawn areas basically, here is the house site, the lawn areas to the south of the house site whether they are indeed hydric soils and should be included as wetlands. That will be resolved in the coming week or two.

Chairman Schech stated and also along the parking areas too.

Mr. Buschynski stated the wetland parking area that Rich mentioned as a concern perhaps could be pulled back. We are proposing that this is approximately fifteen or twenty feet we can pull that gravel out and bring that back to vegetation actually I would like to bring a drainage swale through there.

Chairman Schech stated and also wherever it ends up also we would like to see some sort of barrier.

Mr. Buschynski stated we are fencing.

Chairman Schech stated because these things tend to grow over the years.

Mr. Buschynski stated there is a perimeter of security fence, a horse farm fence around the entire site which we would delineate along that edge.

Chairman Schech stated either that or you know it does not have to be anything elaborate it could be a wooden guide rail with posts.

Mr. Buschynski stated for consistency we kind of prefer the fence.

Board Member Montesano stated do you have a lot of replacement boards. I saw those guys backing out.

Chairman Schech stated also we have some remedial situation with the stream. Something has to be done with the stream because it has been totally destroyed in certain areas.

Mr. Buschynski stated there is a combination culvert slash crossing at this point. The concern is the upstream.

Ted Kozlowski stated well it is collapsed and what it now has done has collected debris and now the stream has gone over, around it, under it. There is a lot of remedial work that is going to need to be done there.

Board Member Pierro stated and it looks like the current owner does remedial work whenever he sees fit. That really has to be cleaned up, in addition to that if we are going to do any work on that bridge then we need to get the debris and a couple of old sheds and a lot of garbage, Ted stated it is a junk yard back there. Board Member Pierro stated it has got to get taken out. I understand that he sold the steel, he has a couple of big trucks and that is going to disappear real soon.

Mr. Buschynski stated part of the contract is the removal of all material on the site and that would include that side of the stream.

Rich Williams stated if I could just expand on all of this when we were out there doing the site walk we identified that there was a significant erosion problem going on with that stream and I believe what we put in the site walk comments were at least at the bridge section we would just like the engineer to take a look at it and give us an opinion on what he thought the issues are and how it might be addressed and then we were going to take a look at that and see.

Mr. Buschynski do you have a comment list.

Rich Williams stated we sent you the site walk comments I believe.

The Secretary asked Mr. Buschynski if he got them he replied no.

Mr. Buschynski stated if you could send them to me tomorrow.

Chairman Schech stated because basically it is for his own protection because we want to get the stream back into the flood plain where it floods not out into his property.

Ted Kozlowski stated actually they created the problem by putting a stream crossing in there. If there was no stream crossing we wouldn't have the issue.

Rich Williams stated if I could just jump in again, a good portion of the problem is somebody excavated out many, many years ago that stream and destroyed the stream channel not so much on this property but on Clancy's property and that has led to the considerable sediment coming down the stream, building up sand bars right here at this where the water velocity steps down.

Ted Kozlowski stated right but this bridge or whatever you want to call it, Chairman Schech stated certainly doesn't help it. Ted stated it has collapsed and debris has collected in front of it causing a dam and there is scouring going on and all sorts of stuff so it has to be corrected and I don't know if it is up to the new owners it really should be the owners of the property.

Mr. Lepler stated under the contract of purchase the present owners have the responsibility to remove the sheds, the heavy equipment and they are going to clean the site to where it could be fully restored, the fields, (unable to hear the rest of his statement no microphone).

Ted Kozlowski stated the only thing that I would be cautious of is that there is a problem there it has got to be fixed but it has got to be fixed right. You can't just have somebody in a machine go over there and start digging around and pulling it out. Really, Joe you should probably design the way it should be fixed. I don't want to see a guy in a backhoe in the stream mucking around with that thing. Chances are they are probably not going to know what they are doing.

Board Member Rogan asked wasn't there debris on the other side of the stream as well and so removal of that we would want to make sure that was done not by traipsing back and forth across the stream.

Ted Kozlowski stated that is a DEC stream I don't even know if it would be a remedial action on our end and probably wouldn't need a wetlands permit but I don't know if you need a permit from the State. I don't know.

Rich Williams stated it depends on, Ted Kozlowski stated I don't know if they would look at this as remedial to me this is remedial. This is not something you know that you are planning to do. It is an accident that happened that needs fixing but it should be done right.

Chairman Schech stated just make sure in the contract that this all should be done the way the engineers say it should be done otherwise it is going to fall on you to get it done.

Mr. Lepler stated Joe designed and dealt with the installation and replacement of a bridge structure at (unable to hear) brook on Gage Road. It is a trout breeding stream and did it on behalf the Applicant, the Town of Southeast with the DEC, DEP and everyone else involved and (unable to hear the rest of his statement).

Ted Kozlowski stated I have to ask, do you need a crossing does this Applicant need a crossing. If not then the best thing to do is clean up the other side of the stream and take the bridge out and let it go back to being a natural stream and let the next guy worry about crossing it if he wants to come through with a permit.

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

Mr. Cook stated from time to time we will walk horses in areas that we are allowed to walk horses so if at all possible we would like access to that property.

Ted Kozlowski stated you would not want to walk horses across that now.

Mr. Lepler stated you are really looking for vehicular and non-vehicular access,

Ted Kozlowski stated you have to determine what you want to do. It has to be fixed. All I am concerned with is that it gets fixed right and if it is for horses and pedestrians only then (unable to hear the rest of his statement – no microphone).

Rich Williams stated if I could just address one more issue, the material that is on the western side of that stream some of it is considerably large and poses a very great danger to damaging that stream if it is not taken out in the proper manner and I would like to recommend that nothing be taken off of that site west of the stream except under the supervision of the Town.

Ted Kozlowski stated it could be cut up on that side and then pieced across.

Mr. Lepler stated can I volunteer something on that, we could use highway steel pipe from the interstates, pipe it over there temporarily (unable to hear the rest of his statement).

Rich Williams stated Harold; I am not saying that it can't be done. It can be done. I am just saying let's just make sure it is done right and it is supervised.

Mr. Lepler stated I don't disagree.

Board Member Pierro stated it is not our intent to make this anymore difficult than it has to be. We don't want to cost you guys a ton of money when you should be spending it cleaning up the other major issues in the front.

Mr. Buschynski stated another issue that was noted in the memos, initially we had a discussion about the gravel drive and there was some thoughts about curbing the edge of the drive with Belgium or Uni-lock stones. My recommendation is that, that be deleted because of the drainage patterns on the site. What we are attempting to do is collect all the runoff by way of swales bring it to the pond. The logical place for a curb would be on the outside edge and I am obstructing drainage. I would really like to ask your consideration for deleting that.

Board Member Pierro stated I thought our original discussion was because we were concerned about the material that was going to be used in the driveway.

Rich Williams stated the issue is basically they are proposing Item-4, they are calling it gravel but they are proposing it as Item-4. Item-4 basically the fines it becomes for all intensive purposes impervious. There is

no real advantage from the Town's point of view between that and blacktop which is our requirement. What was discussed at the time was using a washed or $\frac{3}{4}$ inch stone and the problem with that it spreads out and they suggested using Belgium block. I understand what Joe's concern is and it is a valid concern. I still have a problem with Item-4 though.

Chairman Schech stated Item-4 the fines tend to wash out but after awhile it stabilizes and stays there initially they will.

Rich Williams stated the problem is most people suggest putting in gravel driveways as a method of minimizing stormwater runoff water quality and then in affect what they do is they put in Item-4 and it has absolutely for all intensive purposes no different between blacktop as far as runoff goes. For me if you are going to put in gravel driveways then you have got to put in gravel that is going to aid water infiltrating into the ground, $\frac{3}{4}$ inch stone will do that Item-4 won't.

Mr. Buschynski stated we also got the horse consideration.

Board Member Montesano asked would pea gravel be better.

Mr. Buschynski stated I am trying to come up with something that has some fines in it.

Chairman Schech stated but then you have to contain the gravel.

Rich Williams stated yes I think we are going to have think about it.

Mr. Lepler stated $\frac{3}{8}$ gravel or pea gravel washed are fine for the horses and that allows for the water infiltration.

Rich Williams stated I don't think it is the gravel so much as the issue it is the Belgium block. It creates a barrier from the water.

Board Member Rogan asked but aren't they saying with regular gravel you would get absorption.

Mr. Buschynski stated it is going to roll without curb it is going to roll from the outside in.

Chairman Schech stated what you do is you put a flush curb in there just to contain the gravel. It does not have to be exposed put it flush to the soil so you don't lose all the gravel in the grass.

Rich Williams stated Herb, the problem is the gravel with the edging on it is going to create a channel that is going to fill up with a water and unless there is some way that the water can get out the other side through putting in holes or something in that Belgium block which then you have another method for the gravel to spread out. You created basically a channel especially in the winter that is going to freeze up and you are going to have an ice skating ring out there within that road area.

Board Member Di Salvo stated when I was in Westchester we used millings at a farm, ground up blacktop do you use it up here at all.

Mr. Lepler stated it would be the same thing as blacktop. (unable to hear the rest of his statement).

Chairman Schech stated okay let's get the place cleaned up.

Mr. Lepler stated if I may, Ms. Keasbey and Mr. Utter spoke to myself and I spoke to Dr. Cook regarding a potential deed transfer to the open space conservancy that hopefully can be done as a lot line adjustment. I thought that should be mentioned and discussed now and then again at a public hearing.

Board Member Pierro asked for what portion of the property.

Ms. Keasbey showed the Board on the plan. The area abuts the recent Stephen & Rebecca Kessman piece. It is a just a lot line adjustment. The actual line it would go to I can't speak for that it has to be worked out but basically pulling this line back.

Rich Williams stated they are a separate parcel already so if they wanted to actually just sell them off they could.

Mr. Lepler stated if it is deemed a separate parcel by this Board and no other action would have to be taken I certainly want that as a matter of public record. Dr. Cook and Dr. Bradley are in agreement with doing that. (Hard to hear his statement no microphone and others were speaking at the same time).

Board Member Rogan asked when land becomes owned by you said Nature Conservancy,

Ms. Keasbey stated what we are trying to do is put 500 acres contiguously with each other and then the State pays taxes on it.

Board Member Rogan stated that was my question if anyone pays taxes on it.

Ms. Keasbey stated and that is why we are trying to tie these things together plus it is back there in DP-22.

Board Member Montesano stated and that is every hundred years they pay taxes on that right.

Ms. Keasbey stated this is the Forestry something that it is under so it is not the other way of DEC doing things they don't pay taxes this does and that is important.

Board Member Rogan stated that is important even under what you are proposing they would still be able to walk their horses back there under the new ownership under the Nature Conservancy because it is passive recreation.

Ms. Keasbey stated the DEC would take ownership eventually. Nature Conservancy is one of our partners and part of their partnership is doing a lot of the legal and that kind of work that we don't have the expertise to do and they hold it until this group comes together.

Board Member Rogan stated good luck.

Rich Williams asked the Board if they wanted to do intent for Lead Agency.

Board Member Rogan made a motion in the matter of New England Equine Practice that the Planning Board declare their intent for Lead Agency 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.

10) D'OTTAVIO SITE PLAN 'A' and 'B'

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

Mr. Nichols stated we reduced the pavement area by having only one entrance road. We made it a circulation road.

Board Member Rogan asked is that what allowed us to move that basin that was originally shown up front.

Mr. Nichols stated and we saved the Pine Tree.

Board Member Rogan stated we are waiting on your easements.

Mr. Nichols asked Mr. D'Ottavio didn't forward those to the Board.

The Secretary stated he was in the other day and said he was waiting on the attorney.

Chairman Schech stated and we are waiting on them.

Board Member Rogan stated Harry; we are going to be ready to rock and roll on this once we get those easements.

11) BILL HENRY TREE SERVICE SITE PLAN

Mr. Chris Caralyus, Engineer with Buyer & Associates was present representing Applicant.

Chairman Schech stated the detention basin you are running into has to be re-designed right.

Mr. Caralyus replied that is correct we are in the process. We are finishing the stormwater management and updating the basin, stormwater reports (unable to hear the rest of his statement).

Chairman Schech stated and also we need the easements and all that nonsense.

Mr. Caralyus stated we are going to need a drainage easement.

Board Member Rogan asked who handles maintenance of that basin that you are dumping into.

Mr. Caralyus stated I believe the previous subdivision they had something from the start of the this project the maintenance agreement was sort of like a gray area and I think at this point all the landowners have come together and have an agreement on the road and I believe the stormwater basin is part of the agreement.

Chairman Schech stated well we are going to have to see that somewhere along the line.

Rich Williams stated it is on file in the office. The maintenance agreement between Macal and the property owners.

Board Member Pierro stated but Henry wasn't included in that was he.

Rich Williams stated no he was not.

The Secretary stated so it would be updated.

Chairman Schech asked do we have comments on this.

Gene Richards replied you do from our office.

Chairman Schech asked Mr. Caralyus if he got a copy to which he replied yes.

Mr. Caralyus stated I guess one of the first things is we will set up a meeting with the Town Engineer and once we finalize the Stormwater Report that will also be forwarded the Town Engineer.

Board Member Rogan asked why are they proposing gravel in the back parking lot.

Mr. Caralyus replied really it was more for because of the storage of materials and as the site plan is evolving we were asking for a waiver for the asphalt requirement. I don't know if the Board is going to entertain that at this point.

Chairman Schech stated if it is more equipment storage we would rather see something, Mr. Caralyus stated it is for material storage, equipment storage will be inside the building.

Board Member Pierro stated knowing Bill Henry he is not going to like that white dust all over those red trucks anyway.

Mr. Caralyus stated at this point it is proposed to be gravel.

Board Member Rogan asked is it solely because of material storage.

Mr. Caralyus replied yes for the most part. I think Mr. Henry at this point we can stay underneath the threshold for DEP Stormwater Pollution Prevention Plan if we were to pave it however it was proposed to be gravel from the start due to the movement of the equipment in the back and the material that was really the main reason.

Chairman Schech stated Item-4 is still an impervious surface more or less. It does not drain that well which we just went through.

Board Member Montesano asked can we do something to clarify when Applicant's come in that Item-4 is Item-4, gravel is not considered by us as Item-4. When we are talking driveways and stuff like that we say gravel and everybody comes in with Item-4. I would like to delineate the fact that Item-4 I don't consider gravel.

Rich Williams stated that is up to you guys in your reviewing. That is the direction that I have been taking in my memos now for a long time.

Board Member Montesano stated I have a problem with it everybody comes in and says gravel and when you go up and look at it, it comes out to be Item-4. I don't consider it.

Rich Williams stated but we are now requesting on the plans the material.

Chairman Schech stated if he is just storing material on this that is fine. If he is going park equipment on it it is not fine.

Mr. Caralyus stated at this point Mr. Henry has agreed to and is planning on storing his equipment inside the building.

Board Member Rogan stated that is an awful lot of parking spaces. Are these parking spaces because of the requirements for the size of the building because it is not like it is a business where people are going to be coming and going.

Rich Williams stated we look at general parking requirements on the site there are a certain minimum standards i.e. what happens if Bill Henry in two years sells it to somebody else and we design a site that has no ability to provide that kind of parking.

Board Member Rogan stated I guess the question becomes they have the area they don't stripe over gravel do they for these spots.

Rich Williams replied no if we were doing gravel we would do some sort of thing like tire stops.

Mr. Caralyus stated on the latest submission we have provided curb stops.

Board Member Montesano stated if you look at Noletti's it went from being a retail business with people to now it is not. You have to have it in there.

Board Member Rogan stated I agree with Herb on the gravel.

Rich Williams stated while we are doing all this let me just add that if you were to say go ahead and just make it an Item-4 parking area we probably would ask Chris to put a note on the plans which says contractor's yard is Item-4 any change of use parking lot is to be paved.

Board Member Rogan asked Chris, are they proposing for the area that says firewood, miscellaneous, woodchips, etc are we planning on having some type of bin storage there to contain it.

Mr. Caralyus replied yes essentially it will be bins that say concrete blocs delineated until we labeled it it was sort of up in air on what he was storing there. We tried to finalize that.

Chairman Schech stated so do you want to make a motion also install on the plat the fact that in case the use changes for the building the parking area will be blacktop.

Rich Williams asked what is the surface.

Chairman Schech stated from Item-4 to blacktop.

Board Member Pierro stated for the material storage area.

Board Member Rogan stated he is talking this whole area.

Chairman Schech stated they will be basically using the whole area for material storage I imagine not just those couple spaces.

Gene Richards stated that is not what he is showing on the plan.

Mr. Caralyus stated right now we are just showing these areas and the required parking on the site.

Board Member Pierro stated we made D.E.W. and Macal put catch basins in and all.

Chairman Schech stated if he is not storing any equipment on the outside.

Board Member Rogan asked Rich, D.E.W. and Macal had equipment storage.

Rich Williams stated well there was some gray areas where they had storage.

Board Member Pierro stated let's be consistent.

Rich Williams stated some of it was paved a lot of the back was not. A lot of the back storage areas behind the building were Item-4.

Board Member Rogan stated as long as we are consistent I agree with Dave.

Gene Richards stated where they parked the cars was paved.

Board Member Pierro stated that is what I want to see.

Board Member Montesano stated you want it paved where they designate the parking areas. You are not going to park people coming to work you are not going to park in the barn itself.

Board Member Rogan stated pave everything but the equipment areas.

Board Member Montesano asked those designated spaces are the ones you are looking to get paved.

Rich Williams stated how about doing half and half and putting a note on the plan saying no parking of equipment or vehicles except on blacktop areas something along those lines.

Board Member Montesano stated that would be sensible.

Rich Williams stated how is that.

Chairman Schech asked where are we going to have the blacktop areas though.

Board Member Pierro stated we have to make them stand up to the same standards as they did a hundred yards away.

Mr. Caralyus stated I will discuss it with Mr. Henry. In the end the majority of this parking area is parking except the center portion. I will discuss it with him and he might end up wanting to pave the whole thing.

Chairman Schech stated pave the whole thing except for the storage areas. It probably will be easier to pave the whole thing instead of having strips of blacktop here and there and it is all going to break up after awhile.

Board Member Rogan stated despite his history of being slow on this project I am sure now he is under a little bit of a time crunch and wants to get this going.

Chairman Schech stated take care of the blacktop issue and all of the Town Engineer's issues.

Gene Richards stated Chris, you have to call and set up a meeting work it through Rich and we will meet here at Town Hall.

Mr. Caralyus thanked the Board.

13) HANSEN SUBDIVISION

Mr. Gary Tretsch, Putnam Engineering was present.

Board Member Rogan stated Gary, the one issue that we had asked you to take a sincere look at was the entrance or the area where Farm to Market Road meets the driveway on the property to the right, I guess to the south what improvements have been planned there.

Mr. Tretsch stated there really wasn't much that we could do here. What we did do to compensate was to provide for a turnaround up where there was a shed. The shed is taken down and a turn around was provided. You can turn around up here and go back down. We also proposed to extinguish the driveway that is going to remain so that they can pass through, Craig did you get that.

Craig Bumgarner replied yes.

Board Member Rogan asked are they planning to improve that then.

Mr. Tretsch replied not improve it no.

Board Member Rogan asked beyond what it was when we were out there.

Mr. Tretsch replied this will remain as is (referring to the plan).

Board Member Rogan asked wasn't it just like a dirt travel way.

Mr. Tretsch replied yes it is just a connection. It is not going to be used continuously or constantly just as another option because of the constraints that are at this driveway.

Chairman Schech asked what was the constraints down there I forget I know if you wanted to get in,

Mr. Tretsch replied there are stonewalls, their septic system is right here in the front yard and there is stonewalls; it is very difficult to make the right turn out.

Board Member Rogan stated but likewise coming into the property.

Chairman Schech stated and trying to get into it from Patterson you can't do it either.

Mr. Tretsch stated with a broken move you can.

Chairman Schech stated that is what we were trying to avoid.

Board Member Rogan asked you can't take any of the northern corner out of that.

Mr. Tretsch replied no there is a stonewall that runs this way. It is elevated from Farm to Market at the shallowest dimension probably five, six feet.

Board Member Rogan stated then I guess we are thankful that it is only one lot.

Chairman Schech stated I would say have them improve that connecting road so it is sort of safe. We had trouble walking down it the last time.

Board Member Montesano stated the object is you are trying to make it a safer way to exit and you are not gaining anything because,

Mr. Tretsch stated I think what we did discuss was to get a turn around up in here and that is what we do show on the plans.

Chairman Schech asked is it going to work.

Mr. Tretsch replied yes. Most of you went up to this site, there was a shed there so we propose that is going to be removed and a turn around constructed up there.

Chairman Schech stated but it has not been done yet.

Mr. Tretsch replied no it is proposed.

Board Member Montesano asked why do they still want to leave that connection there.

Mr. Tretsch replied just as another option, we discussed that, we had,

Board Member Pierro stated I think leaving that other option is a good idea.

Board Member Montesano stated I don't recall saying that we couldn't do what we requested while we were having that discussion which I am getting the attention to now the fact that you still can't make that,

Rich Williams stated right we also had discuss that and we had also discussed the turn around.

Chairman Schech stated in lieu of doing anything here we really can't we provided the turnaround on site.

Board Member Rogan asked how long have those houses been there.

Mr. Tretsch replied the fifties. This one probably goes back to the thirties. It is a mother and a son.

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

Board Member Rogan asked Rich are we okay to wrap this up tonight aside from your comments.

Rich Williams stated you could I didn't do a resolution but you could.

Chairman Schech asked the turn around is workable and we can get a car turned around in there.

Mr. Tretsch replied yes. (TAPE ENDED).

Board Member Pierro stated there really is not that big of an area.

Mr. Tretsch replied it is twenty by twenty area off the driveway.

Board Member Pierro asked why are we letting him do it in Item-4.

Rich Williams stated that was my question.

Board Member Pierro stated it is a twenty by twenty area and I thought at the work session that we had said for that small of an area we might as well make him blacktop.

Board Member Rogan stated you are right.

Board Member Pierro stated you want to make it easier for people to turn around to use the turn around. If it is Item-4 you may have snow there it may not get plowed, cars may be inclined to back off I would rather see people use the turnaround area for what it is intended for.

Rich Williams asked no improvements being required on the (unable to hear too many Board Members talking at the same time amongst themselves)

Board Member Rogan asked ladies and gentlemen did we ask for any improvements on the northerly lot.

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

Board Member Pierro stated except that the road be kept open.

Mr. Tretsch stated a permanent easement will be provided.

Board Member Rogan stated but I recall at a time that it got cluttered up with cars and things remain there. I would like to see it.

Mr. Tretsch stated actually there are actually two connections. There is a lower connection which that is what is not used and then there is the upper connection right here.

Craig Bumgarner stated on the easement documents to say that it is going to be maintained and no parking.

Board Member Pierro stated right nothing permanent, temporary okay.

Craig Bumgarner asked you guys want to make sure that it gets maintained year round as well.

Chairman Schech stated I think it is more important to keep it open in the winter.

Board Member Rogan asked that is not enforceable is it, Craig realistically.

Craig Bumgarner stated actually you know where I think it could be important is if eventually I would assume that ownership will change hands in this and what you want to make sure is the person to the south who really needs that more than the person to the north has the use of it so the person to the south may want it open and the person to the north probably doesn't because he does not want to see somebody driving down his driveway so it is probably better off to put it in.

Board Member Pierro stated so let's put it in there.

Board Member Montesano stated put it in.

Chairman Schech stated I think that is a yes.

Board Member Rogan asked is that then a shared maintenance agreement or does the property to the south burden the full cost because they are the ones using it I mean quite honestly I almost don't see that it is a, what I mean the section between right now that is not shown on the map personally I almost think the property owner to the south should bear the burden since it is benefiting that lot. The northern property gets no benefit of that.

Mr. Tretsch stated this allows this lot the right of ingress and egress over this lot and vice versus.

Board Member Rogan stated the majority of it is on their own lot anyway. It is better than two thirds.

Craig Bumgarner stated the majority of both of them right is going to be on their own.

Chairman Schech stated the southerly house maintains the right of way there.

Board Member Montesano stated I think it would be easier because somebody has got to do it.

Mr. Tretsch stated I would rather see it shared myself.

Board Member Montesano stated you are right it is going to have to be shared because the guy on the northern part piles the snow up over there coming up his driveway and then the other guy has to try to get it out of there.

Craig Bumgarner stated the guy on the north probably will never go out the other way.

Board Member Rogan stated no he wouldn't have a reason to.

Mr. Tretsch stated he doesn't but I know now that he does on occasion go in this way. It just makes it easy sometimes to just go up so he can go out the other way.

Board Member Montesano stated make it that both of them have to do it.

Board Member Pierro stated shared maintenance agreement.

Rich Williams asked maintenance agreements are generally between two property owners, the Board is imposing a condition that it be maintained in an open condition during the winter, the Town is not really a party to that, it is not within our Zoning Code how do we enforce it.

Craig Bumgarner stated one party will have the right to, Rich Williams stated the Board is saying it has to be maintained in an open condition, both properties say screw it is that an issue.

Board Member Pierro stated no if they chose not to keep it open then fine.

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

Chairman Schech stated if they are happy with not maintaining it then they are happy with not maintaining it as long as when it does get sold and they come into us we say here it is this is the way it is supposed to be.

Board Member Rogan stated I guess as long as one of the houses wants it open throughout the winter then it has to be that is the intent right.

Craig Bumgarner stated it enforces it on the other person as well.

Board Member Pierro stated right but if they both chose not to keep it open then so be it. That is their issue.

Chairman Schech stated okay blacktop the turnaround and the maintenance agreement.

Rich Williams stated and the in between section stays as is.

Board Member Rogan asked we have had a public hearing on this right.

Board Member Montesano replied yes we did.

Rich Williams stated yes you are in a position to take an action tonight except I did not do a resolution because there were outstanding issues that needed to be addressed; I am not sure where we stand with the easement.

Craig Bumgarner stated I have the easement the only thing that I would say we will have to do a Schedule "A" on it. The language in the easement is okay.

Board Member Rogan stated we can wait until you are comfortable with it.

Mr. Tretsch asked can we make it subject to those two conditions.

Board Member Pierro replied I don't see any reason.

Rich Williams stated Shawn, you want to do SEQRA first and you want to put some time frames in there in which he has to meet the conditions.

Board Member Rogan made a motion in the matter of the Hansen Subdivision application that the Planning Board declares the project an un-listed action, conduct an un-coordinated review and issue a negative determination of significance of SEQRA and within the next 90 days,

Rich Williams interjected Shawn you don't need it there is a 180 days automatically.

Board Member Rogan continued with the motion to approve the subdivision on the condition of the easement being provided, the maintenance agreement being in place, the issues in the February 26, 2004 Planning Memo from Rich Williams and blacktopping the turnaround.

Board Member Pierro stated removing the shed and blacktopping the turnaround.

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.

Mr. Tretsch thanked the Board.

13) OTHER BUSINESS

a. Birch Hill Resident concerned about Sypko

Board Member Pierro asked what about these folks here.

Ms. O'Grady stated her name and that she is a resident on Birch Hill.

Ms. O'Grady stated I missed the beginning about the water cross and the wetlands.

Rich Williams stated Sypko.

Ms. O'Grady asked I was wondering what came out of that conversation.

Chairman Schech stated not much.

Ms. O'Grady stated I don't mean to take any of your time without people like you doing what you are doing we would end up like (unable to hear the rest of his statement, no microphone). Is there anyway that you could bring us up to date on what is going on and what came out of that.

Chairman Schech stated we are still working on it. We are not very happy with his drainage operation and we have to get that straighten out. Rich will probably be working with him for the next few months every two weeks on that.

Ms. O'Grady asked what is the exact situation.

Chairman Schech replied they want to build a house across the street basically from the Foster's.

Board Member Rogan stated the only reason they are before this Board is because of that stream crossing because they need a wetlands permit from us. If it wasn't for that they would go to the Building Department for a permit and the Health Department but because they are crossing that stream they have to come to this Board. That is the only reason that I understand it that we have any review of this project.

Ms. O'Grady asked and the land to the south on the same side of the street it is my understanding that there is over a hundred acres that was sold.

Rich Williams stated Robert Bauer.

Board Member Pierro stated Bauer's property just recently changed title.

Ms. O'Grady asked was there any discussion about building there or he would have to go through the same thing.

Board Member Pierro stated he has got access problems as well but this has nothing to do with Bauer's subdivision or potential subdivision.

Chairman Schech stated as a matter of fact his house is more or less below their cabin or whatever it is up there.

Board Member Pierro stated they have a hunting cabin up there. This does not impact that hundred acres at all. This is maybe a one and a half, two acre lot that sits on the side of the hill there.

Ms. O'Grady asked you guys have to go to the State.

Chairman Schech replied he has to go to the State.

Board Member Pierro stated we have reviewed this project at nauseous and he has still got some issues to clean up. It is a single-family house with a steep driveway.

Ms. O'Grady asked do they talk about how to cross it. It is an eight by eight or six by eight.

Chairman Schech stated he will have a final design.

Ms. O'Grady asked he has to come back.

Rich Williams stated we are proposing a box culvert crossing the stream to replace an existing 48 c.m.p. that was put in.

Board Member Pierro stated somebody threw in forty-eight inch corrugated metal pipe there and just back filled over it. We are making sure that he puts in a concrete crossing, a concrete culvert that maintains the integrity of the stream and we are making sure that he takes care of any runoff that comes down the driveway that then enters into the stream. We are making sure that there are trees planted along the sides of the driveway to keep the water cool so that it enters the stream at the right temperature.

Ms. O'Grady asked and his septic will be on that property.

Board Member Pierro replied his septic will be up on top where the house is.

Ms. O'Grady stated I appreciate your time and I am sorry to delay your meeting thank you.

b. Kozlowski Wetlands Permit

Board Member Pierro stated Ted, I think you really did a fine job so far in the planning end of this and I have no problem with it.

Board Member Rogan stated Ted, nice job on the plans other than the fact that on the record I will say that the house never should have been built where it is located.

Ted Kozlowski stated I agree with you.

Board Member Rogan stated and it is very ironic that you own it but other than that I think,

Board Member Pierro asked how old is your house.

Ted Kozlowski replied that house goes back to before Herb was born.

Rich Williams stated wait that fallen down shed which was about three rooms wasn't safe to walk into.

Ted Kozlowski stated I will bring it to the public hearing I will show you what that house use to look like. It was a two room, kitchen and whatever. It was like a little square box. We bought it from Pat Clarke who bought it in the 1970's and he added on two bedrooms and it was a ranch. We bought it as a ranch and we had children and we tried to sell it at one time but that was when they wanted to put the dump here and nobody wanted to buy a house in Patterson.

Board Member Montesano made a motion to schedule the public hearing for Kozlowski Wetlands Permit for April 1, 2004 meeting. 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.

Board Member Montesano made a motion to adjourn the meeting. Board Member Di Salvo seconded the motion. All in favor and meeting adjourned at 9:40 p.m.

RECEIVED

FEB 26 2004

PLANNING BOARD

Patterson Planning Board
Patterson Town Hall
Rte 311
Patterson, NY 12563

February 26, 2004

Dear Chairman Schech and Planning Board Members,

I have lived in Patterson for 82 years and operated a dairy farm on Bullet Hole Road for 48 years before selling the property in 1985. In 1976 I filed a petition to have the northern portion of McManus Rd S (north of the existing turn around) legally abandoned. The abandonment gives the adjacent property owners ownership to the center of the roadbed. At the time, I was the property owner on both sides of the road and I gained ownership of the roadbed. When I sold my property in 1985 (now referred to as Burdick Farms Subdivision) I reserved a .4 acre parcel on the eastern side of the roadbed, across from the house that I own on McManus Rd S, along with approximately 30 acres on the western side of the roadbed. I reserved the .4 acre parcel because it has a well and shed on it for the house but, mainly to ensure privacy for my property. I own the roadbed between the house and .4 acre parcel. The filed deed 851/336 clearly restricts usage of the roadbed by granting a temporary easement until such time that a private or public road is installed. I believe the current subdivision road meets the criteria for access and therefore believe the temporary easement for ingress and egress is voided. The deed also states that the public or private road can not run to the north of the reserved .4 acre parcel.

The owner of Burdick Farms subdivision, Mr. Conditto, has asked me on two occasions to either sell him property or grant him an easement to access the property to the north east of the roadbed. He indicated that your board suggested he contact me regarding this matter. I have declined both times. I believe the deed restriction clearly indicates my intention to ensure the privacy of my property on McManus Rd S at the time of the sale in 1985 and my intention has not changed. I do not want a subdivision access road in this area and do not want to grant an easement or sell property to allow it.

I hope this information is helpful. Please take this into consideration when reviewing this project and making future recommendations to the owner. Thank you for your time and for allowing my daughter to represent my interests at your meeting on February 26, 2004.

Sincerely,

Henry Burdick Sr

Henry Burdick, Sr.