

TOWN OF PATTERSON
PLANNING BOARD MEETING
March 29, 2007 Work Session



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PLANNING BOARD

Shawn Rogan, Chairman
Michael Montesano
David Pierro
Maria DiSalvo
Charles Cook

**Planning Board
March 29, 2007 Work Session Meeting Minutes**

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

APPROVED

Present were: Chairman Rogan, Board Member Pierro, Board Member Montesano, Board Member DiSalvo, Board Member Cook, Rich Williams, Town Planner, Ted Kozlowski, Town of Patterson Environmental Conservation Inspector, (arrived late, at 7:36 p.m.).

Meeting was called to order at 7:31 P.M.

Sarah Wagar took the seat of Secretary and transcribed the following minutes.

1) RUFFLER-COLARUSSO W/W PERMIT APPLICATION – Public Hearing

Rich Williams stated I'll play with it tomorrow. I could swear it's conference record.

Chairman Rogan stated if it doesn't take anything, you're minutes will be short and sweet.

Rich Williams stated that's for sure.

Chairman Rogan stated Ruffler-Colarusso Wetlands/Watercourse permit application. This is the one that Ted, that they weren't at the last meeting but we set a public meeting anyway. Ted said that the pond is up hill, it's a manmade pond.

Board Member Pierro stated Rich have you seen the site.

Rich Williams stated I have not seen the site.

Board Member Pierro stated would you.

Rich Williams stated Ted has been out at the site.

Board Member Pierro stated would you take a look at it.

Rich Williams stated sure.

Board Member Pierro stated maybe take a couple shots of it.

Rich Williams stated pictures.

Board Member Pierro stated yeah, because you know, I mean I trust Ted, but lets get some documentation on it. Or we can do a site walk.

Rich Williams stated we did contact the gentleman as directed and we did give him the information. He's got the legal notice so, and he's aware of the requirements. He should be at the meeting and ready to go.

Board Member Pierro stated very good.

Chairman Rogan stated and we did get a memo from Ted if I recall.

Board Member Pierro stated between now and Thursday if you can take a couple of photographs and.

Rich Williams stated sure.

Board Member Pierro stated and just run them up for us.

Chairman Rogan stated actually that brings up a good question though. Does Ted have access to a digital camera for his job as Wetlands Inspector.

Rich Williams stated I don't know.

Chairman Rogan stated why don't we make a recommendation to the Town Board to fund him getting a simple digital camera for his job so that he could on these types of situations, he could always bring us in.

Board Member Pierro stated he could borrow Rich's if Rich has an office model.

Rich Williams stated well, yeah.

Board Member DiSalvo stated unless he has one.

Board Member Pierro stated unless he has one of his own.

Chairman Rogan stated either way. I mean we're not.

Board Member Pierro stated they're really not that expensive.

Chairman Rogan stated what, two hundred dollars.

Board Member Pierro stated yeah, maybe even less than that.

Rich Williams stated yeah, he's welcomed to borrow mine, that's not an issue.

Board Member Pierro stated yeah, it's footsteps to borrow yours too.

Rich Williams stated exactly. That's what I was going to say. Nine times out of ten he's running by.

Chairman Rogan stated right.

Rich Williams stated and he's already out in the field, or.

Chairman Rogan stated well lets ask Ted next time we see him if that's something that he'd be interested in. I'm sure we could, you know, ask Town Board to consider that kind of equipment purchase. Because you know, in cases where he's out maybe with a violation, while we're getting copied on it. Maybe he can send us pictures.

Rich Williams stated he was suppose to be here.

Chairman Rogan stated okay. Maybe he will be. So we have a public hearing on that. Ted will probably be at the meeting and you know we'll wait to see what Rich says on that. But it sounded like it was a pretty straight forward application. Anybody have any questions on that one.

Board Member Montesano stated do we have any paperwork on that at all.

Chairman Rogan stated we should have the application.

Rich Williams stated from the last meeting.

Chairman Rogan stated last meeting.

Board Member Montesano stated okay.

Board Member Pierro stated that's what I forgot to pull out of the pile that I shredded. I knew there was something, I was looking and.

Board Member Montesano stated I remember reading something.

Chairman Rogan stated yeah, I read it.

2) **KEASBEY SUBDIVISION – Public Hearing**

Chairman Rogan stated Keasbey Subdivision. I think everyone is familiar with that. They're back on more as a formality. Their permit, their approval expired. They did not renew it. So we're going through the motions here to get that subdivision back on the table for the sale of the property to the, is that Land Trust.

Rich Williams stated yes.

Chairman Rogan stated also.

Board Member Cook stated she has to notify her neighbors right.

Rich Williams stated yes she does, and she's aware of that. So everyone is aware, I did have a conversation with Insite Engineering, who was doing the hard design that's been requested from the Highway Department. So that's in the works too, so that this can get all wrapped up.

Chairman Rogan stated you were talking about terms of the access, the driveway. Here he is.

Board Member DiSalvo stated swing up a chair.

Ted Kozlowski stated hello boys and girls.

Chairman Rogan stated hello Ted.

Board Member Pierro stated hey Ted.

Board Member Montesano stated good evening.

Chairman Rogan stated hey Ted.

Ted Kozlowski stated yes sir.

Chairman Rogan stated just so we can sidestep from our agenda for a second, we were just talking about Ruffler-Colarusso. Do you have, or would you like a digital camera for your use as a Wetlands Inspector. So that on some of these that we are not doing site walks you could get.

Ted Kozlowski stated I have a digital camera which I could use.

Chairman Rogan stated okay.

Ted Kozlowski stated if you guys want photographs, and lady, I would be happy to do it.

Chairman Rogan stated okay.

Ted Kozlowski stated is that what you think you would need. Would it help you.

Chairman Rogan stated it wouldn't hurt rather than us scheduling a site walk where something is so, as you said obvious on this that it is no big deal. I think that it helps the file, that we're not going out on it, why we're going out on some and not others.

Ted Kozlowski stated okay.

Chairman Rogan stated you know, maybe having photos would.

Ted Kozlowski stated alright, I'll get you photos from now on, but you, trust me on this one, you don't need to see this. This particular one.

Rich Williams stated run next door. Grab a chair.

Ted Kozlowski stated I am, I just want to get.

Board Member Pierro stated what's the address. What's even the address of this site. I don't remember on the application.

Rich Williams stated Stage Coach Road.

Chairman Rogan stated I remember the survey. I remember what the survey that was sent in.

Rich Williams stated we'll pull together the materials for you.

Board Member Pierro stated alright, great.

Rich Williams stated between now and next meeting.

Board Member Pierro stated alright.

Chairman Rogan stated so Rich, Keasbey Subdivision item number two is the Insite Engineering, that's for the access way, for the cut into the roadway, and the gravel lot that we were talking about. And that's it, right.

Rich Williams stated yes.

Chairman Rogan stated okay. Everything else on that, Charlie do you have any.

Board Member Cook stated we do the approval on this next week also.

Rich Williams stated it's a public hearing and I would have a resolution ready for you, that's up to you whether you're comfortable doing it or not.

Board Member Cook stated okay.

Chairman Rogan stated the only, I would imagine Charlie, the only reason we wouldn't be if anything has changed since the original approval, because it was only six months ago.

Board Member Cook stated right.

Rich Williams stated a year.

Chairman Rogan stated it was just, a year. Thank you.

Board Member Pierro stated it's been that long.

Chairman Rogan stated wow.

Rich Williams stated fourteen months.

Board Member Pierro stated right.

Chairman Rogan stated the subdivision was done so that the Keasbey's could sell or gift property to the Land Trust, basically. Okay.

3) MALIZIA W/W & FILL PERMIT APPLICATION

Chairman Rogan stated Malizia Wetland/Watercourse Permit. Is this the one that was the, basically the retaining wall issue and we were talking about getting some design. This is one that came before us last, before you were on the Board I think. Gentleman was looking to redo a retaining wall for parking, but it was on fairly a steep slope where the wetland or a drainage course at the bottom, if I remember.

Ted Kozlowski stated this you would treat as an emergency. This has got to get.

Chairman Rogan stated yeah.

Board Member DiSalvo stated this has been awhile since we've heard from them.

Chairman Rogan stated yeah. It basically Charlie, was the kind of thing where it wasn't an issue for us for wetlands impacts, but it was an issue for safety and for possible erosion problems because it is a real steep slope. We site walked that, didn't we.

Board Member Pierro stated I thought my recollection is that we wanted engineers drawings.

Chairman Rogan stated we wanted, yeah, some confirmation that what he was building wasn't going to fail.

Board Member Pierro stated that it wasn't going to fall in the hole.

Chairman Rogan stated especially since we would be approving it, it would probably be too prudent to.

Board Member Pierro stated right

Board Member DiSalvo stated (unable to hear) suggested using the cement blocks. Did he end up going that way or.

Rich Williams stated he ended up, the latest plans go that way. There were some design issues. He did get an engineer as everybody knows.

Ted Kozlowski stated we were concerned about the engineering and that was it. Making it safe. It wasn't a wetlands issue.

Chairman Rogan stated right, exactly.

Rich Williams stated I reviewed it. I kicked it back to the engineers because it's a structural retaining wall at this point. Haven't heard back from Gene yet. I issued some comments. I have already meet with Frank Malizia, the property owner, gave him the comments, hoping to get this thing wrapped up as quick as we could. So, he's aware of the comments. So he's coming in. The next step in the process is to do a public hearing, unless there is a provision within the code that allows the board to waive that requirement if there's substantial reason to do so.

Board Member Pierro stated and that would be the safety issue would be one of those.

Ted Kozlowski stated and now with spring here Dave, and the ground is de-thawed, it's probably a worse situation and it's better to let him just get this done.

Chairman Rogan stated well, then maybe what we could do on this if the Board was comfortable, we could

certainly on that recommendation waive the need for a public hearing, and make any approval, just make the approval contingent upon the plans being approved, or you know, reviewed and approved by engineer. Because that was all our concern anyway. And if the gentleman has gone through the course of getting Insite.

Board Member Pierro stated review plans by our engineer.

Chairman Rogan stated yeah.

4) **CAMP WILBUR HERRLICH – Sign Application**

Chairman Rogan stated okay Camp Wilbur Herrlich. What are they replacing their sign. The main sign.

Board Member DiSalvo stated yeah, they have one or two there.

Board Member Pierro stated yeah, they got the illegal one down on the road.

Chairman Rogan stated which one.

Board Member Pierro stated they threw up one down on.

Chairman Rogan stated like on Deacon Smith.

Board Member Pierro stated yeah, on the bottom of the road of.

Chairman Rogan stated on Fair Street.

Board Member Pierro stated a vinyl, a vinyl sign. No.

Board Member DiSalvo stated on Fair Street.

Chairman Rogan stated they have a wooden one off of Fair Street and Deacon Smith.

Rich Williams stated which has approval.

Board Member Pierro stated it does.

Board Member DiSalvo stated who knows.

Board Member Pierro stated I don't remember approving that.

Rich Williams stated at the Town Board.

Board Member Pierro stated oh the Town Board did, god bless them.

Rich Williams stated Dave, there's a provision within our code.

Board Member Pierro stated right. I'm aware.

Rich Williams stated okay, so.

Chairman Rogan stated look, let me know though, I'm not aware. It's a provision within the code for the Town Board.

Rich Williams stated there's a provision in our code that allows the Town Board to approve small directional signs.

Chairman Rogan stated okay. Alright.

Board Member Pierro stated do we have an application on this.

Rich Williams stated it's suppose to say Camp Wilbur Herrlich this way.

Board Member Pierro stated yeah. Do we have an application on this one.

Rich Williams stated sure you do, yes.

Chairman Rogan stated I'm looking for it. Here it is. Oh, that's a nice sign.

Board Member Montesano stated you have a copy of the check (unable to hear)

Board Member Pierro stated there it is. Excuse me.

Board Member Montesano stated you have a copy of the check.

Board Member Cook stated is it just the one sign or two signs.

Chairman Rogan stated I don't know, let's see.

Board Member Pierro stated well that's an improvement.

(unable to hear – too many talking)

Rich Williams stated that smaller sign is the directional sign that was approved by the Town Board.

Board Member Pierro stated okay.

Rich Williams stated so you're just looking at the larger sign.

Board Member Pierro stated okay, larger sign is going to be placed.

Chairman Rogan stated by their main entrance off of Deacon Smith Hill Road. Here's a map so it's not visible from, really it's only going to be visible from Deacon Smith Hill. People will already be there when they see the sign. It's more of an introductory or an entrance sign. My concern was I didn't know if this was going to be located at the intersection of 311 on the downhill side. Because that's a difficult, they try to get people not to come in that way. They try to get them up Fair Street. Any directions they have to the facility they have come in off of Fair. Rich, the application fees for a sign application, for any of the things like this, a wetlands permit for instance, are they exempt because they are not for profit.

5) **17 COUCH ROAD CORP. SUBDIVISION – Request for Extension of preliminary Application**

Chairman Rogan stated 17 Couch Road Corporation Subdivision. Oh, okay. This is the.

Board Member Pierro stated extension.

Chairman Rogan stated what was it about six lots.

Board Member Pierro stated yeah.

Chairman Rogan stated roughly.

Board Member Pierro stated four or five. Five to six.

Rich Williams stated six lots.

Board Member Pierro stated can we get rid of this tonight. Get it off the agenda.

Rich Williams stated sure.

Chairman Rogan stated yeah, great idea.

Board Member Montesano stated excuse me. If we take this off the agenda does that leave room for something else to be put on the agenda.

Chairman Rogan stated no.

Board Member Pierro stated it's too late.

Chairman Rogan stated no, we're past our deadline.

Board Member Pierro stated it's too late. We're a week away from our meeting.

Board Member Montesano stated just thought I'd ask.

Chairman Rogan stated but it's a great question.

Rich Williams stated well, just so we're all clear, typically in the past if something needs to get added to the agenda it's at the discretion of the Chairman.

Chairman Rogan stated we've clarified those. I looked at the minutes actually and from the work session, about talking about some of those projects that we, you and I and Gene had spoken about last time.

Rich Williams stated yes.

Chairman Rogan stated and I saw in the minutes where you clearly stated that things came in after the

deadline, and I just didn't, you know, pick it up.

Rich Williams stated there's a lot going on in the meeting, and that you can miss.

Board Member Cook stated I have a different sort of a question. I mean, should we be approving things like this at the Work Session as opposed to the regular session.

Chairman Rogan stated generally what we can do Charlie is, since these are also public meetings, we can approve things, and we can do a lot of different things.

Board Member Pierro stated we notice them, a lot of times we notice them.

Chairman Rogan stated like what Dave usually is the person that tends to handle these at the regular meeting as he'll give, you always say it in to, to memorialize.

Board Member Pierro stated right.

Chairman Rogan stated just to let people know that we did the decision. And it takes, it lightens the burden for the night of the meeting, it shortens it.

Rich Williams stated and understand it won't be pulled off of the agenda.

Board Member Cook stated correct.

Rich Williams stated I'm sorry it will still be there.

Board Member Pierro stated we just save a minute or two. In the matter of 17 Couch Road Subdivision I make a motion that we grant a three month extension.

Board Member Montesano stated they're asking for six, you want to give them three.

Board Member Pierro stated we respectfully request a three-month extension.

Board Member DiSalvo stated maybe you got (unable to hear) extension.

Board Member Pierro stated 17 Couch Road Subdivision. Bottom line.

Board Member DiSalvo stated six month expiration.

Rich Williams stated just so everybody's aware, this submission is up there.

Board Member Montesano stated oh, okay. Sorry, I'm reading (unable to hear).

Rich Williams stated they didn't make it in for this agenda.

Board Member Pierro stated right.

Rich Williams stated so three months should be fine.

Board Member Pierro stated right.

(unable to hear – too many talking)

Board Member Montesano stated second.

Chairman Rogan stated all those in favor.

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

Motion carried on a vote of 5 to 0.

6) WALLACE W/W PERMIT APPLICATION – Continued Review

Chairman Rogan stated okay Wallace, Wetlands/Watercourse Permit Application. If everyone recalls last time they were in they had their Wetlands consultant in talking about what he found and the direction the Board gave for him to bring back to the applicant was that we were looking for the engineer to address the total construction of the site so that we can properly assess what the impacts would be to the wetlands. And that's basically it. And we have, have we received anything new on this.

Rich Williams stated we've received new plans that were designed by Jack Karrel which show development of the lot. Including driveway access, down to the septic system, how they're going to manage stormwater. House, soup to nuts. I've reviewed it, done a memo, you know this, some clean-up things that they need to do. Probably my two biggest concerns are the last two bulleted issues in the memo I did. I think he substantially underestimated the amount of water that he needs to capture and hold in the drywells. I don't think that the drywells are going to suffice for the amount of runoff. But clearly at the meeting the wetland consultant said that this was a sensitive site, that maintaining hydrology was crucial to maintaining the integrity of the wetlands and the stream, and that critical design elements we're going to need to be included in developing this lot to maintain that diffuse flow of hydrology back into the wetlands. And I don't think that Jack's done that. I think what Jack has done has resulted in two-point discharges back down into the wetlands, not maintaining a diffuse flow coming down that embankment.

Chairman Rogan stated is there a way to pick-up the directional flow that you're talking about at the, before it enters the wetland, not the buffer but of course the wetland itself, and then put in some kind of a diffuser practice. So that it, you know.

Rich Williams stated sure, you can put in some sort of level spreader, I mean long-term, you know, level spreaders are typically designed for short-term practices. Just while you're under construction and not meant to be long-term. More and more we're looking at trying to turn them into long-term practices, having structural lips on them to maintain that perfectly level surface that you need to push the water over. But probably a better way to do it is instead of having two points of discharge, to have multiple points of discharge where you're capturing it in different practices and getting it back into the wetlands.

Board Member DiSalvo stated did we ever get a report for this, or (unable to hear) that it might.

Rich Williams stated well yeah, we reviewed it, he came in and talked about it.

Board Member DiSalvo stated he came in but he didn't.

Ted Kozlowski stated he wrote two reports and you know, typical of every application we get in the buffer there's no consideration of what a normal home owner would do on the site, out. Looking at it is just out. And, but he says in the report throughout, it's a challenge.

Chairman Rogan stated sure.

Ted Kozlowski stated it's going to be extremely difficult to, not difficult, I didn't mean the word difficult, but extremely sensitive

Chairman Rogan stated a sensitive area.

Ted Kozlowski stated he kept stressing that. So he didn't really come out and say yeah what they're going to do is wonderful. Or it's no impact. You know, and you look at the newly revised plans, and every time I look at these things I try to visualize it as if I was a homeowner, and how am I going to reasonably use this property. And again we're back at this, and make the argument that this previously approved lot it would go, like, look at the slopes involved. Look at the fact that the septic is all within the buffer. He doesn't even have DEP approval yet. For that.

Chairman Rogan stated oh, of course not.

Board Member DiSalvo stated are we talking like a two bedroom house, or.

Chairman Rogan stated that's what we're talking.

Ted Kozlowski stated again this is the guy that is, that's building this on spec. I just don't know how this is all going to you know. When this is all said and done, how the homeowner is going to reasonably use this property, and how we are going to protect the natural resources.

Chairman Rogan stated this is going to be very similar, oh sorry.

Board Member Montesano stated that's okay. With Ted's, what I'm worried about right now with this is that if we approve this lot right now, and he puts a house on it, that house is going to sit for awhile. The market, there's too many good houses on the market yet.

Ted Kozlowski stated and this is a two bedroom house.

Board Member Montesano stated and this is down to a two bedroom house. Now the thing is that this house is going to be built. He's going to have a two bedroom house. Since we have no control over what a two bedroom house looks like, and maybe the attic maybe stretched and not finished, but will be eventually. What I'm looking at is do we have any way to put a limit on what can be done later on with this, or from the length of time it's going to be on the market. And the fact that.

Ted Kozlowski stated didn't you put a restriction on that house in Putnam Lake.

Rich Williams stated which house.

Ted Williams stated the footprint. Rock.

Board Member DiSalvo stated oh (unable to hear) Rock.

Board Member Montesano stated well it's not so much the footprint that I'm worried about. If he puts a peak up here.

Board Member Pierro stated no he didn't.

Board Member Montesano stated if he puts a peak up here, you may have two bedrooms down stairs. But if you remember the houses up on Cornwall Hill when they were first being built, the first model that they put up down there, down where Ginny lives, that upstairs in the model house was never finished. It was listed like a two bedroom house, but upstairs you still had room for at least another two bedrooms.

Board Member Pierro stated (unable to hear) Health Department considering anything other than first floor of bedroom it (unable to hear) space.

Ted Kozlowski stated now the other thing is we're back to the question, you know the cart before the horse kind of thing. We don't even know if he could get a Health Department Permit.

Chairman Rogan stated that's their contention though. They're saying why are you guys driving us through all of this. We'd want to see if we can even get the permit. But we're requiring it because we don't want to say okay, fine, go ahead and see if you can get the approval, and then when they do get it because they are confident in the area, they've done testing out there, they're going to come back and then we can't, we've got to decide how we want to react to this. We can't say okay, great, go ahead and get your approvals and then when they come back and say we got approval for a three bedroom house through the Health Department, and say well we don't like the lot. We need, we decided that we want to look at the totality of this site, so we can properly ascertain whether or not, what the impacts will be to the wetland. And I think that's where we're at now, is we've got to go ahead assuming that what they're showing for septic will work. We could approve it, and then it's going to be contingent upon Board of Health approval, it always is, and if they fail for some reason, we've still done our job. But what I think this relates to is it's very similar to the lot near your house on Cornwall that we just approved with no backyard. Previously approved subdivision, they've got zero backyard, never mind it's not because of slope, it's because of wetland. Their only usable area really is the septic area, which in this case unfortunately is pretty far away on this lot.

Ted Kozlowski stated and by the way, how silly does that house look.

Chairman Rogan stated well, there's worse ones.

Board Member DiSalvo stated not any sillier than the one next to it with the angle, with the car parked (unable to hear).

Board Member Montesano stated if you think about it this way, when the approvals were given there was nothing to limit the size of the house.

Board Member Pierro stated back in the old days Mike, things were fast and furious back then. You were here.

Board Member Montesano stated yeah, that's what I'm saying. The object is.

Board Member Pierro stated three lots should not have been subdivided.

Board Member Montesano stated definitely.

Ted Kozlowski stated the two houses next to the old McGuire house.

Board Member Pierro stated that's three lots. Those were the three lots, they were all subdivided at the same time.

Rich Williams stated but you are talking about a period in time where things were not being done fast and furious around here. They just slipped through the cracks.

Chairman Rogan stated okay.

Board Member Montesano stated there was no rules pertaining to use of properties. When it tried to be brought out.

Chairman Rogan stated yeah.

Board Member Montesano stated it was denied.

Board Member Pierro stated I had the opportunity to look through the title searches on those parcels because I was selling the old McGuire house, and they sort of twisted my arm to list that house, and I refused to sell it, but list the lot. I listed it. I refused to sell it though. I could have sold it a hundred times. But I read the title searches on that. It was fast and furious. Those were owned by an individual in town who's no longer with us, and then turned over to Dorset Hollow Associates. And then they got approved.

Board Member Montesano stated that was part of the deal. That he was getting conflict of whatever.

Board Member Pierro stated yeah, it would have been a conflict of interest.

Rich Williams stated you know, you're talking about the former Town Attorney.

Board Member Pierro stated right.

Board Member Montesano stated yes.

Rich Williams stated okay. But that all occurred and it wasn't turned over. The former Town Attorney sold it to Hartz Mountain, and at that point, the Planning Board stepped in, the Planning Board completely turned over, there were a couple of lawsuits.

Board Member Pierro stated excuse my language. Yeah, I understand, a couple.

Rich Williams stated because I was lead on that.

Board Member Pierro stated okay. I regret if there was any negative impression upon you.

Ted Kozlowski stated the other thing with this whole, now remember, this is the same neighborhood that we have Rizzo, we have another Wallace lot and we have a third lot, the owner I don't know, and they're all lots from hell, also. And you've got the existing homes in there, which are four or five bedroom homes, and they're. So, on the big picture, and I don't know if this is what you have to consider but on the big picture, how is these little two bedroom things that are going show up now in this neighborhood going to effect the rest of the neighborhood.

Chairman Rogan stated yeah.

Ted Kozlowski stated if I were a homeowner in there, I don't know what, you know, this is going to look like crap.

Rich Williams stated Ted, are you suggesting that this Board deny the application because it may negatively affect the value of the surrounding properties.

Ted Kozlowski stated possibly, yeah.

Board Member DiSalvo stated I don't know if you can do that. I wouldn't go there.

Chairman Rogan stated wow, I'll tell you what.

Ted Kozlowski stated look, I can say this because I'm not, I don't sit on this Board. Alright.

Chairman Rogan stated yeah.

Ted Kozlowski stated I'm just, can you allow me to say my peace.

Board Member Pierro I thought that character of a neighborhood was.

Chairman Rogan stated well here is where it would apply I believe. In this case, if we were looking at this as a subdivision, brand new, and we were saying you know, this lot isn't going to, then there's a lot of things that we could do with this lot. This lot probably represents the best of the worst remaining lots out there. In other words, we're certainly not dealing with a lot where we're going to try to put a house where there is a stream going underneath it, which is the case with Forest (unable to hear). In a wetland, this is we're talking about buffer now here. We're not talking about going into the wetland. I got to be honest on this, we have to I think look at this as what are the impacts to the wetland. Those are things that we certainly can rule on. Whether or not somebody has adequate front yard in this previously approved lot, I don't think we're going to be able to hang our hat on. I was at a lot today where I had, anyway to make a long story short, I was on a lot where a guy had just bought the house two years ago in the Town of Carmel, very similar to this lot, septic way down the hill behind the house, no front yard at all. I could barely walk the slope to get to the septic area, it was grass. I asked the guy how he mowed it, he said he uses a weed whacker. He moved up from Queens, he didn't see any of the limits of that lot. He saw it as he had a house in Putnam County.

Board Member DiSalvo stated yeah, affordable.

Chairman Rogan stated and he was from Queens. So there are people that are going to buy this. And this house probably will look within the character of the community because even though it's only a two bedroom house, the size they have shown, it's still going to be a twenty-five, twenty-six hundred square foot home. It's just going to be limited to a two bedroom.

Board Member DiSalvo stated but it's going to be low, and you're not really going to see it from the road.

Chairman Rogan stated and there are a lot of policies in place right now, and I can speak first hand to that, that are going to limit this to a two bedroom house through other agencies, for uses. What people do illegally with a house, none of us have control over. Somebody goes in and finishes off part of the basement or an attic. All they can do is enforce it when it gets resold.

Board Member DiSalvo stated right.

Board Member Pierro stated right.

Chairman Rogan stated you know, that's why they're always looking at potential bedrooms. But I think our job on this is to look at whether or not the construction of this lot, whether we like it or not, how it's going to impact on the wetland, because really they're in front of us for a wetlands permit. You know, the whole essence of what we're doing is show us the total construction of the lot so we can properly assess how it impacts the wetlands. Not properly assess whether or not we like how the lot lays out. You know, we're improving the impacts or denying the impacts to the wetland, and they've done what we've asked of the septic. We said stay fifty feet outside, you know, fifty-foot buffer, for limits of disturbance. Even the owner would admit that this is a very challenged site, you know, nobody's denying that. But I think we need to keep our focus on the fact that this is already an approved lot and I know Ted and I have had a lot of conversations about these sorts of things. Can they build the site and protect the wetland. And protect it for the future for the you know, stormwater runoff.

Ted Kozlowski stated the question, and this keeps coming up, and Rich and I've talked about this a number of times, and I remember having this discussion with Jay Hogan on another lot in the Town of Patterson, you know this was approved before the Wetlands Law, okay. The Wetlands Law comes in, this is no longer in the hands of the original property owner, who was here when this was approved. It's changed hands several times. Now, does the law, you know, when does updated laws take effect. You know, this person bought this lot knowing full well of the Town's Wetland Law, and I'm bringing this up on this lot with an eye to the next lots. This one as you say Shawn, is the best of the worst. Okay. But you guys, and lady, is going to face Rizzo and another Wallace lot that are far worse than this.

Chairman Rogan stated yup.

Ted Kozlowski stated and again, and especially with Rizzo, this is a recent buyer, who doesn't even have an existing Health Department permit for the septic.

Chairman Rogan stated yup.

Ted Kozlowski stated when do you, you know, where does the law come in on this, and where can we say look, the law was what it was in 1986, but now this is 2007, the laws, all the laws, whether it's DEP, DEC, us, they've all changed, and you've got to conform to today's laws. Not what it was in '86. So, and nobody really can answer that question because I keep getting answers.

Board Member DiSalvo stated I think it's more of a legal issue.

Chairman Rogan stated that's exactly (unable to hear).

Board Member Pierro stated my point is if we deny this is it a taking. Is it a taking and are we going to get hung out to dry in that regards, so.

Chairman Rogan stated I think the way Ted phrased the question though is exactly the issue regardless of this lot, it's the issue that we need to have resolved for as you said, it's going to become an.

Ted Kozlowski stated that's coming and this is a precedence setting, because it's challenging. We're allowing a septic within a hundred feet.

Chairman Rogan stated yeah.

Ted Kozlowski stated of a wetland.

Chairman Rogan stated that's not a precedence though.

Ted Kozlowski stated which is generally a no-no.

Chairman Rogan stated right.

Ted Kozlowski stated with a lot of folks.

Chairman Rogan stated yeah.

Ted Kozlowski stated you're making the exception here. I see the point, and Shawn you made a great point about you know, what you have to look at with regard to this wetland. But, be prepared, Rizzo, it's all wetland.

Chairman Rogan stated yeah.

Ted Kozlowski stated and what are you going to say then.

Chairman Rogan stated but that also, oh I'm sorry, go ahead Maria.

Board Member DiSalvo stated with Rizzo, there's two lots there. Weren't they talking about eventually combining them maybe.

Ted Kozlowski stated I suggested that.

Rich Williams stated he suggested it.

Ted Kozlowski stated see, I suggested to Mr. Shimon Katz, who owns the Rizzo lot now, who's a gentleman and is trying to do the best thing. And I've meet with him and he's called Richie a number of times, and one of the scenarios is those three horrible lots, and if you combine them into one lot, you'll get something out of that because there is some dry land between the three.

Board Member DiSalvo stated right.

Ted Kozlowski stated that's between those three guys. But I can't see Rizzo standing on it's own. I just can't. I know you're talking about Wallace right now.

Chairman Rogan stated yeah.

Ted Kozlowski stated but you're going to have those same issues multiplied by ten.

Chairman Rogan stated yeah.

Board Member Pierro stated they are intertwined.

Ted Kozlowski stated right across the street from this.

Board Member Pierro stated they are intertwined because if we were to approve this lot and deny Rizzo,

Rizzo's going to bring this lot.

Chairman Rogan stated but you know what. Exactly what you guys are saying about setting precedent, you look at what you are approving here, say for instance fifty foot from a wetland. In the Rizzo case, you're going to have in the wetland or whatever, so where you have ten times the problem, you have ten times the defense.

Board Member Pierro stated right.

Chairman Rogan stated that you can document and say you know, I mean, here they, we said awhile ago, show us fifty foot outside you know, obviously if we said show us a hundred foot out, that would have been a decision in and of itself. We said two bedroom max.

Board Member DiSalvo stated right.

Chairman Rogan stated you know we're giving them, here's the problem, or what we have to be leery of or not leery, careful of is giving them guidance or giving them suggestions on what we want and then them doing it, and then us saying well, no it's denied. We've got to, I think we've just got to look at it from the standpoint of wetland impacts. For instance, I don't see any, you see current access proposed access to put the septic in, but there's no future access. So, I've said it years ago in one of the cases we had. That's where I would support them putting in the entire system right up front. Maybe only use half of it, so they can go down and reconnect it, they can do that by shovel and, you know by work.

Rich Williams stated Shawn let me correct that.

Chairman Rogan stated sure.

Rich Williams stated there is future access on there, but he acknowledges that it's only going to be suitable for a back hoe.

Chairman Rogan stated oh, okay.

Rich Williams stated coming off the edge of the driveway.

Chairman Rogan stated coming off. Okay. Alright. Boy that's pretty steep

Rich Williams stated it's steep. But it's like twenty percent.

Chairman Rogan stated you know, the issue becomes how do they get the materials down there. Do they have to truck up and down the hill. You know.

Rich Williams stated it's only suitable for a backhoe, that's what he said.

Chairman Rogan stated no, they're going to have to muck up this site.

Ted Kozlowski stated I think we've all walked it, except for Charlie.

Chairman Rogan stated yeah. Charlie, we should, you should walk this.

Ted Kozlowski stated it's a tough, it's a tough (unable to hear)

Board Member DiSalvo stated don't go alone. In case you fall down the hill.

Board Member Pierro stated okay, so it's just on for continued review at this point.

Chairman Rogan stated right.

Rich Williams stated right.

Board Member Cook stated but now, can this application, as any application, be denied because they keep coming in within that hundred-foot setback.

Chairman Rogan stated well that would be your basis for denial. In this case, through our conversations with the applicant we, because they were originally, a lot closer to the wetland. We said fifty foot. Because also, years ago, the offset to the wetland for Health Department was fifty foot, so a lot of time I know they've used that, they've gone back to what the wetland law was in place at the time.

Board Member Pierro stated right.

Chairman Rogan stated Ted's saying was there even a wetlands law at that time. I don't know. But.

Board Member Cook stated wetlands law today says a hundred feet.

Chairman Rogan stated hundred foot.

Ted Kozlowski stated and back then, it wasn't so much to protect wetlands, it was because you can't have a (unable to hear). It's never going to, it's never going to work.

Chairman Rogan stated yeah.

Board Member Cook stated because even in the applicants engineer's letter, there's at least four places where he says, acknowledges that he's going into the wetlands or into the setback area.

Chairman Rogan stated oh yeah. Yeah. Half the project is in the buffer.

Ted Kozlowski stated this would be a slam-dunk if this was not a pre-approved lot.

Board Member Pierro stated right.

Chairman Rogan stated slam-dunk from the.

Ted Kozlowski stated slam-dunk in the sense forget it.

Chairman Rogan stated absolutely.

Board Member Montesano stated this is where.

Ted Kozlowski stated you would never ask in today's world, if this was before the Board.

Board Member Montesano stated this is where we have the problem, because we have asked before for an opinion and we never seem to get it straightened out, because we get sidetracked or beaten around. Is how far can, are we, the feeling you get is that they don't want us to have any lawsuits. So they don't want us to

say no to anybody. And there are times where we, the sensible thing would be to say no. But we've asked on more than one occasion to find out.

Rich Williams stated and I think you've gotten a answer on more than one occasion. Mike, I've done opinion letters to you. The attorney's done opinion letters to you.

Board Member Montesano stated yeah, we just got another one today. On opinions.

Rich Williams stated from the attorney.

Board Member Montesano stated yeah. I'm pretty sure. Is this an opinion letter that we just got on something. I didn't read.

Board Member Pierro stated (unable to hear) up to it already.

Ted Kozlowski stated I think when you're looking at these wetland permits, you know, certainly impacts to the wetlands is a big factor. But I think reasonably is to the land. It's got to be another factor. You know.

Chairman Rogan stated well look at we did with most recently Burdick Farms. We spent a lot time at least having the conversation of not only usable backyards, but notifying people of constraints through closing documents etcetera.

Board Member Montesano stated okay.

Chairman Rogan stated because we don't ever want to create a situation where we approve something and a month after it's built, they're going to zoning. That's bad planning. As a Planning Board we're not doing our job then.

Rich Williams stated you know, me being the nut that I am, I go on the state site and read all the court cases. There was a court case decided by Court of Appeals I think it was, on regulatory taking.

Chairman Rogan stated that was a great article, thank you.

Rich Williams stated so gave everyone a copy of the case.

Chairman Rogan stated yeah, that was great.

Board Member Montesano stated but what I'm saying is that's.

Rich Williams stated (unable to hear) to Ted too.

Ted Kozlowski stated yeah, but you know what, depending on what attorney you go to.

Board Member Montesano stated also what judge you go to. Some judges will go along with it, and others won't.

Rich Williams stated no, you're absolutely right. You don't know (unable to hear).

Ted Kozlowski stated you know, I've heard it several times. Once change.

Board Member Montesano stated don't you laugh.

Rich Williams stated and I can give you.

Ted Kozlowski stated it's not a hardship anymore.

Rich Williams stated I could give you a U.S. Supreme Court case, on point, to the whole issue of changing hands where the Supreme Court said it doesn't matter.

Chairman Rogan stated well look at easements run with the land right.

Rich Williams stated yeah.

Chairman Rogan stated (unable to hear) to the person. Health Department I know like for, these, these old lots, it has nothing to do with the person. It's purely, there was an approval on it whether it was from State Health. You know there's lots that were from 1945 in Morning Brook. They're previously approved subdivisions and so they grant waivers but they make it the best possible that they can under current law. You know, they make it the smallest house, they make it the largest septic they feel, whatever. But it's got nothing to do with change of ownership.

Board Member Cook stated but going back to something that Ted said earlier, with the approval way back when, did that approval come with stipulations or I mean, it almost seems that.

Rich Williams stated the approval was done before the wetlands law was in place.

Board Member DiSalvo stated so they just surveyed amount of land and cookie-cuttered (unable to hear).

Ted Kozlowski stated I don't even think they've walked on the site.

Board Member DiSalvo stated probably not.

Board Member Montesano stated the site.

Ted Kozlowski stated especially with the Rizzo.

Board Member Montesano stated the site was walked on.

Rich Williams stated back then, well, two people were doing all the site walks, three people, the Town Engineer, the Planning Board Chairman and a person from the ECC was walking every site.

Chairman Rogan stated but given the practices at the time, it was just normal procedure, it wasn't doing anything that, you know, was a wet area. Bring in fill, bring in whatever you need, you know.

Board Member DiSalvo stated yeah.

Chairman Rogan stated that whole area through there, was wet years ago. I mean it still is, but.

Board Member Montesano stated a lot less of it is wet.

Board Member Cook stated where we're at is that we have an approved site, with basically back then no regulations, and we're dealing with improvement to the site, with today's regulations.

Chairman Rogan stated if they built it under the regulations that were in place at the time, you know, if they

were allowed to do it based on what was approved, it would be much more harmful to the wetland than what we're, we would be able to because they need a wetlands permit, to look at it, to analyze it and to put best management practice in place so that we can minimize the impacts. But, really it sounds like the question is whether or not it becomes a taking. If we deny it whether or not we're within our rights to deny it based on those things.

Ted Kozlowski stated but if you rule, and I'm not suggesting on this particular lot, this lot you know, while it's an undesirable lot in my opinion.

Chairman Rogan stated yeah.

Ted Kozlowski stated it's still got some, you can still make the argument that it's out of the wetland, it's this, that the other thing. With regards to something like Rizzo, where it's entirely, everything is in wetland, you can argue that it's not a taking because it's a detriment to the natural resources of the town. The Planning Board has determined that this is, by allowing this action we are permanently damaging natural resources. There's no ifs, ands or buts, in my opinion. And then, is that a taking or is that a prudent action.

Chairman Rogan stated it may be a taking, but it may be something that we have a lot more leg to stand on when it comes time for the lawsuit that they say they looked, you know, you can't just say well, it's in the wetland and it's denied. You still need to take a look at it. You still need to make sure you articulate why you're denying something.

Rich Williams stated and it's very incumbent upon this Board to do the best job they can to prove the benefit as a natural resource because it also proves a reduction in value. So if it is a regulatory taking.

Board Member DiSalvo stated yeah.

Rich Williams stated it's not a significant economic burden to the town. It's not a significant economic hit.

Board Member Cook stated we use the word taking, is that the same as denial.

Rich Williams stated no.

Board Member Cook stated what does taking mean.

Board Member Pierro stated taking is, you're taking the ability to develop the monetary value of that lot by regulation, you're taking it from the homeowner, or the owner. By his inability, your failure to approve it is, it gives him his inability to build or to sell it.

Rich Williams stated you're taking away all reasonable use.

Board Member Pierro stated right.

Board Member Montesano stated if you think about it, plus he's down in Pleasantville, there's a house that they couldn't put it on the lot because the lot was minimal. So what they is they put a three story building up and they got away with it. And legally, it fell within the confine, that there was nothing in there that, it just limited the footprint, and they said fine. If the footprint is limited to fifty square feet, does that mean that I can go straight up and put the same type of house, but instead of putting it this way, I'm putting it this way. And it was done.

Chairman Rogan stated Charlie, if we were to approve this lot for the wetlands permit for a two bedroom house, certainly the owner can view that as a taking that hey I wanted a four bedroom house and a four bedroom house would sell for seven hundred thousand, but a two bedroom is only five hundred, but probably the courts would say we gave them a reasonable return or use of that property. Especially given the constraints and I'm sure we would be fine on that.

Board Member DiSalvo stated and he hasn't complained about this.

Chairman Rogan stated no, no. I'm just trying to make the example is all.

Ted Kozlowski stated the question on this lot now, again, before the Board, is there a garage. Is there a deck. You know.

Rich Williams stated there is a garage.

Ted Kozlowski stated what do we have.

Board Member DiSalvo stated a one car.

Ted Kozlowski stated what are we looking at.

Chairman Rogan stated right.

Rich Williams stated no, I think that it's two car.

Chairman Rogan stated I think it was two car garage. It's shown straight off. It wasn't a drive-in.

Board Member DiSalvo stated straight in. Two-car.

Rich Williams stated they're not showing a deck, but there's adequate area in the backyard to install a deck.

Board Member DiSalvo (unable to hear).

Chairman Rogan stated the deck is not as big of an issue as. But you are certainly right in that do they, are they going to have a usable backyard, not with a heck of a lot of retaining walls or terracing.

Ted Kozlowski stated I mean to build that house are they going to have to build retaining walls.

Rich Williams stated oh yeah. Absolutely. One of the issues that I've raised is they got a two on one slope, a fairly you know, good slope coming down to a seven foot retaining wall.

Chairman Rogan stated I see five retaining walls on the plan.

Rich Williams stated so I can just see the kids in the front yard playing on the front yard all of the sudden rolling and rolling right off the back.

Board Member Montesano stated when they start bringing the quads in and they got the jump right there.

Chairman Rogan stated yeah, okay.

Ted Kozlowski stated I don't know, it's a challenge.

Chairman Rogan stated it's definitely challenged. Alright.

Board Member Montesano stated okay.

Board Member Pierro stated Tiwary.

Chairman Rogan stated some good discussion on it though if anything else.

Board Member DiSalvo stated Tiwary.

Board Member Montesano stated we're getting prepared for the better ones.

7) DENNIS & TIWARY W/W PERMIT APPLICATION – Initial Application

Board Member Pierro stated Tiwary, Dennis.

Rich Williams stated did you take a look at this Ted.

Chairman Rogan stated brand new. Initial application.

(unable to hear – too many talking)

Ted Kozlowski stated I didn't get up there no.

Board Member DiSalvo stated that house finally sold.

Ted Kozlowski stated this is the horse farm right.

Board Member Pierro stated yeah.

Board Member DiSalvo stated it's the one going up the hill on the right that was for sale for like two years.

Chairman Rogan stated where.

Rich Williams stated they're looking to put a pool.

Board Member DiSalvo stated up by Laura.

Ted Kozlowski stated we gave permission for the neighbor across the street to put a pool in.

Chairman Rogan stated so it's in White Hawk Trail.

Ted Kozlowski stated off of. Oh, Laura.

Board Member DiSalvo stated that funny looking house.

Chairman Rogan stated okay.

Rich Williams stated after he made it one yeah, it was.

Board Member DiSalvo stated you said the people from Manhattan bought this.

Ted Kozlowski stated oh, it's a small little.

Board Member DiSalvo stated suppose they put in a vinyl pool, a vinyl liner.

Board Member Pierro stated a vinyl liner in ground (unable to hear) liner.

Board Member Montesano stated she didn't know the Cuomo family was there.

Board Member DiSalvo stated (unable to hear)

Board Member Pierro stated you're going to look at this right.

Chairman Rogan stated yeah.

Board Member Montesano stated half a site walk.

Board Member Pierro stated yeah I heard.

Chairman Rogan stated well no, because we're almost into April, so.

Board Member Montesano stated well Saturday is still this month you know.

Chairman Rogan stated we're not doing it Saturday.

Rich Williams stated here's the problem, here's one of the issues that you need to take a look at. Is they're proposing the pool over here. Here. There's the stream. I don't know what kind of a stream it is. I don't know which way the drainage flows on this site. But, it does appear possible to shift this pool around behind the house and at least get it part way out of the wetland buffer.

Chairman Rogan stated suppose to take a look at the site.

Rich Williams stated so really the only reason they are putting it there is they've got magnificent views going across the valley.

Chairman Rogan stated and it is incumbent upon us to try to reduce or minimize if we don't need it to be in a buffer than we can move it out.

8) 524 REALTY GROUP – Sign Application

Board Member DiSalvo stated yeah.

Board Member Pierro stated Shawn.

Chairman Rogan stated yes.

Board Member Pierro stated 524 Realty Group, how'd they make out with the Health Department and the meter.

Board Member DiSalvo stated castles.

Board Member Pierro stated castle. The meters.

Chairman Rogan stated oh, you know what. Position Still. I heard, I don't know the details of it, I haven't found out. But I heard that it was approved right. It was approved through Health Department, and I don't know anything more about it.

Board Member Pierro stated you have a smile on you face.

Rich Williams stated oh, I mean the things that I've seen.

Chairman Rogan stated stranger things have happened right.

Rich Williams stated I just, you know, I'm not sure why they approved it.

Board Member Pierro stated I'm not either.

Rich Williams stated you know. I don't know that they know that there's a septic system out there.

Board Member Pierro stated ne-ne, na-ne, nu-nu.

Rich Williams stated I don't know that they have.

Ted Kozlowski stated we don't know that there's a septic, that there's leach fields out there.

Board Member DiSalvo stated we don't know where it is.

Rich Williams stated right.

Ted Kozlowski stated we only know that there are tanks out there.

Rich Williams stated right. So I don't know what they base their approval on.

Chairman Rogan stated yeah, I don't either.

Rich Williams stated and the documents that came in didn't say what they had based their approval on.

Board Member Pierro stated we may wind up asking, if I have anything to say about it, we're going to ask for further information on that.

Rich Williams stated well this is just a sign

Chairman Rogan stated no, no. Oh, you mean.

Board Member Pierro stated I'm talking about the use.

Rich Williams stated I understand that. Just so we're clear though.

Chairman Rogan stated on sidebar, and not related to this to have.

Rich Williams stated right, right.

Chairman Rogan stated I'll ask the question directly. I just, honestly it slipped my mind. I hadn't thought about it. But, I'll try to find out.

Board Member Pierro stated from the size of the parking lot, I don't see how they can have the required fields there.

Rich Williams stated I did run across the plan that showed the septic system on the site. It was under the parking lot, it was up.

Board Member DiSalvo stated (unable to hear).

Chairman Rogan stated well, you know, not to assume or guess as to why, how or why it was approved, but lets say for the sake of argument that they put a water meter on, and they say okay, the facilities using seven hundred gallons a day, whatever. They may say well the capacity of the system is a thousand gallons a day. They're not using that much based on actual readings, and we're talking about putting a bathroom in for four people. You know, that's the kind of thing that would probably, but I'll ask, I'll find out. I'll ask tomorrow.

Board Member Montesano stated I'd like the (unable to hear)

Board Member Pierro stated I would like to inquire on whether or not they did any kind of inspection of the drainage there.

Chairman Rogan stated yeah.

Board Member Pierro stated to see that everything is going into the septic, and there's not drains or a drywell somewhere else, that's taking off another thousand off of that.

Board Member DiSalvo stated and is the house next door on that same system.

Board Member Montesano stated we'll let them explain it.

Board Member Pierro stated which is what.

Rich Williams stated nobody knows.

Chairman Rogan stated Dave, no, yeah Dave said that he thought it was on all the same two.

Board Member DiSalvo stated yeah, I would imagine right.

Chairman Rogan stated two places on one system. But I don't know.

Rich Williams stated well they are, there were originally five buildings. All five together on the same parcel. Nobody knew where the wells, nobody knew where the septic were. I guess we now know where

the wells are and they are all using the same water supply I believe.

Chairman Rogan stated wow.

Board Member DiSalvo stated from one well.

Chairman Rogan stated well you know shared wells if it's a sanitary source and it has the volume, rather than see them punching holes where they're limited sites where you might be closer to a septic and a potential source of contamination.

Rich Williams stated I'm not questioning their water use.

Chairman Rogan stated exactly.

Board Member DiSalvo stated well getting back to their sign.

Chairman Rogan stated yeah, what do we have for a sign.

Board Member Pierro stated what's our code, twenty. I thought our code was twenty-five square feet.

Rich Williams stated for a free-standing sign out in front. This is a building mounted sign.

Board Member Pierro stated okay, right.

Rich Williams stated in that case it's a foot and a half per linear foot of building.

Board Member Pierro stated okay.

Rich Williams stated he really doesn't have any other sign up there except for the canopy which says Realty.

Board Member Pierro stated right.

Chairman Rogan stated but of course the amount of square footage for the building, that would be split between the Poitin Still of course and the Failte.

Rich Williams stated it doesn't have to be. Our code doesn't say.

Chairman Rogan stated well, no, I realize what I'm saying is that if Poitin Still wanted to have a sign on the building, then whatever is left over would be available to this. So if they put up the full amount then obviously then we know we can't approve a sign for the building for. That's all I'm saying. They don't each get one and a half per lineal foot.

Rich Williams stated right.

Board Member DiSalvo stated but they're okay with the size.

Rich Williams stated yes. This is the one that they proposed.

Board Member Pierro stated until the Still comes in.

Board Member Montesano stated I hope they're going to put it up straight.

Chairman Rogan stated well they already have signs for the Still, Poitin Still.

Board Member DiSalvo stated at the (unable to hear) front.

Chairman Rogan stated and that's all, you know.

Board Member Montesano stated is the sign going to be put up straight.

Chairman Rogan stated I don't see a copy. Can somebody show me. I don't have mine.

Board Member DiSalvo stated I don't know. It looks kind of hard to read. It kind of blends in with the rocks. You know.

Rich Williams stated maybe that's good.

Chairman Rogan stated that's a terrible sign.

Board Member Montesano stated well you know they're getting it from our favorite sign maker.

Chairman Rogan stated it's also a bad photo.

Board Member Montesano stated yeah. Our favorite sign maker. In Putnam Lake. We'll explain it one day when it's unofficial.

Board Member Pierro stated okay.

Board Member Montesano stated did anybody else in here get that or just you and me.

Rich Williams stated Mike, you and I have been around too long.

Board Member Montesano stated you know, that's a good possibility.

9) DUNNING SUBDIVISION – Continued Review

Chairman Rogan stated alright, Dunning Subdivision.

Board Member DiSalvo stated I forgot about this.

Chairman Rogan stated this is the one we're suppose to site walk, right.

Board Member DiSalvo stated no.

Board Member Montesano stated we did site walk this along time ago.

Board Member DiSalvo stated this is the one on.

Board Member Pierro stated on the corner of (unable to hear) and 292.

Chairman Rogan stated oh I'm sorry, I'm thinking of, I see Harmony Road, I think of the one that Harry has that's Mooney Hill.

Board Member Pierro stated right.

Chairman Rogan stated I'm thinking of Mooney Hill.

Board Member DiSalvo stated oh, Consentino.

Chairman Rogan stated this is just the one that they sent the easements in I saw and.

Rich Williams stated they sent the conservation easement in. I've been working with Anthony and their attorney on getting the conservation easement that the Board wanted for that section along 292. And I think we've got all that squared away.

Ted Kozlowski stated do you want to save the trees or something on that.

Board Member DiSalvo stated yeah.

Chairman Rogan stated that's the conservation easement.

Rich Williams stated so, you know, for whatever reason, he's been absent from the Board for a little over a year now at this point, with some of the design issues. Let me tackle a couple of the easy ones first. There are a couple of waivers that you need to consider on this. One has to do with topography on lot 1, in the area where really there isn't going to be any development. It goes up the hill.

Chairman Rogan stated you need a waiver from that showing.

Rich Williams stated yeah, you're going to need to do a waiver on that.

Chairman Rogan stated lot 1 is the existing lot isn't it.

Rich Williams stated yes.

Chairman Rogan stated so it's not being impacted if we'd done that. Half a dozen times.

Rich Williams stated they've been proposing to develop two lots and push all the drainage from lot 2 which is upgraded into lot 3 and push it all the way down onto lot 3, and Gene and I have both not felt very comfortable with that whole scenario. Pushing all the sediment and laden water down the drainage swale down the road and then diverting it back on. It came back in this time, and they're still doing the same thing. They didn't want to change. You know, I took a ride out there to look at a closer look at the drainage swale to make sure everything worked and what I found was at least, what I'll say is, I've been missing the picture as far as what they're proposing to do. I've got pictures of what's going on. Essentially what they're proposing to do is develop lot 2, bring the drainage from lot 2 down to the very narrow swale along the road. Bring that seventy-five feet down the road where the topography dumps it back onto lot 2. There is a depressional area there. Then it's going to go back into sheet flow, go across lot 2, go across lot 3 and into the sediment pond, by overland flow. I've been under the impression that it is going to stay in the swale along the road. Well there is no swale along the road. Frankly while this is all being constructed that's probably not a bad scenario, it will be fine. Now the question comes up, once this is all built out

what happens. Now the additional runoff again is coming down lot 2, coming down the road, being dumped on to lot 2 into this depressional area where it is going to pond up because the depressional area is the low spot on the property. Then, it's going to be pushed eventually down across lot 3 to the driveway where the driveway is going to act as a berm and it's going to push it back out to the road, after it's ponded up high enough.

Chairman Rogan stated where's all this water coming from.

Rich Williams stated from lot 2.

Chairman Rogan stated but there's nothing in there that's creating directional flow for that amount of water you're talking about. It's not like, I mean it's diffused water, why is it being directed to that area you're talking about. I just don't see it.

Rich Williams stated everything coming off of the roof drains, everything coming down along the septic, the whole area of lot 2 below the diversion swale.

Chairman Rogan stated I see what you're saying, but I don't know. You're talking about the water coming off here.

Rich Williams stated everything from here is coming down. Here's the low point right here.

Chairman Rogan stated right. You're saying it's going to hit this because of the berm and it's going to end up down that way.

Rich Williams stated but because that's a low area it's going to stay at a low area.

Board Member Cook stated just please repeat that for me.

Rich Williams stated okay. What's going to happen here is this lot's going to be developed. The diversion swale come across back here like this and everything from here forward, all this drainage comes right down to this low spot. Now from this low spot as the water builds up it gets pushed down this way, hits this, comes down to a trench drain where it's suppose to get pushed back out to the road down to a catch basin down here. Which when I took a look at it, it really doesn't exist.

Chairman Rogan stated so currently they're showing a drainage easement through lot 3, which you're saying is really the crux of this. They don't necessarily need a drainage easement through lot 3 if they can deal with the water appropriately out on the road.

Rich Williams stated right.

Chairman Rogan stated right. I don't know why they would want to go down through with a drainage easement right through the guys' side of the yard.

Rich Williams stated well this is my problem. I see the future property owners out there saying hey I don't want the drainage from the road coming on to my property.

Chairman Rogan stated they might want to put a shed or a pool right there. In the middle of that drainage easement.

Board Member DiSalvo stated you have a point.

Rich Williams stated so my recommendation to the Board, and I've meet with the applicant out there, Gene's been out there at this point. My recommendation is that we have Dan go talk about putting a swale along the road so the drainage goes down the road.

Board Member DiSalvo stated but where's it going to end.

Rich Williams stated both of these are going to come down to.

Board Member Pierro stated at the imaginary catch basin.

Rich Williams stated well there is something there, but it's not a catch basin. I looked at it and I thought it was the headwall for two pipes that were eighteen inches apart, and the other pipe is probably buried down in the muck some place. When I talked to the engineer from Putnam Engineering I went out there with, he said no, it's not two headwalls. He thought it was a catch basin, but there were too many vines to pull over, to pull off of it so he could see what it was. Now that he sees what it was, it's not two headwalls, it's just an in ground drainage structure. Either way, its.

Board Member DiSalvo stated (unable to hear) out there.

Rich Williams stated we can still push the drainage there, the pipes are still there.

Board Member Pierro stated what if this drainage structure has a limited capacity to hold water, then we got a pond out there, correct.

Board Member DiSalvo yeah, it's going to start flooding somebody else's property.

Board Member Pierro stated or somebody is going to have to bridge this water under the road to the stream.

Rich Williams stated sure, but we're suppose to be designing this thing so at least at peak flows, it's not going to increase from predevelopment conditions.

Board Member Pierro stated right.

Rich Williams stated but everybody forgets about where I'm concerned about the ponding, is not the peak, but the overall volume of water which has to increase.

Board Member Pierro stated so you're idea is to have Dan install a drainage swale across lots.

Rich Williams stated no, my suggestion is that Dan create a drainage swale along the road where none exist now.

Board Member Pierro stated okay.

Rich Williams stated it's going to require him to go seek County approval to do that.

Chairman Rogan stated but it's really a cleaner way of doing it. It will benefit both lots. You know, it's taking care of the stormwater and it's giving them more use of their property.

Rich Williams stated I honestly do not want to be sitting here in five years with the property owners coming in and saying what knucklehead did this.

Chairman Rogan stated right. You said a number of waivers and I only really have.

Rich Williams stated I only had one. It must be on some of the others.

Board Member Pierro stated waiver for existing lot 1.

Chairman Rogan stated the topo. I'm thinking of the memo.

Board Member Pierro stated topo.

Chairman Rogan stated and you know, waiving topo on areas that aren't proposed to be touched by the action. It's just unnecessary. Different if there's a wetland area issue, because we like to get flagging. But if it's not.

Board Member Pierro stated can we do this at this meeting. Can we waive the topo at this meeting. Or would you rather wait until further on in the project.

Chairman Rogan stated it always probably helps so they know where they stand so they know it's not additional work. It never hurts, if the Board agrees we can always waive it at the meeting so they can, you know, can do it as a conditional approval, but they need to know where we stand on it.

Rich Williams stated you're not going to be saving that much time on this because there is going to be considerable discussion. On the other one, I'm going to call them up and going to say you got your waiver. They don't even have to show up.

Chairman Rogan stated put these photos back together. Oh, when you said at this meeting, I thought you meant in a week from now.

Board Member Pierro stated right.

Chairman Rogan stated not tonight.

Board Member Pierro stated no. No, excuse me. Excuse me.

Chairman Rogan stated as in this coming meeting.

10) TELECOM SITE PLAN – Continued Review

Chairman Rogan stated okay, Telecom was the balloon test right.

Rich Williams stated Telecom. Telecom's back. Telecom, no Telecom is the site that's more at the Route 311 on 22 near Don Floods construction yard. There's a small building, he wanted to build a building and a parking lot on the east side of a small depressional wetland that was filled with phragmites.

Ted Kozlowski stated which is part of DP-22 the Great Swamp.

Rich Williams stated well it is now, it wasn't then. The Board directed him to go get an Army Corp.

permit, before they really wanted to talk to him, and he did.

Chairman Rogan stated they're not as tough as everyone makes them out to be. So Telecom, they got the Army Corp. permit.

Rich Williams stated yes. Telecom needs a couple of (unable to hear).

Chairman Rogan stated wetlands/watercourse right.

Rich Williams stated, well, here's the thing. They have a pending site plan application and a request for a waiver and a wetlands/watercourse permit. Based on the fact that the original application had a building on it and they got rid of the building and they're just proposing a parking lot now, they came back in seeking a waiver of site plan, recognizing that we still need a, they were still going to have to go through a wetlands/watercourse permit process. So that's one waiver that's on the table that the Board needs to consider. The other waiver that the Board needs to consider is the road that they are proposing to put through the wetland is supposed to be a gravel surface road. So I'm not sure what exactly type of gravel they're going to use because the DOT numbers that they're using as far as I know is for concrete.

Board Member DiSalvo stated so they don't want to do the building any more.

Rich Williams stated no, the building's gone. They're just putting a parking lot in the back.

Board Member Pierro stated so they just want to put a driveway of some gravel or concrete material to that (unable to hear).

Ted Kozlowski stated commercial lot that forms wetland behind Poppy's Place, that we should have site plans on these lots. You know, we're still fighting over there at Poppy's Place which is connected to this piece of property, as you all know.

Rich Williams stated I don't think it matters.

Chairman Rogan stated is Poppy's to the side.

Rich Williams stated without a site plan.

Chairman Rogan stated they need all that parking for this small two-story building.

Rich Williams stated yeah.

Chairman Rogan stated wow.

Rich Williams stated they actually do. The problem that I have with it is, it's three hundred feet away. It's a gravel surface.

Chairman Rogan stated yeah it's ridiculous.

Rich Williams stated it's twelve feet wide so.

Chairman Rogan stated it's not safe for walking.

Rich Williams stated if you want to go in the back and park and then walk out to the building, which is a

long walk to begin with, you're competing with that twelve foot wide driveway with cars coming in.

Chairman Rogan stated yeah.

Rich Williams stated not a.

Chairman Rogan stated if ever there was a case for a sidewalk or something like that.

Board Member Montesano stated they're still here.

Board Member DiSalvo stated they haven't rented any of those suites there.

Ted Kozlowski stated you got some issues here, with regard to the wetland. This impact sets that aren't accounted for on these plants. One is precedent setting. We're allowing a road through a wetland. We've never done that before. That's precedence. Number two is because it's a commercial area and because they're going to be using trucks, and this is I guess, I take it there're service trucks and there are vans and whatever else it is that's going to be going in and out.

Rich Williams stated I don't, they're right now at a site.

Ted Kozlowski stated that's all that was told to me.

Rich Williams stated right, I don't know that they're coming back.

Ted Kozlowski stated okay. Alright, either way.

Rich Williams stated somebody's going to do what you're saying.

Ted Kozlowski stated let's assume somebody's there and using that lot for whatever they're using. That lot's got to be maintained. And that means road salts, that means plowing, that means those sorts of stuff that's going to wind up in the wetland and I don't know at that point if it will be mitigated or not. That wetland is part of the Great Swamp. Quite frankly, I'm very surprised they got their permit from Army Corp. and DEC. I'm partially surprised, DEC doesn't surprise me anymore on a number of cases. I don't know what you are going to do, but I really think it should be compensation for the lose of wetland. Richie brings up a point about, you know, that particular part of the wetland is pretty degraded by phragmites and invasives. That should be controlled with something in the effect of five years of cutting the phragmites down that planting all around the edge of that wetland with planting trees to provide a lot of shade, to kind of reduce the phragmites from coming back. I don't know if applying herbicides is an option. I'm not really crazy about that idea in a wetland, but there should be some sort of compensation for the loss of the wetland, should you decide to go with this road. But just remember, this is precedent setting, and even though in the big picture it's a minimal impact, it's still the Town is now allowing a road through a wetland. And not just a wetland, but part of the Great Swamp, and to me, that is telling everyone else well we're allowing it here at Telecom, which right now for all we know could be a spec site, because they're based in Pawling. You know, I don't even know if the need is there. Is this a hardship at this point. Or is this just because they want to just get to the other side of the property.

Board Member Montesano stated you got to understand something. We are going to be vulnerable because the two larger agencies that deal with this type thing, it's minor. It doesn't bother us. It's okay, and they issue permits for it. Now for us to go in and tell them no you can't, where would that leave us.

Ted Kozlowski stated I think the DEC and the Army Corp. are not looking at it the way we look at it.

They're looking at it from the huge picture of this huge, vast Great Swamp. They're not looking at it from a planning board's perspective.

Board Member Montesano stated okay. I realize that. But the problem we're going to have with that is some gentleman sitting in his little bench world, with his robe on, is going to say your little town is upset yet two of the biggest companies in the country that deal with this, agencies, are okaying it. Who are you to deny it. And that's where we're going to lose a lot of footing.

Ted Kozlowski stated you very well, you have a very good point Mike, and I don't know what to say to that.

Board Member Montesano stated well no, what I'm saying is I'd like to fight them on it, but I don't want to sit here with a wooden gun and going bang, bang when I don't have anything to (unable to hear).

Ted Kozlowski stated let me ask you a question. Is this a hardship.

Chairman Rogan stated before you can ask whether it's a hardship, I don't think it's as much of an important question as what was the reasoning for us saying, I honestly don't remember reviewing this, but was the reason for us to say go get you Army Corp. and go get your DEP first. Because if you tell them that, you've already made a decision then that you're willing to entertain it. You can't tell them go get those permits and then when they come back with them say, it's the same thing with the Health Department with the Wallace's.

Board Member Montesano stated right.

Chairman Rogan stated it's the same exact argument.

Ted Kozlowski stated at that time.

Chairman Rogan stated you can't say go to those agencies.

(unable to hear – too many talking)

Ted Kozlowski stated at that time they were making the argument.

(unable to hear – too many talking)

Rich Williams stated you got it. You got it. Let, go, now.

Ted Kozlowski stated no hold on Rich.

Rich Williams stated no it's my turn now to jump up on my soapbox, because two years ago, I sat here and argued that this is a degraded wetland, and what the Board should be looking at is allowing a reasonable use to put the driveway in, to manage that wetland by changing the hydrology, by planting the trees. And we had an approved commercial site and it was a win-win for the Town. Now you're absolutely right, that they were sent to the State with the intent of the State is never going to. Well, actually they weren't even sent to the state, they were sent to the Army Corp., with the assumption that the Army Corp. would never permit it. Well folks here they are, they permitted it because Ted's right. The Army Corp. and the State look at regional interest. They look at the bigger picture.

Chairman Rogan stated right.

Rich Williams stated we look at local interest.

Chairman Rogan stated yup.

Rich Williams stated we protect our interest, and now here we are, we're stuck. Cause now the state's taking jurisdiction. They now declare it part of the Great Swamp DP-22, and we can't go in and fix the wetland, and we can't make it better, and we have a very limited use of this site now. We can't have a good commercial use of this site. We missed the boat.

Ted Kozlowski stated but Rich, the key here is when we told them this, they were in that building, and they were making the argument they need that other side to conduct their business. They have since abandoned that building, they are, they're not even in our.

Rich Williams stated Ted they made the argument that they needed the other side, they didn't get it, they moved to Pawling.

(unable to hear – too many talking)

Rich Williams stated so now I guess they were right.

Board Member DiSalvo stated that's right.

(unable to hear – too many talking)

Ted Kozlowski stated so now why do they need this. Why do they need this.

Board Member Pierro stated that's another part of the argument, that they need it.

Board Member DiSalvo stated they need it.

Board Member Montesano stated whether they need it or not, they made the application. They're within their justification to do it. They followed what we did, and now we're sitting here biting the bullet.

Chairman Rogan stated but the lesson in this is though, we should never, going back to Wallace's, should never say hey they're probably never going to get through the other thing, so let them go. You got to make your argument where it stands.

Board Member Montesano stated well, depending on where they went for it. There are certain people that will be happy to do it (unable to hear).

Board Member Pierro stated what can be done to improve that situation out there.

Chairman Rogan stated well, just what you were saying. Remove the, or I'm sorry Ted you were saying, remove the phragmities.

Ted Kozlowski stated you got to have some compensation. You can't just (unable to hear – too many talking).

Chairman Rogan stated is that what that whole area is.

Board Member Montesano stated do me a favor Ted.

Rich Williams stated you know what. I have no idea what that whole planting scheme is because it's, it really, it doesn't have the wetland hydrology so I can't sit here and say.

Chairman Rogan stated right.

Rich Williams stated affirmatively that it's suppose to be wetland mitigation, imposed by the state. The plants are you know, borderline. They're not, you know, I'm trying to think of the word.

Chairman Rogan stated native.

Rich Williams stated no, they aren't.

Board Member Montesano stated the best of what we can get better.

Rich Williams stated anyway. I have no idea they (unable to hear).

Board Member Montesano stated they're minimal.

Rich Williams stated but at this point, the only thing we could do. Before we had the ability of changing the hydrology, which is one way you get rid of phragmites, and planting trees through the shade is the other way you get rid of them. At this point we're stuck. The only thing we can do is ask them to plant trees.

Ted Kozlowski stated well, we can ask them to do a five-year plan like we did with the A&P to keep (unable to hear).

Rich Williams stated but, it's also a state regulated wetland now so that, I mean the state encourages the removal of invasive species. But.

Ted Kozlowski stated do you think that the State is going to really care what kind of mitigation we suggest.

Board Member Montesano stated hey let me put it this way. They apparently didn't think too much of us sending to them to get this okayed.

Rich Williams stated this whole thing, I don't know where the state comes in on this, because you know, one of the things that they say is they did a coordinated review, and did SEQRA at the state level, which they never do. And we never received notice.

Chairman Rogan stated so it's not a coordinated review.

Rich Williams stated but the State said they did. So I don't know.

Chairman Rogan stated so is the state in this process right now, the lead agent, if they did a coordinated review.

Rich Williams stated they, according to them they did a coordinated review, they were lead agent, they made their decision, they're done. My opinion is, because we were never considered, we still have to do an environmental review.

Chairman Rogan stated sure.

Rich Williams stated but now it's going to be an uncoordinated review.

Chairman Rogan stated I understand. Maybe the planting that they're showing is just a visual buffer from the Route 22.

Ted Kozlowski stated I thought that was something to do with the stormwater from the parking lot, no.

Chairman Rogan stated well the stormwater is up above it.

Rich Williams stated it's nowhere near it.

Chairman Rogan stated it's between the wetland and the stormwater.

Board Member Montesano stated so give us something to bring in, and we can ask them. And we can specify what plant.

Ted Kozlowski stated they still need a permit from you, a wetlands permit, regardless of what the State.

Chairman Rogan stated well it comes down to site plan too. Even without the wetlands permit they're looking for, they either need a site plan or they need a waiver of site plan.

Board Member Montesano stated well I think we should have a site plan. If you look at the overall picture, all those pieces of property in there have been getting away with everything, every time we approve something in there.

Ted Kozlowski stated I think after Poppy's Place I thought you guys and lady said, from now on we want site plans.

Board Member Montesano stated well I always like a site plan on something that's gotten away with it, especially now. Today they're beneficial.

Rich Williams stated it's easy enough to do. They've got a site plan right there.

Chairman Rogan stated exactly. You know, I have to admit. That's something I've been confused about quite a bit on the Board is that, I've talked to Rich and said I don't understand. We're doing a waiver but we're still getting three quarters or more of what we need for a site plan. Why are we, and I've still not wrapped my brain around, you know.

Board Member Montesano stated well, especially these older sites. Think about it. Some of these older sites, especially along 22, have started out with this, and they put it here. And that's what the original building was.

Chairman Rogan stated yeah.

Board Member Montesano stated now there's a spot here, there's a spot here, there's a. Such as these, such as.

Chairman Rogan stated Poppy's not a place we're looking at.

Board Member Montesano stated well go to Poppy's, go up to Tela Cook's, go up to the barn that suddenly grew out of the swamp. There's no site plan.

Chairman Rogan stated I understand why a site plan is important. What I'm saying is I'm sometimes confused as to why we give waivers when we're still getting to be like Rich said, this is almost a site plan. So, you've got almost all the work done anyway. Let's just do a site plan.

Board Member Montesano stated well, yeah. All we have to do is ask them. Tell them we're not giving waivers away for site plans.

Rich Williams stated there's one last issue that I want to point out, the obvious. That's the loading zone up front.

Chairman Rogan stated I see it. Yup.

Rich Williams stated they're showing it as an existing loading zone. I have no idea of when it came into existence. It doesn't meet our code requirement.

Board Member DiSalvo stated is that where the dumpster was.

Chairman Rogan stated yes.

Rich Williams stated you know, I also want to point out that based on the constraints of this site, this is one that is just like Greenlands. They don't have room for retail, or customary personal services on the site, except in a very limited fashion. We try to pull a tractor-trailer in, that tractor-trailer is going to be backing in off of 22, into that loading zone. And if it is, a tractor trailer's going to block the entrance.

Chairman Rogan stated that's right.

Rich Williams stated so, that is an issue.

Chairman Rogan stated but the size of the spaces shown in the rear, it's for, it's typical parking. It's not.

Rich Williams stated I believe it's 10' x 20' spaces.

Chairman Rogan stated 10' x 20'. So that's typical. So we're not looking at loading spaces for ten-wheelers or anything. It's not a construction type use. It's just parking like, you know, vans and such. All right.

Board Member Montesano stated as General Custard said, don't worry about the enemies.

Chairman Rogan stated what we may want to ask is the type of use.

Board Member Pierro stated where do you get some of these quotes.

Chairman Rogan stated the type of use that they're planning for that parking. If it's for Telecom vans. You know, regular construction vans. We talked about this with Eastern Jungle Gym. Are their workers going to show up with their own car. Do they have enough or you know, that we don't end with them parking anywhere they want because they have to get into their work van and go.

Board Member DiSalvo stated well, it would be like they'll park their car, move the truck, and park the car

in the truck spot.

Chairman Rogan stated yeah, that's what they say.

Ted Kozlowski stated what I think you can also do as part of this wetlands permit, I'll give you my recommendation (unable to hear), but what's remaining of the wetland on their property we're going to have to of course, we're going to have to (unable to hear). Because it's a commercial zone, we're expecting.

Chairman Rogan stated do a split rail or something.

Board Member DiSalvo stated yeah.

Chairman Rogan stated something that's not obtrusive, but that you know, clearly delineates.

Board Member DiSalvo stated (unable to hear) tractor-trailer loads (unable to hear). Split-rail. You see them all at Dills. Oh my.

Board Member Pierro stated no.

11) PAPIITTO SITE PLAN – Continued Review

Chairman Rogan stated Papitto site plan.

Rich Williams stated they're back in. The Board at the last meeting indicated their desire to go out and do a site walk.

Chairman Rogan stated yup.

Rich Williams stated and the train came.

Board Member Montesano stated on the site walk.

Board Member Pierro stated well they pulled the building out off the back buffer (unable to hear – train) right.

Rich Williams stated what was that.

Board Member Pierro stated they pulled the building out of the back of the property line.

Rich Williams stated yes.

Board Member Pierro stated right.

Chairman Rogan stated oh this is behind.

Board Member Pierro stated Fair Street.

Board Member DiSalvo stated (unable to hear).

Board Member Montesano stated (unable to hear). By the garage. By the garage.

Chairman Rogan stated so they haven't notified us yet that this was staked have they.

Rich Williams stated no.

Chairman Rogan stated okay, so.

Board Member Pierro stated the parking layout is a little better. It seems to be.

Chairman Rogan stated so the purpose for them coming in next week, since we haven't a site walked it, is just change the plan, which we probably aren't going to have a lot of comment on, seeing how we haven't seen the site, right.

Rich Williams stated there is one issue that's come up. I picked it up. The driveway exceeds fifteen percent.

Board Member Pierro stated great. In the.

Rich Williams stated I think it's closer to seventeen percent. They're saying it's over sixteen percent.

Board Member Pierro stated and that is in the front of the parking spaces there.

Rich Williams stated yes.

(unable to hear – too many talking)

Rich Williams stated right as you come in.

Board Member Pierro stated oh.

Board Member Montesano stated now that is, this is the new driveway.

Rich Williams stated existing after our code required fifteen percent.

Ted Kozlowski anybody want a cup of water. Water.

Chairman Rogan stated no I'm good, thank you.

Ted Kozlowski stated anybody.

Board Member Montesano stated no, thank you.

Board Member Pierro stated did you hear what Rich said.

Chairman Rogan stated driveway in this area.

Board Member Pierro stated yeah.

Chairman Rogan stated sixteen, seventeen percent. Probably more disturbance then to make it fifteen.

Rich Williams stated they're doing it anyway.

Chairman Rogan stated oh, they are doing it.

Rich Williams stated but they want to leave at sixteen, seventeen percent. They're putting a new driveway in. They're adding their existing driveway.

Chairman Rogan stated oh, so they, if they're going to put in a new driveway at the entrance, that's got to be fifteen.

Board Member Pierro stated lets make it fifteen.

Chairman Rogan stated tilt the level a little bit more.

Rich Williams stated yeah, it's one of their things they're going to be looking for.

Chairman Rogan stated because they can grade that out over into that green grass area.

Board Member Pierro stated especially over that distance, yeah.

Chairman Rogan stated it's not a big deal.

Board Member Pierro stated a little bit of rock there.

Chairman Rogan stated actually, it would be cutting a little bit more into that where their yard is. So they'd actually have to taper down to it. Beyond that we have to wait until we go out there and take a walk.

Board Member Pierro stated any chance we can do it this week before.

Chairman Rogan stated they haven't staked it.

Board Member Pierro stated oh, they haven't staked it.

Chairman Rogan stated no.

Board Member Pierro stated I thought you said it was staked. I'm sorry.

Rich Williams stated I forgot, we do have one staked we'll talk about at the end of the meeting.

Board Member Pierro stated alright.

Rich Williams stated and where's Teddy when you need him.

Board Member Montesano stated getting wet (unable to hear).

12) **BONIELLO SITE PLAN – Continues Review**

Rich Williams stated let's talk about no encroachment into the wetlands.

Board Member Pierro stated where.

Rich Williams stated Boniello.

Board Member Pierro stated oh.

Board Member Montesano stated oh they don't encroach, they just bury it right in there.

Board Member Pierro stated you know, they've been encroaching for years.

Board Member Montesano stated did you ever notice the fencing. The fencing keeps getting closer and closer to the stream. We're going to build a bridge across next.

Board Member DiSalvo stated did they lose a tenant there.

Board Member Pierro stated I don't know, I haven't been there in ten months.

Board Member DiSalvo stated (unable to hear).

Board Member Montesano stated do we have a picture from the local airplanes. Before and after encroaching (unable to hear).

Rich Williams stated they have a topo survey in there that they did in 1994 that they gave us, which shows the limits of what they have for a parking lot. You have to look hard to see it, but it isn't anywhere near what it is today or what they're planning it to be in the future.

Board Member DiSalvo stated who are these guys who had these (unable to hear).

Rich Williams stated I want to start this conversation off by I like Anthony Boniello. I know him, I think he's an asset to the community. I think everybody on this Board feels that way. But we also recognize that this is a very challenged site, and it's going to be very difficult with all these constraints on this site to do this project. Having said that, if the architect doing the work doesn't step up and do it, then it's going to be torturous, and that's what's going on. He's not looking at the rules and regulations. He's not dealing with the issues that have been brought to his attention, and consequently half of what I said the last time has never been addressed, and there's a whole other litany of issues that needs to be addressed.

Chairman Rogan stated so we're in the position we've been in with a couple of other professional people, that they're going to end up hurting their client. That's not our responsibility, but what I would recommend is maybe the Board makes a recommendation that Mr. Greenberg meet with Rich and Gene, if Gene is needed. It sounds like it's both of you though. And hammer out some of these issues if this is the plan that they want to proceed with.

Board Member Pierro stated have you ever had a one-to-one with them. With Mr. Greenberg and.

Rich Williams stated I've had conversations with him in here about different projects conceptually and.

Board Member Pierro stated on this project.

Rich Williams stated I don't recall.

Chairman Rogan stated why don't we make a recommendation on that.

Rich Williams stated but Shawn, at.

Chairman Rogan stated I mean at the meeting.

Rich Williams stated at this stage of the game when we get down into hard design, hydrology.

Chairman Rogan stated yes.

Rich Williams stated things like that, it makes sense to, you know, he can clarify his position we can understand better. Where we are right now is just trying to come up with an overall design, and you know, I'll point out some of the issues. DEP regulations say no impervious surface within, you know, a hundred feet of a perennial stream. Well, two of the bays of the garage are within a hundred feet of the stream. The handicapped parking, which is going to be impervious, is within a hundred feet of the stream.

Board Member Pierro stated yeah, I would tell you that the building he's, are demoing are within a hundred feet of the stream.

Rich Williams stated sure. Absolutely.

Chairman Rogan stated right. So he's looking to keep an existing disturbance with new.

Board Member Pierro stated with new construction.

Chairman Rogan stated with new construction. He's looking to continue or perpetuate an existing infringement.

Rich Williams stated well yeah, but that's the problem. He's substantially expanding it with this proposal. I don't know the proposal based on what we have here in front of us, isn't too intense for this site.

Board Member Pierro stated except for the parking spaces behind where the demo building number two is demoed. I don't feel it's really, I don't feel anything other than the parking spaces really an increase.

Chairman Rogan stated otherwise if you're not looking at those parking spaces.

Board Member Pierro stated right, yeah. This building.

Chairman Rogan stated right, I understand.

Board Member Pierro stated building over here, I mean, I think it needs to be cut down.

Rich Williams stated except for the parking spaces over, that go right up to the wetlands.

Chairman Rogan stated yeah, right.

Rich Williams stated I don't think that anything out there is an unreasonable use of the property.

Board Member Pierro stated right.

Rich Williams stated but my issue is meeting the DEP regulations and the difficulty he is going to have doing that with this design, and how he's going to get caught up. You know, he's going to stay here with us for awhile, then he's going to go to the city and they're going to say you know, forget this. And a lot of the encroachment to the east of the buildings, you know, is all something that is something new, and it wasn't there ten years ago.

Chairman Rogan stated so lesson learned lets.

Board Member Pierro stated to the back.

Rich Williams stated yeah.

Chairman Rogan stated lets not assume that DEP is going to reject them and say oh let them deal with them, it's another agency. We have to deal with it now.

Board Member Pierro stated now, again.

(unable to hear – too many talking)

Chairman Rogan stated remember everything going in here is like trailers.

Board Member Pierro stated right.

Board Member Montesano stated every three years. Can we bring them out to explain to them.

Chairman Rogan stated here.

Board Member Pierro stated in there.

Chairman Rogan stated here.

Board Member Montesano stated a whole lot of difference in what was there.

Rich Williams stated well they're on the computer. And the difference between 2000, 2004 photos that I have, isn't substantial. The 1996 photos I have, are kind of blurry, so it's iffy.

Board Member Montesano stated okay.

Rich Williams stated the (unable to hear) of 1994 doesn't really show the site all that clearly. That's why you know, I use to go there in 1994, 1995. I use to buy my chainsaws from this guy. I remember what the parking was like, and it's shown on the topo survey, what the disturbances were out there.

Board Member Pierro stated yeah I think if he, does he need that many parking spaces for.

Rich Williams stated well, he actually, you know, there's a litany of issues with this. He actually based on the size of the buildings really requires more in my opinion. He requires about thirty-six. He's showing twenty-seven. A couple of the ones he's showing are a little funky.

Board Member DiSalvo stated he's looking to put everything inside now, right. All the repairs that he

does. Instead of having them on the side of the building (unable to hear).

Board Member Montesano stated well, as long as he got rid of that junk pile.

(unable to hear – too many talking)

Board Member Pierro stated even though it was storage out in the back, I would hope that it would all be gone.

Board Member DiSalvo stated yeah.

Board Member Montesano stated wait until the approval is given and I'm sure he'll start recollecting.

Rich Williams stated one of the other issues we need to clarify with him too is exactly what he's proposing to do out there. I mean, you know, the front building was clearly an office retail building.

Chairman Rogan stated yeah.

Rich Williams stated and that's going to stay. He's now proposing two apartments in there, which is not permitted by code. He's not showing a small engine repair business on the site. What he's showing is a storage and equipment rental site. So.

Board Member Pierro stated it's news to me.

Rich Williams stated and it may be news to Anthony, which is why I'm saying I'm not, and I raised all these issues in the last memo and the architect never touched them.

Board Member DiSalvo stated this is the house that's there right.

Board Member Pierro stated on the southerly lot, yes.

Board Member DiSalvo stated and it has a garage.

Rich Williams stated this is the building that he wants to have two apartments in. He's going to.

Board Member DiSalvo stated which building.

Rich Williams stated this building.

Board Member DiSalvo stated to his offices now.

Board Member Pierro stated building two.

Rich Williams stated building two.

Board Member Pierro stated I think there's already one apartment in that building right.

Ted Kozlowski stated wasn't that the fence company.

Board Member DiSalvo stated yeah.

Rich Williams stated yeah, but there shouldn't be any apartments in there.

Board Member DiSalvo stated where would it be, upstairs.

Rich Williams stated in 1986 when our code you know, was pretty much what it is now, Early American Furniture came in, it was all retail downstairs, they came in to get a waiver to put a second story addition on, strictly for office space. So, that's the earliest use that I have established out there. In all the time since then, there has never been any permits issued for an apartment, any mention of an apartment. So I don't know between 1986 and now where the apartment came from, if there is one.

Board Member DiSalvo stated where's the septic.

Rich Williams stated septic's out front.

Chairman Rogan stated out front by the fence area.

Board Member DiSalvo stated you think that'll handle.

Board Member Pierro stated I think there's an apartment in there to be honest with you.

Rich Williams stated I'm not saying there isn't an apartment. I'm not saying there isn't already two apartments in there. I'm just saying, I don't think they need a new permit.

Board Member Montesano stated I think.

Board Member DiSalvo stated (unable to hear) go against the wall.

Board Member Pierro stated if you're looking at the building three, knowing the site the way I do that I know that on what Richie said, he's concerned about impacts to the east.

Ted Kozlowski stated is he going to need, he's going to need a wetlands permit for this. For what.

Board Member Pierro stated yeah, just for the parking over here.

Rich Williams stated why.

Chairman Rogan stated or what he said.

Board Member Montesano stated says what.

Rich Williams stated haven't you looked at this.

Ted Kozlowski stated I did.

Chairman Rogan stated if we were to.

Ted Kozlowski stated I'm not asking it like I didn't know.

Board Member Pierro stated if we were to cut, have him cut that building down, I see five sections. If we were to cut it down by at least one section and shorten this up here, it's less of an impact on the back.

Rich Williams stated or if you think that it's appropriate Dave, let him get a letter from DEP saying it's already existing, impervious coverage, and there's no change.

Board Member Pierro stated well, why don't you communicate that to him.

Rich Williams stated he's got to show up at a meeting or.

Board Member Pierro stated right.

Rich Williams stated you know.

Board Member Pierro stated why don't you communicate that to him.

Rich Williams stated listen, I communicated to him that, you know, he doesn't have an application. He's got to submit an application with a check.

Board Member Pierro stated and still hasn't turned in an application.

Chairman Rogan stated he doesn't have it.

Rich Williams stated so the last submission came in with an application and no check, so I had to call him up and say.

Chairman Rogan stated wow.

Rich Williams stated you know, what's going on.

Board Member DiSalvo stated send money.

Board Member Pierro stated send money.

Rich Williams stated yes, I got the checks this week.

Chairman Rogan stated so you'll get paid this week. That's good.

Board Member Montesano stated we just need to put decks right across everything.

Rich Williams stated she's already been paid and shopping.

Board Member Montesano stated I saw that commercial. Oh, I got my paycheck. Gone.

Rich Williams stated so a lot of issues on this.

Chairman Rogan stated a lot of issues. Yup.

Board Member Pierro stated I'd like a clarification on the use of the larger building. That's going to be all small motor, engine repair as what is (unable to hear) there. Can he pull some of those parking spaces out of the buffer, especially the one up in the back near the where the stream is very close to the back of the building.

Rich Williams stated I think he can pull the parking farther away from the wetlands. Did you see it.

Board Member Pierro stated yeah, I just saw it here.

Rich Williams stated no, did you see it.

(unable to hear)

Rich Williams stated I mean the parking right now is ten feet away from the edge of the wetlands.

Chairman Rogan stated right.

Rich Williams stated and the grade for the parking lot is likely to go right to the edge of wetlands. That is what he's proposing.

Chairman Rogan stated right.

Rich Williams stated I think he.

Ted Kozlowski stated he's already in the wetlands with what he's (unable to hear).

Rich Williams stated so lets not say anything but beat up on Telecom. So I think we can pull the parking farther away from the wetlands but he's got a huge area there, and I haven't taken a look at it, we might be able to put a parking lot, parking spaces in the middle and keep some sort of circular flow pattern.

Chairman Rogan stated oh I see.

Rich Williams stated so people can drive in and drive all the way around.

Board Member DiSalvo stated (unable to hear) people pull in there.

Chairman Rogan stated well remember, they're all landscape trailers and stuff.

Board Member Pierro stated for the most part yeah.

Chairman Rogan stated especially on weekends. Forget about it. Then they don't know how to drive them.

Board Member Pierro stated yeah.

Chairman Rogan stated (unable to hear) what do you mean I have to turn this thing around. I have to disconnect it and back it up.

Board Member Montesano stated they tried disconnecting it, and they tried pushing it.

Board Member Pierro stated yeah and the new building, the sad part is, the new building is going to take up the spot where most long trailers will.

Rich Williams stated what was that.

Ted Kozlowski stated (unable to hear) my voice.

13) ICE POND ESTATES – Initial Application

Board Member Pierro stated okay. Ice Pond initial app.

Board Member DiSalvo stated what is this.

Board Member Pierro stated fun.

Chairman Rogan stated this should be interesting.

Rich Williams stated no, cause it's a little application made by a couple of people including Bob Dumont.

Chairman Rogan stated that would just be great.

Board Member DiSalvo stated put up a for sale sign on his house yet.

Board Member Pierro stated no. That would be great.

Ted Kozlowski stated even the head of Patterson Land Watch.

Chairman Rogan stated yes.

Rich Williams stated who I believe is on the Board of Trustees for the Putnam Land Trust. Who is a party for this thirty lot subdivision application.

Ted Kozlowski stated really.

Board Member Pierro stated oh yeah.

Board Member DiSalvo stated for the (unable to hear).

Rich Williams stated you thought I was kidding.

Board Member Montesano stated and it's not on the website either.

Board Member Pierro stated oh man. Either way, I'm taking my tree stand (unable to hear).

Ted Kozlowski stated (unable to hear) Rizzo lot. He was very interested in this lot and walked away from it.

Board Member DiSalvo stated I don't even know where this is.

Chairman Rogan stated Ice Pond Road, closer to Burdick Farms when you're driving from Patterson towards Brewster. The yellow property on the left.

Board Member DiSalvo stated on the left going down.

Chairman Rogan stated between Bullet Hole and the parking area for Ice Pond Preserve. Basically that chunk of property, right.

Rich Williams stated yeah.

Ted Kozlowski stated a lot of slopes.

Board Member Montesano stated it use to be great for hunting.

Board Member Pierro stated I know. It's a beautiful spot.

(unable to hear – too many talking)

Rich Williams stated actually, you know the old caretaker's house.

Chairman Rogan stated down on the pond you mean.

Rich Williams stated on Camp Brady.

Chairman Rogan stated oh, I'm sorry.

Rich Williams stated alright, well you know where the camp is.

Board Member Pierro stated yeah, make some sense out of this thing.

Rich Williams stated next house down was the caretaker's house.

Ted Kozlowski stated Rich, what's the story.

Rich Williams stated and this property starts right across the street.

Ted Kozlowski stated this is right-of-way or easement.

Rich Williams stated there's an easement for the Putnam Land Trust.

Ted Kozlowski stated right and they've got houses proposed right in the middle of it.

Board Member DiSalvo stated didn't you say you go down there and bird watch sometimes.

Rich Williams stated no they don't.

Ted Kozlowski stated yeah.

Rich Williams stated no, no, no, the easement is down on the south end. What you're looking at is a piece of property that's actually owned by the Putnam Land Trust. What this application is, is two pieces of property with the Putnam Land Trust piece of property in the middle and the subdivision goes across all three.

Ted Kozlowski stated right, and they have houses on that.

Rich Williams stated right.

Board Member DiSalvo stated right.

Rich Williams stated which is what I'm saying. The Putnam Land Trust has to be a party.

Ted Kozlowski stated right.

Rich Williams stated to this application.

Ted Kozlowski stated which is.

Rich Williams stated (unable to hear).

Board Member DiSalvo stated ludicrous

Rich Williams stated yes, yes. And I talked to the woman today, it's one of the things we've got to meet on. You know, they've been working on this, they're aware of this, and she said to me well, you know it's a good deal for us to participate in this because you know, we're going to end up with all the land that's around it. And I said, yeah but you know, you signed an application which says you know, you're going to be in a subdivision. We're going to subdivide your property, and then when it's all said and done, the Planning Board and the Town of Patterson are going to decide what happens to that open space. You may not own it anymore.

Board Member DiSalvo stated that's right.

Chairman Rogan stated right.

Rich Williams stated we may say that it goes to a homeowners association. We may say we want to keep it.

Board Member Pierro stated it may be a park. Baseball fields with metal bats.

Rich Williams stated oh, we never thought about that.

Ted Kozlowski stated can they legally do that with land that with land that is suppose to be kept for open space.

Rich Williams stated I don't know what deed restrictions are on the property. If there's any.

Board Member Montesano stated you mean somebody would do something like that. Oh my goodness, I can't believe this.

Board Member Pierro stated four acre zoning right. Four acre zoning.

Rich Williams stated four acre zoning. Cluster overlay.

Board Member Pierro stated look at this lovely subdivision.

Chairman Rogan stated oh boy.

Board Member DiSalvo stated time to move.

Board Member Pierro stated oh man.

Ted Kozlowski stated the this thing is twenty-eight lots right, twenty-seven lots.

Board Member DiSalvo stated and they're on four acres.

Chairman Rogan stated twenty-nine. Twenty-nine.

Rich Williams stated thirty.

Board Member Pierro stated thirty. Depending on wetlands.

Rich Williams stated thirty.

Board Member DiSalvo stated and they're on four acre lots.

Ted Kozlowski stated slopes, wetlands.

Rich Williams stated everything. You want me to start naming off the lots that need to be deleted in order.

Board Member Montesano stated happy days are.

Board Member Cook stated all these that shown are (unable to hear).

Board Member Montesano stated is this going to be on the website.

Chairman Rogan stated no.

Rich Williams stated no, it's clusters. So, they're down to between forty and eighty thousand square feet.

Chairman Rogan stated Rich.

Board Member DiSalvo stated so it's not four acres.

Chairman Rogan stated getting down to, well, no, none of the lots are four acres because it's a cluster overlay. But getting back to Mr. Noblet's assertion with Burdick Farms that in order, under the cluster overlay regulation, or part of our code, in order to figure out the lot count you have to take out the unusable areas first, the greater than or whatever percent. I mean.

Rich Williams stated New York State has a procedure that says you can cluster a subdivision but you can't have any greater density than what you would have with a conventional subdivision on the site.

Chairman Rogan stated but does it, okay.

Rich Williams stated okay.

Chairman Rogan stated I'm sorry, go ahead.

Rich Williams stated what we did is we adopted a provision within our code using municipal home rule which allows you to supersede certain state laws.

Chairman Rogan stated and be more stringent.

Rich Williams stated as long as you say that you're doing that, which we did, to change the rules.

Chairman Rogan stated okay.

Rich Williams stated and you can do that to change the terms of office. You can do that you know, I don't know, I can't think of any other examples. But we did it in this way to set-up a procedure where if somebody comes in and there are two formulas you apply. We may need to start taking a look at these two formulas because everything is so constrained that they don't really seem to be working well.

Chairman Rogan stated right. It's already accessed. They got their access route.

Board Member Pierro stated but what road is that.

Chairman Rogan stated it's their, where they park and walk down to the lake. I've been down there myself.

Board Member Montesano stated that use to be, that's where how you would go down fishing.

Board Member DiSalvo stated right of way.

Chairman Rogan stated it's a road. People use to drive down there.

Board Member DiSalvo stated but it doesn't go totally in.

Board Member Pierro stated it comes down, it's above Tommy Thurber.

Board Member DiSalvo stated it goes in and out.

Chairman Rogan stated yes.

Board Member Montesano stated yes.

Rich Williams stated so Mr. Noblet's contention is we can't supersede the way state says we can do it.

Chairman Rogan stated oh.

Rich Williams stated and we did.

Chairman Rogan stated okay, I thought the assertion had something to do with the fact or with the, I thought the assertion was that in order to come up with this count, you have to basically show that you can do it with four acre lots.

Board Member DiSalvo stated right.

Chairman Rogan stated and lay it out.

Rich Williams stated that's Noblet's assertion.

Chairman Rogan stated okay, but he's taking it one step further to say it has to be four acre lots that work, I think.

Rich Williams stated yes.

Chairman Rogan stated where you could actually say well, there's eighty acres therefore we can fit twenty lots, four acres a piece.

Rich Williams stated right. His assertion is that we have to basically design a ready-for-approval subdivision showing four acre lots. And then once we have that design work all done, for him to get out, then we can throw that in the trash and start over and do a cluster based on that count.

Chairman Rogan stated and that's certainly not the case.

Rich Williams stated no.

Chairman Rogan stated okay.

Board Member Pierro stated the people from Burdick Farms are going to be pissed. They're going to ruin their views yet.

Chairman Rogan stated well they'll be ruining, you mean, yeah I understand. They'll be ruining the view of the valley and the.

Board Member Pierro stated down below, sure.

Chairman Rogan stated yeah.

Board Member Montesano stated just think how certain in-laws are going to look forward to the back of their house being no (unable to hear).

Board Member Pierro stated if these houses weren't going to be twenty thousand in taxes, I would buy this cause that would be the Dave Pierro Hunting Reserve.

Chairman Rogan stated I tell you what, you better have a billy goat though.

Board Member Pierro stated that's okay.

Chairman Rogan stated it's steep. Look at these.

Board Member Pierro stated that's okay.

Board Member Montesano stated I sat out there one.

Board Member Pierro stated I'll put a little cabin out there, sleep up there in the winters.

Board Member Montesano stated I sat out there one day and had a Great Horned Owl sitting there looking at me, and I said it can't be.

Board Member Pierro stated yeah.

Board Member Montesano stated and it kept looking, and you know when you feel something looking at you, and I turned around and I couldn't, I said that doesn't belong here.

Ted Kozlowski stated Rich, the road isn't paved here is it.

Board Member Pierro stated no.

Chairman Rogan stated no it's Item 4. Rough right now too, with the spring thaw.

Board Member Montesano stated oh is Charlie Williams going to.

Ted Kozlowski stated they're going to have to pave the road.

Board Member Montesano stated no, Charlie Williams would take care of it.

Chairman Rogan stated no, they wouldn't have to pave the road. Town may decide to.

Rich Williams stated a stream cuts right through there. We're going to have a fun time trying to pave it.

Chairman Rogan stated yeah right. I can't wait to walk this property though, but we have to get a more workable plan before we.

Board Member Montesano stated just watch out. There's a spot over there where there's a well. You don't know it's there, it's been covered a long time. There was an old house there, years ago. There's a well there because I know one guy almost fell into it and that was about twenty some odd years ago.

Board Member DiSalvo stated (unable to hear).

Board Member Montesano stated so we use to go around it. We found it the hard way.

Chairman Rogan stated you know what though, the difference is. We're looking at this right now, very first time, not having not spent eight or ten years coming to this point, so we have to remember that anything we don't like, if it's a restricted lot or whatever, in the beginning is the time to either get rid of it or clearly communicate what we're looking for. Even though, and we talked Rich, we've spoken about.

Rich Williams stated and I did do that. I did pick them up.

Chairman Rogan stated and we've also spoken about modifying the cluster overlay to maybe give a little bit more room, acknowledging what they're building and what is needed for space around them.

Ted Kozlowski stated just curious, how many lots do you think are not (unable to hear).

Board Member Montesano stated that's going to be some hike.

Rich Williams stated well for me to make it a really good subdivision, I think I lost about seven or eight lots.

Chairman Rogan stated out of twenty-eight.

Board Member Pierro stated yeah.

Board Member Montesano stated that's going to be some hike through there, I'll tell you that.

Rich Williams stated yeah, what I'm starting to think now is reduce the density even further, and make the

lots bigger.

Board Member DiSalvo stated yup.

Chairman Rogan stated the density of the percent coverage. Yeah.

Board Member DiSalvo stated that's mine.

Board Member Pierro stated oh sorry. Is this, I'm trying, low spot. I always walk in here and go out the back, but I've never been up here.

Board Member Montesano states there's some easy ways down, you know where the.

Board Member Pierro stated middle of the country.

Chairman Rogan stated yeah, but look at the grey. The grey's all.

Ted Kozlowski stated no, it's thick with trees but it's not, I walked it.

Chairman Rogan stated what's the grey showing. Greater than fifteen or greater than twenty percent slope.

Board Member DiSalvo stated (unable to hear).

Rich Williams stated twenty percent or greater I think. Again, they don't tell you on the plans so I tried to pick it up from the topo.

Chairman Rogan stated yeah.

Rich Williams stated I think that's what it is. Twenty percent or greater.

Board Member Pierro stated yeah, it could, it probably is up on that upper portion.

Board Member Montesano stated if you go up there, I chased. Two guys hunting there in a tent, were chasing a deer down to where it was open on the other side. They shot at the deer, it came down past me, and I watched, and these two guys are chasing it. And the deer went across the road, and they went. I said well, you know, I'm going to walk on the other side and wait.

Board Member Pierro stated deed restrictions on this might be important, but on that part that Land Trust have, but they're status is of 501 C3, may end that.

Chairman Rogan stated what is that, a not-for-profit (unable to hear) or something.

Board Member Pierro stated yeah, that may end, on them being (unable to hear).

Chairman Rogan stated so they actually own that center strip. Was that part of the swap that was going on, prior like two years ago, that was going on.

Rich Williams stated way back when, when they acquired this property Mike Ciaola was around and I was on the Board. We talked about keeping this property and trying to use that center strip to negotiate out some sort of land swap.

Chairman Rogan stated yeah.

Rich Williams stated so that we didn't get the whole side. The reality is that Putnam Land Trust doesn't have to do that anymore because our code does it for them. They didn't realize that, so they went ahead and worked this deal where they're allowing their property to be subdivided figuring they're going.

Board Member DiSalvo stated (unable to hear).

Chairman Rogan stated gain.

Rich Williams stated that's the only way they're going to get that back hillside piece.

Chairman Rogan stated which meanwhile they would have gotten it anyway. There's no way you can build up there. That's kind of shortsighted.

Board Member Montesano stated well the problem is what is this going to do to their status.

Boar Member DiSalvo stated yeah.

Chairman Rogan stated that's not our problem though.

Rich Williams stated well listen, our only concern is they (unable to hear) party to the application and I'm going to insist that Bob Dumont sign it.

Chairman Rogan stated Bob Dumont's involved with the Land Trust.

Board Member Pierro stated yup.

Rich Williams stated he's on the Board.

Chairman Rogan stated he is on the Board.

Rich Williams stated (unable to hear) doing this.

Board Member DiSalvo stated I don't think he knows.

Chairman Rogan stated I want him in here before the Board.

Board Member Pierro stated oh yeah.

Chairman Rogan stated we're going to get ourselves in trouble.

Board Member Pierro stated fourteen.

Board Member Montesano stated yeah, let's do that.

14) GREENLANDS LLC.

Rich Williams stated Greenlands LLC. They didn't submit anything to this agenda.

Chairman Rogan stated different agenda, I don't have it.

Board Member Montesano stated I don't either.

Chairman Rogan stated we don't have it as fourteen on our agenda.

Board Member DiSalvo stated we have Field and Forest.

Rich Williams stated I don't have it as fourteen either. I just.

Chairman Rogan stated oh.

Rich Williams stated kind of stuck it in under Ice Pond.

Chairman Rogan stated oh okay.

Rich Williams stated I did contact Carrie Hilpert. She said she was going to contact them and get back to me at the beginning of this week. She hasn't gotten back to me.

Chairman Rogan stated okay.

Rich Williams stated what do you want to do with it. Do you want to leave it on. Do you want to put it off for a month.

Chairman Rogan stated well, we're going to I think, I mean realistically, well maybe I'll, let me shut up and let you guys say what you think about this.

Rich Williams stated I guess all I'm looking for is on the agenda or off.

Chairman Rogan stated no, I know. But it's probably good for us to.

Board Member Cook stated if it goes on the agenda do we have to have a resolution now.

Chairman Rogan stated no. No, no, no.

Board Member Pierro stated if it's off the agenda it gives us a little more time to really sharpen our pencils and speak with Council on where we're going.

Chairman Rogan stated well and the reality of it is it's like any other continued review. We usually react to them sending something in, usually. In this case, when Rich sent me the agenda I said anything new from Greenlands because.

Board Member Cook stated right.

Board Member DiSalvo stated (unable to hear)

Chairman Rogan stated last time we meet we said, you know, if you want to put it to a vote, we're happy to

do that at any time you ask us to. But other than that we just don't usually just say, I'm going to make a motion to deny the project. We work with the applicant towards an approval.

Board Member Cook stated right.

Chairman Rogan stated or some kind of a result. And I think that they were a little worried about it. As long as they're still in the process and they're moving forward with some kind of change to the plans, then they're still in the process. So, in this case there's probably no reason for them to be on the agenda because there's nothing new.

Board Member Cook stated do you think they heard enough last meeting about where they were putting the loading zones and what not. That it wasn't going to work.

Chairman Rogan stated yeah. I would hope that they heard enough at the last meeting, because we really went round and round on it. I read the minutes actually, just the other day, you know, on that, and I would hope that they heard enough that they know they have to come in with something to address what was stated between Gene's memo, Rich's memo, what we said, to modify their plans to meet that. Otherwise, at that point, we are going to put it to a vote, you know, to just.

Board Member DiSalvo stated so are you going to notify them if.

Chairman Rogan stated well he already did.

Board Member DiSalvo stated next time.

Board Member Cook stated so it won't be on there. We shouldn't put it on.

Board Member DiSalvo stated no.

Chairman Rogan stated no.

Rich Williams stated well what do you guys want to do. You tell me what you want me to do and I'll do it.

Chairman Rogan stated yeah.

Ted Kozlowski stated (unable to hear) why are you even entertaining it.

Board Member DiSalvo stated I would put it on.

Chairman Rogan stated no but the point is we don't want it to be.

Rich Williams stated how long are you going to leave it out there hanging.

Chairman Rogan stated right.

Chairman Rogan stated I would say though definitely if we don't get a next.

Board Member DiSalvo stated deadline.

Chairman Rogan stated submission of some new materials for the following meeting, then, you know.

Board Member DiSalvo stated yeah, we had a late snowstorm. Maybe that bothered it.

Chairman Rogan stated because we brought them back in.

Board Member DiSalvo stated maybe that.

Rich Williams stated for the meeting.

Chairman Rogan stated remember, yeah, you remember that their original idea or intent was to not continue to see the Board until they had an applicant, or an applicant aid. I'm losing my mind tonight.

Board Member DiSalvo stated potential.

Chairman Rogan stated a potential, person to rent.

Rich Williams stated tenant.

Board Member DiSalvo stated tenant, yeah.

Chairman Rogan stated tenant, that's the word I thank you.

Ted Kozlowski stated don't you think if they wanted, if they had something to talk about that they would at least be pulling.

Board Member Montesano stated well, what I'm looking at is this. If we slack off, how is it going to look when the judge gets involved. Where if we continue to move along with them by putting them down on an agenda, and notifying them that we're going to we're going to put you on the agenda. Come on in. We want to keep this going. We don't want you laying in the corner waiting. Lets get the damn thing over with, one way or, not only for their benefits, but for ours.

Chairman Rogan stated yeah.

Board Member DiSalvo stated well if you tell them that they are on for next week, they may say don't put us on.

Board Member Montesano stated well they're not going to bail next week, their time is up.

Rich Williams stated I contacted them and said we haven't gotten anything from you. The Board said they were going to put you on for the next meeting.

Board Member DiSalvo stated okay.

Rich Williams stated do you want to be on. And Carrie's response was well, my applicant needed to talk to his father. I haven't heard back from him.

Board Member DiSalvo stated alright, so.

Rich Williams let me get back to you Monday, you know, I'll get a hold of him this weekend. I'll get back in touch with you Monday and tell you whether they want to be on the agenda or not.

Chairman Rogan stated and you haven't heard back.

Rich Williams stated and I haven't heard a thing.

Chairman Rogan stated and the other thing is we have the right as a board to put anybody on the agenda to discuss the issue. If they decide to show up or not, I mean we're letting them know they would be on the agenda. If they decide not to show up that's, you know, we can discuss a project just like we're doing right now.

Board Member Montesano stated I mean my biggest fear is that two things can happen. Either the building goes and the county ends up with it, because they can't make any money. Right now they're empty, really.

Board Member DiSalvo stated no.

Rich Williams stated yeah, that's not going to happen.

Chairman Rogan stated no.

Board Member DiSalvo stated they come for the assessment.

Board Member Montesano stated or we're going to end up talking to another guy with on of them robes on.

Board Member Pierro stated Dave Fueler.

Chairman Rogan stated not today. Forget about it. Sitting at that light, that guy. I know you said that you would be amazed at what you'd do for a business.

Board Member DiSalvo stated by the way, that.

Chairman Rogan stated do you drive down past there.

Board Member DiSalvo stated yeah. I want to hire him.

Chairman Rogan stated really. He's pretty animated, I will say that.

Ted Kozlowski stated is that his natural (unable to hear).

Board Member DiSalvo stated let me tell you something about Liberty Tax Service.

Board Member Montesano stated yeah, he was on 312 today.

Board Member DiSalvo stated so I went in there and had my taxes done.

Board Member Montesano stated on 22.

Board Member DiSalvo stated they are a franchise. They are a national franchise.

Ted Kozlowski stated yeah, they're in Somers.

Board Member DiSalvo stated they're all over the place. They're in every corner in Florida, and they have to advertise that way. It's part of their franchise agreement.

Chairman Rogan stated this facility is required to have these people act, well it's kind of their (unable to hear) because the person here on 164 doesn't act anything like the person on. They have a really, a unique individual (unable to hear).

Board Member DiSalvo stated oh, it's great.

Board Member Montesano stated the one on 312.

Chairman Rogan stated I'm amazed they haven't put him in the paper yet.

Board Member Montesano stated the guy on 312 was.

Chairman Rogan stated (unable to hear). No, no, no. Yeah 312.

Board Member Montesano stated he was on 312 and 22 because I sat there for about, I'd say about forty-five minutes, watching this guy. I said (unable to hear – too many talking). Man I can't believe it.

Chairman Rogan stated to me it was annoying, but you know.

Ted Kozlowski stated if you were looking for someone to do you taxes, would you pick somebody like that.

Chairman Rogan stated well that was my next thing is.

Board Member DiSalvo stated they were very good, and they were pretty reasonable.

Board Member Montesano stated let's put it this way (unable to hear).

Ted Kozlowski stated if I was looking for a tax guy, I wouldn't be looking for a man dressed-up as the Statue of Liberty.

Board Member Montesano stated but that's the name of the, that's the company.

Board Member DiSalvo stated H&R Block. My girlfriend is working down in Danbury. They have people walking around giving out flyers (unable to hear).

Ted Kozlowski stated that's giving out flyers. That's not dressed as a woman.

Board Member DiSalvo stated but that's part of their franchise.

Board Member Montesano stated he's not a woman, he's a symbol.

Board Member DiSalvo stated (unable to hear) does the same thing. They have to wear certain shirts. They have to advertise a certain way. They have to put a sticker on their car.

Board Member Montesano stated hey, Century 21 at one time, you had to have a gold jacket.

Board Member Pierro stated okay, on or off.

Chairman Rogan stated well, that's the last question Dave. What's your feeling on this (unable to hear).

Ted Kozlowski stated (unable to hear) have a pen.

(unable to hear – too many talking)

Board Member Montesano stated will somebody give him a piece of string.

Board Member Pierro stated if they're not on the agenda.

Board Member DiSalvo stated they haven't called you back yet.

Board Member Pierro stated they haven't called us back.

Board Member Montesano stated I'd say.

Board Member Cook stated going back to what you said Shawn, I would say that where it's this Board's option to put them on the agenda, I wouldn't put them on for next week, but for May and over now.

Chairman Rogan stated yeah.

Board Member Cook stated and decide what we're going to do.

Chairman Rogan stated okay. Reasonable.

Board Member Pierro stated reasonable.

Chairman Rogan stated thanks Rich for your communication with them, cause I know I asked you to.

15) OTHER BUSINESS

a. FIELD AND FOREST APARTMENTS SITE PLAN

Rich Williams stated Field and Forest is back on for ninety-day extension.

Board Member Pierro stated on the motion.

Ted Kozlowski stated we have no other problems with.

Board Member Pierro stated okay and the motion, I make a motion that we grant Farm to Market Associates say a hundred and twenty days.

Board Member Montesano stated second.

Chairman Rogan stated all in favor.

Board Member Pierro	-	aye
Board Member DiSalvo	-	aye
Board Member Montesano	-	aye
Board Member Cook	-	aye

Chairman Rogan - aye

Motion carried on a vote of 5 to 0.

Board Member Pierro stated Rich said ninety but I read they requested a hundred and twenty, so will go with a hundred and twenty.

Board Member Montesano stated hey he's trying.

Rich Williams stated anything else. I forgot, I'm sorry. But you know what, based on recent events, a hundred and eighty wouldn't be enough.

Board Member Pierro stated yeah right.

Chairman Rogan stated yeah, you're right. But we'll be back in a hundred and twenty days from now.

Board Member DiSalvo stated (unable to hear).

b. BARJAC SITE PLAN WALK COMMENTS

Rich Williams stated Barjac.

Chairman Rogan stated site walk.

Rich Williams stated (unable to hear).

Chairman Rogan thank you.

Rich Williams stated take a look at that, and we're good to go.

Board Member Pierro stated did you do any research about that pipe. That you guys chickened out and didn't want to go and see.

Rich Williams stated I've got the answer right in the room next door.

Chairman Rogan stated uh oh.

Rich Williams stated and I've got to pull it out for the Board. I just haven't had a chance.

Chairman Rogan stated yeah.

Rich Williams stated I did get through all the reviews.

Board Member Pierro stated they look like they, I don't remember that wetland being that large the last time we went out there.

Board Member DiSalvo stated when was the last time you went out there.

Rich Williams stated the wetland was that large. The ponded water was not that deep and it wasn't ponded, and you could tell.

Board Member Pierro stated the wetland wasn't as wet.

Rich Williams stated yeah, the wetland wasn't as wet because you can tell it's got standing woody vegetation up there that is dying off.

Board Member Pierro stated right, because of the.

Rich Williams stated because of the change of hydrology.

Board Member Pierro stated right, and a certain amount of that could be attributable to the (unable to hear).

Rich Williams stated could be.

Board Member Pierro stated back there, but. I recall hearing a quarter of a million gallons a day, but. I talked to Mike Griffin the other day, he thought that was much larger, much larger amount of water.

Rich Williams stated I've got to pull it out, and I've got to give it to you.

Chairman Rogan stated motion to adjourn.

Board Member Pierro stated second.

Chairman Rogan stated all in favor.

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

Motion carried on a vote of 5 to 0.

Meeting adjourned at 9:27 p.m.