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TOWN OF PATTERSON
PLANNING BOARD MEETING
March 27, 2003 WORK SESSION
AGENDA & MINUTES

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March 27, 2003 Work Session Meeting Minutes

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

Present were: Board Member Mike Montesano, Board Member Russ Shay, Board Member Shawn Rogan and Rich Williams, Town Planner, and Ted Kozlowski E.C.I.

Meeting called to order at 7:30 p.m.

1) ANNA'S AIRPORT & LIMOUSINE SERVICE – Extension request

Board Member Montesano stated Anna's their six month extension expired. Are they asking for an extension.

Board Member Shay asked did we resolve the issue about their wetlands or whatever their problem was.

Rich Williams replied yes.

Board Member Montesano stated they want an extension on the tent.

Rich Williams stated I am jumping the gun a little bit but I figure if you guys decide to deny him that gives him six weeks to figure out what he is going to do and tear it down.

Board Member Montesano asked any opinions.

Board Member Rogan replied no problem.

Board Member Shay stated it is not in the view. It is behind the building.

Board Member Montesano asked if you want to give him an extension how long do you want to go for.

Board Member Shay asked did he say how much he needs.

Rich Williams stated he really did not say. He kind of said that he would probably get things squared away before the extension ran out but he did not say how much he was looking for.

Board Member Shay stated I would like to make it that we are not going to make it habit of giving him six month extensions all the time.

Board Member Montesano stated I figure sixty to ninety days would be fine. Summer is here let him come in.

Board Member Rogan stated this was the idea was until they could build a permanent structure.

Rich Williams replied I am not exactly sure what the idea was other than he already had the tent from the other side and he was going to move it over anyway.

Board Member Shay stated I would like to ask him how much he thinks he needs and why he needs that period of time whatever it may be. Let's see what the status of his whole building is.

Board Member Montesano stated I figure sixty to ninety days should max him out if he comes in and asks for an extension. That would put him into June or July and if he can't get started on the building then let him explain other wise.

2) PENWEST PHARMACEUTICALS CO. Extension request

Board Member Montesano stated Penwest has the same situation right.

Rich Williams replied more or less.

Board Member Montesano asked they are gone or are they still there.

Rich Williams replied Penwest is still there.

Board Member Montesano stated we haven't heard from them at all about this.

The Secretary stated they were in the last time.

Board Member Montesano asked I mean about an extension or anything. They came in for their sign.

Rich Williams stated just to give a you a little background, what I do is when you guys grant a six month extension I write an agenda and I put them on automatically so when we were dealing with the sign I was not looking at the April agenda. As soon as pulled the April agenda up I contacted them and said time is here what are you going to do and they said extension.

Board Member Montesano stated then they send this in requesting an additional six months.

Rich Williams replied yes and they also put on the bottom of that letter that you should contact them if you want them here and I assume that you want them here.

Board Member Montesano replied my thing is do they need another six months.

Board Member Montesano stated if you make the extension an automatic then, Board Member Shay stated I agree with Mike once again I would like to find out why.

Board Member Montesano stated my problem is when we give a six month extension then they just say oh it is only another six months even if they came in unless they had a fantastic reason I think sixty to ninety days should be a maximum after that unless you have a hell of a reason to be extended another six months.

Board Member Rogan commented other wise it is not a temporary solution.

Board Member Montesano stated it ends up being a permanent thing because now they will come in like every six months.

Board Member Shay stated so the same thing tell them we want them here.

3) BUDAKOWSKI SUBDIVISION

Rich Williams stated I have no idea. I was contacted by the Attorney's and asked to have them placed on the agenda. We have no new material. I don't know.

Board Member Montesano stated this is what I don't like. He read from the letter submitted after discussing the matter with Craig Bumgarner this week, where the hell is Craig to tell us what they discussed.

Rich Williams replied well I think that may be why they are coming in.

Board Member Montesano replied well that is fine but we have a work session he could let us know even if he wrote a letter so that I don't have to sit here that night saying why did you do this we don't like it. We can discuss what the heck is going on this way we don't look like horses asses again. That is not fair. It does not take much to send us a note what the hell did you talk about Craig if you can't be here let me know what you are talking about.

4) FUCA SUBDIVISION – Road Name

Rich Williams stated we never actually gave the common drive with the three houses on it a name and we have to name them for E-911 purposes. They have proposed Margaret's Way.

Rich Williams stated the other thing with Fuca is apparently there is an issue with the grass pavers that were specified going up the hill and Theresa wanted to know if there were alternatives she could look at. I said that you are going to have to take up with the Board because you said this is what you wanted and they specified that area did not have to be paved but had to be done with this type of grass pavers.

Board Member Shay stated there is that same word again, why. Why does she want to change it.

Rich Williams stated let's back up actually the type of grass pavers that she was proposing to use are plastic where you fill it in with the soil median and grass grows up through, because of the slope and the plastic

when the plastic is hard in the winter you are very likely to lose traction. I questioned that right up front and they said the manufacturer said everything is fine. The DEP questioned it.

Ted Kozlowski stated she has to change the Wetlands Permit too by the way.

Rich Williams stated she went back to the manufacturer and then the manufacturer said yes it will be fine maybe. So, now she is back saying maybe we shouldn't can we use gravel.

Board Member Montesano stated I don't know Ted do you think they should use gravel. These are the same people that insisted on doing this stupid thing to begin with.

Ted Kozlowski stated I got a phone call from Theresa and I told her to run it by Rich. They have to change the Wetlands Permit because of DEP.

Rich Williams replied yes which I thought was pretty crazy. DEP does not like level spreaders and in fact where she was putting them on the slope you really don't put level spreaders on slopes that steep. My problem was that she now has the sheet flow going into the stream plus she has two point discharges from detention ponds.

Ted Kozlowski stated I know that is what DEP wants.

Rich Williams replied I understand that. Rich explained to Ted by drawing a picture of a hydro graph and the detention ponds.

Ted Kozlowski asked Rich what do you want to do. I told Theresa I don't care I am not going to fight them on this.

Rich Williams stated I don't have time to really get into this and look at this right now. I am okay with it going into the stream that is fine as long as the total volume of water doesn't result in erosive velocities going into that stream and eroding that stream.

Rich Williams stated you have three different hydro graphs going into that stream and even though all the peaks may pass at different points even if down here you add up these three together equal a volume of water on that slope that is so great you may have erosive velocities going into that stream. That is all I wanted her to confirm. I did not have time to confirm so we ending up agreeing on a note being placed on the plat that we would just watch it over time, if there was any problem with that then they would have thirty days to,

Ted Kozlowski asked who is they.

Rich Williams replied the owners.

Ted Kozlowski stated once these things get built and the owners are in they don't.

Rich Williams replied I understand but I don't know what else to do.

5) BURDICK SITE PLAN

Ted Kozlowski asked didn't we want something under the dumpster. Didn't we want a pad of something.

The Secretary stated you did say that in the last meeting.

Ted Kozlowski stated there is no pad.

Board Member Montesano stated I will tell you what we can do very easily we just tell Harry I am sorry this is improperly submitted good-bye we will see you next time and just tell him to leave and don't tell him anything until he comes up with what we explained to him before.

Rich Williams stated we did do a review memo. I did one, the Engineer's looked at it and our comments pretty well concur.

The Secretary asked we don't have a memo from them right.

Rich Williams replied no actually what they did is they e-mailed me their comments and I just threw them in my memo.

Board Member Montesano stated well give him the memo and tell him to come back next time. This is a waste of time. We are going to waste more time in explaining to him.

Rich Williams stated the biggest problem that I have with this plan is Harry is desperately trying to take ten pounds manure and put it in a five pound bag.

Ted Kozlowski stated Rich Harry has the detention basin within the DEC Wetland buffer.

Rich Williams stated this is the line that you guys flagged (referring to the plan).

Ted Kozlowski replied right and here is the buffer zone.

Rich Williams stated he is right at the edge. He is out of it. You flagged the line.

Ted Kozlowski replied I know. This is what Harry does. He puts everything on the edge of buffers all the time. He can't construct that without going in the buffer.

Rich Williams replied and the reality is he is over an acre of disturbance there and he won't admit it. Both myself and the Engineer have said do the calcs and prove it. When he does that then he is going to see he is over, he has to comply to the new stormwater design criteria, and that detention pond does not even come close to doing that. That is not going to be there. He is going to have to do something entirely different. Whatever he does is going to have to be outside of the buffer.

Board Member Montesano asked but why do we have to have him in front of us since he does not have anything that we have to review because what is there is improper again.

Rich Williams replied because he has made minor modifications and he is looking for a reaction from the Board as to whether the Board feels this is appropriate. The issues with the last plan was vehicles stacking. The stacking is gone.

Board Member Montesano stated the problem you have is if you look at this thing as a driver of a vehicle over fifteen feet long. I drove twenty-six foot, thirty foot and forty foot trucks you can't swing the way that thing is laid out. You know it, I know it, he knows it, but he is going to keep coming in here and nit picking and nit picking.

Board Member Rogan stated Rich, let me just ask a stupid question; in this type of a situation a storage yard do you have to show a delineation of the spaces or can you just provide an area that is to be used for parking of vehicles and what they fit in fits in because it is not like we have a building here that is opened to the public that we need x number of spaces. In other words, there is not a minimum number of spots that is required.

Rich Williams replied I understand what you are saying. You still need to delineate the spaces, you need to have lines on the pavement so the people have an idea because if you don't have the lines, if you don't have some sort of guidance they end up parking all over the place and you actually park less vehicles.

Board Member Rogan replied and I don't doubt that. Realistically, he has a equipment storage area thirty by eighty-four and realistically they could just as easily use what they proposed last time. They are going to use whatever they are going to use out there.

Board Member Montesano stated they are going to go park anywhere they want.

Board Member Rogan replied right and you know what Mike if they are parked on that impervious area it really does not make a difference to me because like you said if they are going to park wherever they are going to park on that area they are going to fit less in if they don't have the,

Rich Williams stated yes but one of the issues to this is that he is proposing to lease those spaces out. He has a note on the plat explaining which spaces he is going to lease and basically he is leasing all the tractor-trailer spots. One of the issues that I still have a problem with is that he is saying that well people are going to come in they are going to pull the trucks out of the spot then they are going to get back in their cars and pull their car into the spot and when they come back at night, Board Member Rogan stated it is a ridiculous idea.

Rich Williams stated common sense says they are going to pull in, they are going to park on the side, and they are going to jump in the truck and go.

Board Member Montesano stated and the next thing is the trucks will be parked there, they will be dripping and draining all the garbage that is in them.

Ted Kozlowski asked is he going to need night lighting.

Rich Williams replied he said no.

Ted Kozlowski asked can I ask you a silly question, an oil water separator is that under ground and does that make sense to put it right by where all those bays are for all those gravel, sand, and stone.

Rich Williams asked why not.

Ted Kozlowski replied well you are going to have huge massive trucks probably going in there loading and un-loading and that is a lot weight. Is that oil water separator going to handle that traffic.

Rich Williams replied yes because they make it for a H-20 loading factor so that heavy vehicles can drive over them.

Ted Kozlowski stated but it is right by Item-4, sand, gravel is that stuff all going to wash into this thing and clog it up.

Rich Williams replied it is a tank.

Ted Kozlowski replied right but the intake or the opening is, Rich Williams replied it is like a manhole on top. Ted Kozlowski replied right and it is right over here so isn't that stuff going to get all over the place. This is a contractor's yard basically.

Rich Williams replied no I mean it is probably going to get moved over a little bit before we are all done.

Ted Kozlowski stated look we have seen what the yard was before I have no reason to believe that it is going to be that much better after this is over.

Board Member Montesano stated well you have the cover on there right now every time they put a spill sooner or later that thing is going to get full.

Rich Williams stated it is not even a question of getting full because they get to that point where they have reached capacity and then the oil just bypasses. The thing is they have to be maintained periodically and if they are not pumped out that is the problem.

Board Member Montesano asked who do we have that goes out there and checks that they are maintaining it.

Rich Williams replied this is one of the issues coming up with the Phase II that we have to develop and implement a maintenance schedule where these things are checked and somebody is going to be out there in the field going around looking at all this.

Ted Kozlowski asked it is the secret evergreens is what they are going to put there.

Rich Williams stated one of comments is they have to specify the variety, size.

Ted Kozlowski stated I think the dumpster should be on a pad.

Board Member Montesano replied I agree with you, the lines should be drawn.

Board Member Montesano stated I think that we should tell him if you can't do what we requested don't bother to come in.

Board Member Rogan asked on the detention basin is there an offset to the property line, ten feet.

Rich Williams asked is one required no.

Board Member Rogan asked okay but to construct it you would need separation.

Rich Williams stated again, that design is going to significantly change and when he discharges right now he just has a velocity dissipater stuck on the end. When he is going to go into a field like that he has to do a level spreader which is a much bigger structure.

Board Member Rogan stated these detention basins are going to bite us in the long run.

Rich Williams asked how so.

Board Member Rogan replied I just think they are, Ted Kozlowski stated they are not maintained. Board Member Rogan stated they are an eyesore.

Rich Williams stated again the new design criteria that he is going to end up meeting you cannot use detention ponds anymore. You have to use stormwater ponds or stormwater wetlands there are specific design requirements now.

6) D'OTTAVIO SITE PLAN "A" and D'OTTAVIO SITE PLAN "B"

Rich Williams showed the Board the plans.

Board Member Montesano stated I like that little pink line.

Rich Williams asked what do you think that little pink line is.

Rich Williams asked Shawn what is missing.

Board Member Rogan replied a septic system. He goes from a tank to a pump chamber and he is crossing the road to go on to another parcel of Buetti. He is trying to put a septic system off the lot.

Ted Kozlowski asked where is this.

The Secretary replied across from Brook Farm on 22.

Rich Williams stated across from Route 164.

Board Member Rogan asked so can they do a lot line adjustment and incorporate that into that parcel. That opens up a world of problems.

Rich Williams stated then he would not meet setbacks. Remember you said something that you love detention ponds.

Board Member Rogan replied yes.

Rich Williams replied look at these. It is a sixteen foot cut right along Route 22.

Ted Kozlowski asked don't we have a wetland or stream in that area.

Board Member Rogan replied yes a stream runs right down through it right here.

Rich Williams replied they piped it and you said that it was okay that they piped it.

Ted Kozlowski replied I said that.

Rich Williams replied yes.

Board Member Montesano stated when we went out on the walk that time.

Ted Kozlowski stated I did not go on that.

Board Member Montesano stated yes you did.

Ted Kozlowski replied no.

Rich Williams stated Ted went out there because I was dumbfounded. They did this subdivision in 88, shortly there after we adopted a Wetlands Code when they submitted the plans they showed that the stream had already been piped.

Ted Kozlowski asked in 88.

Rich Williams replied we don't know when they piped but it was practically new pipe and the subdivision was done in 88 and it wasn't piped.

Board Member Rogan stated that was freshly grouted you remember.

Rich Williams replied yes and it was all falling apart.

Ted Kozlowski stated I don't remember going there.

Board Member Rogan stated look at the amount of clutter on this plan. It is almost hard to look at.

Rich Williams stated I have spent all day trying to figure out what to do with it. I just don't know what to do with it. He is using both sites but it is okay because he owns both sites but he is putting stormwater from one site on to the other.

Board Member Rogan stated he is treating them as one big project with two buildings which my first inclination is to say I would rather see someone use an area for their septic that is going to support it as opposed to a steep area that you are going to be on but that is the most minor of issues here. You have so much going on both lots.

Board Member Montesano stated the object would be that both lots should be independent of each other and that is what I think we ought to stick with.

Rich Williams replied I don't know that he can do that.

Ted Kozlowski asked where is the stream.

Board Member Rogan pointed it out on the plan to Ted.

Rich Williams stated conversely if we combine them then DEP takes over.

Board Member Montesano replied that would be a better idea. It gets us out.

Rich Williams replied well I don't know that we can make him combine them.

Board Member Montesano stated there was an old thing that use to say that if you owned both parcels in the same name it becomes one parcel. They don't do that anymore.

Rich Williams replied no what it is is if you own non-conforming, contiguous parcels under single and separate ownership they are automatically combined but as long as they are conforming parcels they can remain separate. This was actually a subdivision that was done in 88 so they are conforming parcels.

Ted Kozlowski stated that is a busy plan.

Board Member Rogan stated what do we do. Fortunately for us it is not our project to design and if we want the sites to be independent of one another other than the access.

Ted Kozlowski asked why doesn't he just put this on one plan.

Board Member Rogan replied because he can't it is two separate tax parcels.

Rich Williams replied well he can. He can merge them together and do it but the problem is then he is going to exceed DEP thresholds all over the place and he is going to have to deal with them.

Rich Williams stated I think he is going to end up down with DEP anyway.

The Board reviewed the plan for a few minutes.

Rich Williams stated one of the big issues that I have with this is that it is right on 22, it is very visible and he has those detention ponds right on 22. They are going to look horrendous.

Rich Williams stated there were a couple of trees that the Board said that they did not want touched and they are gone.

Board Member Rogan stated well they are gone from this plan.

Ted Kozlowski stated how about trucks coming out of there.

Board Member Shay stated I said that from the beginning.

Board Member Rogan stated going north is a disaster.

Board Member Rogan stated and they are tying in the septic system from the existing house. They are not leaving the house on its original system they are pumping that up in also. There is a pump chamber.

Rich Williams stated yes but they have a septic system down in the corner.

Board Member Rogan stated what I am saying is that they are not showing it. They are not showing the existing septic.

Rich Williams stated I like the guy and we need the commercial development but I am sitting here looking at those sites and those sites are over developed.

Board Member Rogan replied absolutely but we are really talking about this one in terms of getting a septic on to here.

Rich Williams stated I have less of a problem with that. I really don't like that idea but I am like you we know that is where the good soils are going to be. That is fine but I am also looking at the detention ponds which I know are going to change. Again, we have more than an acre of disturbance he is going to have to meet different design criteria which he is ignoring. The way he has this thing laid out those detention ponds are going to look horrendous. They are big, ugly holes in the ground as they are right now. It is not going to get any better.

Ted Kozlowski stated he has no landscaping on that at all either does he.

Board Member Montesano asked can they be relocated somewhere.

Rich Williams replied I don't know that is what I have been trying to figure out all day.

(Too many speaking at once unable to transcribe).

(TAPE ENDED)

Board Member Rogan stated the property the way it lays out you go up the hill to this area and it is relatively flat and then it kind of goes like this and up to the second lot and then it drops steeply down hill and steeply to Route 22. So it is not, even this area look at the grading he has to tie in here.

Board Member Montesano asked are they leaving that house there.

Rich Williams replied yes they are leaving the house there and converting it to offices.

Board Member Montesano stated and then he is going to put these two huge buildings on it to begin with.

Board Member Montesano asked is he going to have sufficient land per say to allow for that size.

Board Member Rogan asked you mean relation of size to the property coverage.

Board Member Montesano replied yes.

Ted Kozlowski asked doesn't he have forest.

Rich Williams showed the Board the cut and fill sections.

Ted Kozlowski asked wouldn't you want the forest shown on the plans so you know how much he is cutting into and how much you want to say.

Rich Williams asked a limit of disturbance line.

Ted Kozlowski replied yes.

Rich Williams replied yes eventually we will get a limit of disturbance line.

Board Member Rogan stated at this point almost everything he is proposing on that one lot he is going to be taking trees down. The other lot is pretty well cleared. We have bigger fish here.

Rich Williams stated I have toyed with the idea of going with zero lot line, pushing the buildings together but I don't know if that helps us at all. I know he bought these properties with a certain expectation as far as the building size and he can get the building no problem but when you start talking about the improvements.

Board Member Montesano stated you have to look at that the same way when a guy comes in and says I have fifty acres I can build fifty houses and it does not work that way. When you buy it you ought to have a little idea of what you are going to put on it before you pay for it.

Rich Williams replied he did, he came in with plans and we all looked at plans but he did not have all the details. They had a septic on each parcel, the last plans that we saw they had the septic on each parcels, they had areas that they could fit detention ponds but when they started grading and putting detention ponds all of a sudden nothing worked.

Board Member Montesano stated but you see what you would consider is this we are theoretically not engineers and Board Member Rogan stated not theoretically actually. Board Member Montesano stated that is what I am saying we are not engineers he is. Theoretically, he is supposed to be doing what he is doing so we come in and what we play is the game. I will come in and design this and if you guys take it I am ahead of the game. If you don't now I have to work. This is bull.

Board Member Rogan stated like you said this building is too big if anything you almost want to flip it and put the bigger building. It almost looks like you have more room to put the bigger building here.

Rich Williams stated but then you are right into your septic system.

Ted Kozlowski asked what about a vegetated wetland detention scenario instead of the standard hole in the ground.

Rich Williams replied if he has to go with the current design standards he is designing to wetland ponds, stormwater wetlands and they are highly vegetated areas.

Ted Kozlowski stated and this is something that Harry is not going to be able to do. They are going to have to get somebody else.

Rich Williams stated but the reality is the new stormwater manual even I could design them. They do the design work all for you so Harry could do it. He just has to get familiar with it.

Board Member Rogan stated really you have to sit down with this for quite awhile, then put it away, and look at it again.

Ted Kozlowski stated you know on some of these you wonder if they could come in with like a little scale model just to really see how this visually. My big concern would be that intersection.

Board Member Rogan stated and we have said that from day one pulling out on to 22 is going to be tuff.

Board Member Montesano stated they are going to need a traffic light.

Rich Williams stated there is no way you are putting a traffic light up.

Board Member Montesano asked why.

Rich Williams replied because nobody is going to stop coming down that hill.

Board Member Montesano stated the object Sir is this, it is not whether you can do it or not but if you put up a traffic light that convinces the court that you attempted to control this in a safe manner and if the truck can't stop too bad.

Rich Williams replied Sir, there are design requirements for where you can and cannot put a light, and this does not meet the minimum design requirement.

Board Member Montesano stated this is the State of New York.

Ted Kozlowski asked can he put his exit further north.

Rich Williams replied no because he is pretty close to the property line. The only alternative we would have is to just blow through this site and the sites to the north and maybe get rid of this concept all together and put a road down the back some how that he could get access from but that is just a huge, huge engineering under taking.

Board Member Montesano stated the problem you have is if you looked at the original widening of 22 that they had talked about it was going to be four lanes, it was going to be side roads so that you could go into the local community without getting on 22.

Board Member Montesano stated it is not our job to tell him. He is the Engineer.

Rich Williams replied I understand but I mean at least if you are going to tell him you don't like it you have to come up with specific reasons.

Ted Kozlowski stated well I think you have pretty valid reasons.

Board Member Shay stated you have detention ponds that is number one.

Ted Kozlowski stated no number one is the traffic.

Board Member Rogan stated number one is the septic system on the other property. How did we address the road initially because that was where they were originally proposing it, we made some comments about that, but I don't remember to what extent that we made those comments.

Rich Williams replied my recollection is we pretty much threw our hands up and said it is existing, it is permitted by the D.O.T. it is going to be their issue.

Board Member Rogan stated okay so let's get away from that then.

Ted Kozlowski stated but it is permitted by the D.O.T. for a house. This is now two warehouses with employees and trucks coming in and out.

Rich Williams replied but they are going to have to do improvements to the entrance. They are going to have to get a D.O.T. Permit.

Board Member Montesano stated we asked at one time on 22 to put in turning lanes. D.O.T. came down and said we are in charge and you can't say anything.

Ted Kozlowski asked Mike you have driven tractor-trailers what is it going to be like to pull out to go south.

Board Member Montesano replied let me put it this way as long as I can get my tractor across the road you can hit the box.

Ted Kozlowski stated if you are in a tractor-trailer and you are trying to go south on 22 pulling out of there what is that going to be like at five o'clock on any given afternoon.

Board Member Montesano stated we can't put a traffic light up.

Board Member Shay stated you don't do that at five o'clock. If you are a good driver you are going to find out your times to do that.

Board Member Montesano stated your tractors should be in early in the morning.

Board Member Shay stated between ten and three.

Ted Kozlowski stated and he has to go all the way across to the right hand lane.

Board Member Rogan stated right he has to go three lanes.

Board Member Shay stated the only thing is once he gets across it is two lanes. That is the only safety part of it.

Board Member Rogan stated if it was only a two lane road you would really be in trouble.

Board Member Montesano stated the same way you need a turning lane you have all that property that is open from the top way up past Robin Hill coming down.

Board Member Rogan stated okay we have location of the detention basins, septic not on the proper lot, Rich Williams stated I think you can make the case that the fact that the septic is on the adjacent lot is a clear indication that he is over developing one of the sites if we need to go down that road. The street scape, the detention ponds, and the impact.

Board Member Rogan asked what would you think their next step would be to try to down size the project.

Rich Williams replied again, I am going to keep at this one. I just don't know. This is bad all the way through. I understand that he needs to have a certain amount of development out there, Board Member Rogan stated to be viable certainly. Rich Williams stated but I don't know how to get him there. The reality is yes you can do a commercial subdivision out there that does not mean that you are going to be able to get an eighteen thousand foot warehouse on it. Maybe you can only get a five thousand square foot warehouse on it.

Board Member Rogan stated you are making the point again for what we have been talking about defining the useable area of a lot. The area say before the new zoning up to twenty percent grade and then using that to figure out your coverage and certain things like that. If you take out all these areas that are basically not useable behind that dog leg, the area up front you constrict the lot and you further prove the point because you can't use those areas. You further prove the point that it is overbuilt, it is clear from the beginning.

Rich Williams replied but what we are going to be doing in the new zoning is pretty much limited, it is limited to residential development. It is not so much commercial development however you have another memo that we will talk about at the end.

Board Member Montesano stated everybody comes in and they max out a lot. If you can get away with it.

Board Member Shay stated because they know we are going to chop on it so they have to do it that way.

Board Member Montesano stated but if it was in the thing originally that should have been past in 1980's.

7) SHKRELI SUBDIVISION

Rich Williams stated I have not had a chance to go through the plans on Shkreli. We got Jack's Stormwater Management Report in. The Engineer's are dealing with it.

8) OMNIPOINT COMMUNICATIONS

Rich Williams stated this is the Noletti site, Omnipoint wants to install an antenna ray on the tower and in doing so they need to expand the fenced in area and put a equipment cabinet down on the bottom. It is on an existing tower. It is minor.

Board Member Montesano stated no it isn't if they want to put something on the existing tower than I want the whole tower changed to look like the Christmas tree that is down on the Hutchinson River Parkway.

Discussion ensued regarding different types of towers.

Board Member Rogan asked what did you say on Omnipoint.

Rich Williams replied they were saying that you could beat up on them all you want.

Board Member Montesano stated if you wanted to but right now their tower is up basically. Originally, I had suggested that the tower be painted so they would have to come in and maintain it and I was told no you can't do that.

Board Member Rogan asked so you guys are saying nobody really has a problem with it.

Board Member Montesano replied theoretically there is not too much you can do with it at the present time. I would rather see them put something on that tower than have another tower coming in.

9) OTHER BUSINESS

a. Empire Power Tool

Rich Williams stated Empire Tool, awhile ago the Board went out there they looked at doing an outdoor display area for swing sets.

Board Member Montesano stated we allowed them to put up two swing sets. Now, they are going to come in and try to put up,

The Secretary stated the swing sets are gone aren't they.

Board Member Montesano replied yes the object is in place they want to put fencing up now you are going to try to tell me they are going to put up ten or twenty different kind of fences.

Rich Williams stated they want to use basically the same display, outdoor display area,

Board Member Montesano stated I can't see how they can put in any large amount of equipment in there since we confined it to a very limited area to begin with and if you are going to have a large selection of fences that you can see at Home Depot or Lowe's or something like that. That may make it look like crap all together. If they want to put a couple of small things up there that is fine equivalent to the space that we allowed for the two swing sets. Instead of putting up full size sections let them make miniatures.

Board Member Rogan stated you would think you would allow putting two or three different style of fencing up front that looked nice and then have the rest of it in the back where there is a walk able area like Uni-Lock does with their brick except brick is nice because nobody sees it from the road.

Board Member Montesano stated the only problem is there is no walk able area.

Board Member Rogan stated so that people realize that there is a fence company there if I am understanding the whole scenario. Board Member Rogan asked is that including all the power equipment that sits out there.

Board Member Montesano replied yes.

Board Member Rogan stated let's put the fence so you can't see the power equipment.

Board Member Montesano stated well actually you can tell them to put the power equipment in the building and all they have to do is have the sign out that says we sell power equipment.

Board Member Rogan stated two fences and two pieces of equipment. They have more than two right now.

Board Member Montesano stated they have a whole load in front of the building but that is not where the fencing would go.

Board Member Rogan stated I think that you drive up the road I think Downey Auto is more of an eyesore than this place with all the cars they have outside.

Board Member Shay stated I like Joe but it is terrible.

Board Member Rogan stated it just looks like a big junk yard outside.

Board Member Montesano asked do we have any limitations on cars.

(Too many people speaking at once unable to transcribe)

Ted Kozlowski stated the owner of the building keeps giving him a hard time. He won't make any improvements.

Board Member Montesano stated back to Empire, we have four buildings out there we mentioned.

There are four buildings back there now.

Rich Williams replied three.

Board Member Montesano stated we have this building here, this building back here where they do the repairs, there is another building where they have the sand, the gravel and isn't there another building right there in the front or is that a separate.

Rich Williams replied there is a house on the next property over, Ted Kozlowski interjected there is a bike shop. Rich Williams stated which I think he now owns. Rich Williams stated he bough Bruen's house.

Board Member Montesano stated I know you have the gravel and the sand on this side, you have the repair shop here and the display shop here.

Rich Williams stated right and then you have the place that was the motorcycle sales shop for awhile.

Board Member Montesano stated that is what I am saying. There is no parking.

Board Member Rogan replied right there is just a gravel lot and you park wherever there is room.

Board Member Montesano stated I can't see letting him go and stuff that whole area with all the fencing because he has the equipment scattered all over.

Board Member Montesano stated we have no restriction on him sticking all this equipment out there.

Rich Williams stated you determine as part of the site plan outdoor storage areas within that context yes you do. The last time we were out there it was an issue and everybody just let it go.

Board Member Montesano stated it didn't get let go because what happened was when he came out to do something then it died off really.

Rich Williams stated everybody said it was okay because he pulls it out in the morning, he puts it back in at night, and everybody said it was okay.

b. Zoning Code

Rich Williams advised they have scheduled an all Boards meeting April 16, 2003 at 5:30 p.m.

Rich Williams stated the other issue is I have done a memo based on the last meeting on some of the issues that were raised. I came up with some criteria for breaking out the older higher density residential areas. If everybody is okay with that then we can put them in a one acre zone and that will help things a little bit and if everybody is not okay then I don't know how we are going to separate them from everybody else.

Board Member Shay asked are we talking Alpine.

Rich Williams replied Alpine, Mountain View, Highview Drive, Sky View Lane would all be broken out to one acre zones instead of four.

Board Member Shay stated that is what I was getting at.

Rich Williams replied well I came up with specific criteria which would limit it to them.

Board Member Shay stated that is why I said that at the meeting if you are given time.

Rich Williams stated the other thing in the memo that I just want to bring to your attention is currently we determine the coverage of a lot based on the typical building coverage only. Generally you want to equate the impacts that you are looking to regulate to whatever design criteria you are setting up. For the most part the big impact that we are looking to regulate is stormwater runoff which is generally equated to impervious surface. I did some numbers, I worked some numbers out, and I came up with a way to change our system from building coverage to impervious surface coverage. If everybody wants to take a look at that and think about that.

Board Member Rogan stated it encourages people to build up as opposed to out to a certain degree because we have height limitations.

Rich Williams replied to a certain degree. The other thing is it limits the amount that anybody is going to blacktop over any individual lot. You get issues like residential homes, if you have a four acre piece of property and you want to build on it I mean you could build a very short driveway, a big house, a shed in the back, a pool and you have x amount of impervious surface or you can build a thousand foot driveway, a big house, three sheds, a pool and maybe a barn on top of that and you triple the amount of impervious surface and the impact to the Town. (TAPE ENDED)

c. Sypko Driveway

Rich Williams stated Sypko is a property on Birch Hill and he wants to build a house on it.

Board Member Rogan asked is that a wetland area.

Board Member Shay asked what is the grade up there. They have a house up there you know that. They have a hunting club up there. I don't know if it is a house.

Rich Williams stated well actually it is cute I was talking to Harry, he said it is only a shed, it is only a shed.

Rich Williams stated anyway they want to build a house, they are crossing Stephen's Brook, and this is a plan showing a driveway of fifteen percent going up that hill to a house that is up on top.

Ted Kozlowski asked is the house already there.

Rich Williams replied no it is a shed.

Board Member Shay stated it is fifteen percent.

Rich Williams replied it is fifteen percent all the way. The issue is you see the amount of disturbance so Harry would like to minimize that amount of disturbance.

Ted Kozlowski stated and go straight up.

Rich Williams stated he has a plan and I have not calculated the numbers yet but he says this is what happens if we allow him to go sixteen percent.

Board Member Montesano stated no. My feeling is we set a limit of fifteen percent. If we give him sixteen that is going to open up Pandora's Box because we are going to start setting principles up that means the next guy can come in and get sixteen and maybe get seventeen. We have been nailed before for allowing certain things to occur. This has been a standard for how many years. I see no reason to change it. If they can't do it at fifteen.

Board Member Rogan stated which is a great argument for Putnam County Bank down here not letting them go all the way outside the zoning. That is the reason you have your setbacks.

Board Member Montesano replied I agree with you.

Board Member Rogan asked how can one percent make a difference.

Rich Williams replied I have not calculated the numbers Harry said sixteen.

Board Member Montesano replied which will be seventeen or eighteen by the time Harry gets through.

Board Member Shay stated I can't see that is fifteen.

Board Member Rogan stated Rich let me play devil's advocate here just for curiosity; realistically if he shows fifteen percent on the plan and they construct it to sixteen who catches it in the field because we don't shoot driveway profiles.

Rich Williams replied really nobody does unless we actually go out.

The Secretary stated Paul or Charlie would have to get the Engineer out there.

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

Rich Williams stated I am telling you this is more than sixteen percent.

The Secretary stated when he went to Charlie to pull a driveway permit Charlie would probably get the Engineer involved.

Rich Williams stated he is showing going up that hill on a fifteen percent.

Board Member Shay stated I can't see that.

Rich Williams stated and all he is doing is cutting into the side.

Board Member Rogan stated because it is already existing.

Board Member Shay stated the present driveway looks more than fifteen percent.

Rich Williams replied I understand that and I said the same thing I go up there and I look at it and I say there is no way you are going to get a house up there.

Ted Kozlowski asked is this an approved building lot.

Rich Williams replied no it is a lot there is nothing approved on it yet.

Ted Kozlowski stated well what is there to say that some of these lots can't be developed.

Rich Williams replied yes but if they can.

Board Member Rogan asked why are we reviewing it.

Rich Williams replied first it has a Wetlands Permit issue and the second thing is because of the topography and everything else there is so much stuff going on out here, they need an Erosion Control Permit and I tied them together because it was difficult to separate the Wetlands from the Erosion Control so as we are going through trying to identify what the impacts are and how to mitigate them Harry says well you know if I change the grade of the driveway and I said it is fifteen percent I don't think you are going to go anywhere with that and he said let me try. Hey listen it ain't my money.

Board Member Montesano stated the thing that annoys me is why are we even allowing him to come before us on entertaining this.

(Too many people speaking at once unable to transcribe).

Ted asked if he has filed a Wetlands Permit.

The Secretary stated yes you should have gotten that paperwork already.

The Secretary handed a copy of the Wetlands Permit to Ted.

Ted stated I have not seen this.

Rich Williams replied you have because I talked to you about it.

Ted stated you talked to me about the bridge but I never saw paperwork on it.

The Secretary stated I remember Rich you told me to hold it back for some reason.

Rich Williams stated I have asked Harry to prove that the structure that is in the stream crossing is sufficient and a drainage calc.

Board Member Shay stated Foster built that himself.

Board Member Montesano asked is that a Trout stream to which Rich replied yes.

Board Member Montesano asked we can approve going over that stream without getting involved with the State.

Rich Williams replied no the State also has to approve it but they are doing it as a repair permit for a head wall.

Board Member Montesano asked can we send them a letter that we don't believe this is a repair at all.

Rich Williams replied you can if you feel it is appropriate but I have already said to him it is a Trout stream, you are not going to let any material come in off of that driveway an go directly into the Trout stream, you are going to have to treat it before it goes in. I have already drawn that line for him so whether the State does it or not we are going to do it and personally I would rather keep it in house.

Ted Kozlowski commented I do not see any erosion controls.

Rich Williams stated the other issue on this that is going to come up and I don't know whether this is going, if you look at the driveway even at fifteen percent it is like three hundred and fifty feet straight up at fifteen percent I took one look at it and said Harry there is no way you can have a gravel driveway on this. It has to be paved.

Board Member Montesano stated no it has to be paved.

Rich Williams stated let me finish, he said I agree with you absolutely. I said Harry you are crossing a stream and there is no impervious surface within a hundred feet of the stream now what do you do. So, that is also on the table.

Board Member Shay stated you won't get emergency equipment in there.

Ted Kozlowski asked is it cut for this road already.

Rich Williams replied it is started I don't know that it is actually all the way in.

Ted Kozlowski stated he has one silt fence. That will do nothing.

Board Member Montesano stated you are looking at the sixteen percent.

Rich Williams told Ted he had the old plan.

Ted Kozlowski stated this is what he submitted for the Wetlands Permit. I don't have a revised plan. Rich gave Ted a copy of the revised plans.

Ted Kozlowski stated site walk on this one.

The Board agreed to do a site walk on Saturday morning.

Board Member Montesano made a motion to adjourn the meeting. Board Member Rogan seconded the motion. All in favor and meeting adjourned at 9:30 p.m.