

**TOWN OF PATTERSON
PLANNING BOARD MEETING
March 30, 2006
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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

**Planning Board
March 30, 2006 Meeting Minutes**

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

Present were: Board Member Mike Montesano, Board Member Dave Pierro, Board Member Shawn Rogan, Rich Williams, Town Planner, Gene Richards, Representative from Town Engineer's Office, Dufresne-Henry, Anthony Molè, Attorney with Curtiss, Leibell & Shilling and Ted Kozlowski, ECI.

Meeting called to order at 7:33 p.m.

There were approximately 22 audience members.

Vice Chairman Montesano took the seat of the Chairman in his absence.

1) MEZGER WETLAND WATERCOURSE PERMIT APPLICATION – Public Hearing

The Secretary read the legal notice.

Mr. Barry Naderman, Engineer was present representing the Applicant.

Vice Chairman Montesano asked would you like to give us a couple of words on what you have.

Mr. Naderman stated absolutely. For the record my name is Barry Naderman, Naderman Land Planning & Engineering. I am the Engineer representing Ed Mezger who is the Applicant and owner of the property who is here with us tonight. As Missy, mentioned the property is 4.9 something acres located on the south side of Old Road or Edwards Road just west of Route 22. The property is accessed by a long and narrow right of way strip that is bound by stonewalls on both sides that go approximately fifteen hundred feet back to the house site. This is the access off of (referring to the plan) New Street, immediately we cross a watercourse then extend back towards adjacent to the Wyndham Homes development and then continuing on back to the house site located way in the back. As also mentioned aside from the watercourse there is some intermittent wetlands that are trapped and found between those two stonewalls as we go along, the wetland permit application is to allow for the construction of the driveway both across the watercourse and through this existing travel way or bar way which happens to have some intermittent wetlands through

there. The watercourse crossing in the beginning we are now proposing a three sided precast concrete bridge so as not to impact any of the better banks of that watercourse and we also have a couple of locations where some drainage culverts were provided to allow the drainage to pass through and follow its current drainage paths and hydrology. The house site and the septic are located beyond the hundred foot setbacks but certainly the driveway has to access through some pockets of wetlands. We are here tonight for the public hearing on the wetland application and certainly if anybody has any comments or questions.

Vice Chairman Montesano asked is there anyone in the audience that has any comments or questions on this particular.

Vice Chairman asked the gentleman in the audience if he could come up to the microphone.

Board Member Rogan asked and if you would kindly just state your name for the record.

Bruce McIntyre stated his name. I actually,

Board Member Rogan asked where do you live Bruce.

Mr. McIntyre replied actually 11 Teal Lane which is I believe in this area here (referring to the map).

Board Member Pierro asked in Wyndham Homes.

Mr. McIntyre replied correct.

Mr. McIntyre stated my questions are this stonewall that runs along here, I have a section of stonewall that runs along the property, actually the property line is right here, is that correct.

Mr. Naderman replied yes that is the property line.

Mr. McIntyre asked is there a plan to have this wall moved or adjusted or what is,

Mr. Naderman replied in that section the wall is going to remain intact.

Mr. McIntyre stated just so you know I mean when I actually selected this lot, I was informed by Wyndham Homes and I think they were under the assumption from hopefully, someone from the Town that this was landlocked and I pretty much paid a premium for this lot and the privacy that goes with it so this is pretty surprising to me.

Mr. Naderman stated I certainly can't speak for what representation was made by any realtors or anybody. Quite often we hear this at public hearings where someone will come up and say that I was told that nobody could ever build on that lot so on and so forth and we merely say I am sorry they told you that. I think that is an issue you have with them and,

Board Member Rogan stated for the audience's edification this of course is an individual lot we are talking about not part of a subdivision that is not part of the proposal.

Board Member Pierro stated I think Rich could offer information on the past history of what Wyndham Homes did when they began their work on that subdivision there. I know you had mentioned in the past.

Rich Williams asked in what regards.

Board Member Pierro replied that Wyndham Homes may have encroached on this property.

Rich Williams stated the issue came up when Wyndham Homes and the surveyor that was doing the survey work for Wyndham Homes they actually never indicated that there was any sort of easement or right of way coming down through there and as a result they actually went right to the center line of that easement with some of their improvements and the Board at that time was not aware that this existed. It was not until after that subdivision got approved that we were even aware that there was this old farm road that went down through there or any sort of rights to access this parcel in the back.

Mr. McIntyre asked do we know how large this house is going to be as far as square footage. It does not really say.

Mr. Naderman replied probably a lot smaller than yours.

Mr. Naderman asked Mr. Mezger how big do you think that house is going to be.

Mr. Mezger replied thirty-five hundred.

Mr. McIntyre stated it is the same. I guess my other concern is that being that you are crossing through wetlands and a stream and being Patterson the Town that you are I agree about all the sensitive areas and how we are trying to protect the environment, how does something like this, it this a loop hole in the system or something.

Board Member Rogan stated I will tell you Sir, and actually I am thinking about the lot that you own because I think we were just out on your lot maybe within the last year and a half. That is the one that, you have a stonewall right on the back of your property.

Mr. McIntyre replied correct.

Board Member Rogan stated we had to struggle with your lot actually because we felt that was a severe encroachment and we had wetland permits on that lot. A lot like this I will tell you how I look at this, if we were looking at trying to create this lot by subdivision I would not be in favor at all for but because it is an individual parcel I feel that an individual parcel being taxed as an individual parcel has some intrinsic value and some rights to access that lot and so while I am not happy with the idea of going through wetland areas or crossing over streams to get to it I can appreciate and recognize the fact that the property owner has some rights to that property. If he was trying to divide that into two lots I would not be in favor of that. I would not be in favor of increasing that use but given that is an individual lot I am in favor of allowing some use of that property.

Mr. McIntyre asked so when this property was originally purchased wasn't this supposed to be worked out as far as access to that lot. I mean how does that work.

Board Member Rogan asked which lot was purchased I am not sure I understand.

Mr. McIntyre stated this plot of land, how did this person end up landlocked in a sense.

Board Member Rogan stated that property used to be accessed from where they are proposing. That was the old,

Board Member Pierro stated that was the entrance way. That farm road was always there.

Board Member Rogan stated in fact I believe there was a time when there was a structure on that.

Mr. Naderman stated there was and I was just going to point that out. There is an old foundation structure that is located here and certainly when the Town and any wetland commission is considering and deliberating on wetland activities one of the important things of course is the value and the function of those wetlands and what actually in this instance as you accurately pointed out this was always a traveled way, a bar way, travel way, driveway, whatever you want to call it. In fact when the construction was undertaken with Wyndham Homes we see quite clearly that the buffer for some of these wetlands encroaches well into a lot of the grading and drainage work that was done for Wyndham Homes and in fact it is my opinion and I think when you are out there it becomes apparent that in this stretch in here and in this stretch in here the work had actually altered some of the drainage patterns to exacerbate some of the standing water that may occur in that location. It actually dumps additional water at different locations and it altered the hydrology there quite a bit. I think what we are doing is we are actually going to improve that a little bit because although that extensive swale and riprap that was put in is well within the easement or travel way or right of way or whatever you want to call it we are not suggesting that look, we are putting our driveway, let's get all this drainage and everything outside of that and on the other side of the stonewall. There is no need for that. We are just suggesting that we are going to just nudge those drainage swales, riprap channels over just a little bit and quite frankly they are going to act as the riprap channels for along our driveway as well and with the positive pitch to the drainage culverts that is actually going to improve the situation right in there.

Mr. McIntyre stated these walls here don't really clearly represent, there is actually more of a stonewall here, do we know exactly where the property line is as far as my lot compared to my neighbor's here. I am just trying to figure out where this driveway is going to start. Is my property line somewhere in here.

Mr. Naderman stated there is a representation of a line going in this direction so your lot line might be actually over here. Does your lot line intersect here off the knoll, this is the high point right here where the driveway comes up and then it is a high point here and then it drops off again right to the watercourse, right here it is about a hundred forty feet above the watercourses in this location.

Mr. McIntyre asked I guess ultimately I am trying to figure out if this stonewall that runs along here, along my property line is that going to be disrupted in any way.

Mr. Naderman replied no.

Mr. McIntyre stated okay because my property line ultimately runs like this on an angle so I don't think this represents a property line.

Mr. Naderman stated the stonewall stays.

Mr. McIntyre asked so technically you are running on someone else's property for this driveway, partially because the property line runs right down the middle.

Mr. Naderman replied that is correct.

Mr. McIntyre asked and how does that fall in the right of way.

Mr. Naderman replied that falls into the travel way rights that were on the property during the subdivision.

Mr. McIntyre asked do we know if this goes and gets final approval do we know when construction is going to begin for this.

Board Member Rogan replied we can't say.

Mr. McIntyre states so this gentleman is just getting an approval and then it is up to him.

Board Member Pierro stated he is just getting an approval for the wetlands watercourse permit.

Board Member Rogan stated we are not approving a building permit.

Mr. McIntyre asked so technically he could get an approval and sell this off to someone else if he wants at that point.

Board Member Rogan replied yes.

Mr. McIntyre stated that is all my questions.

The Board thanked him.

Vice Chairman Montesano asked is there any other questions from the audience.

Board Member Pierro stated I have one question for Paul (Piazza, Building Inspector).

Board Member Rogan asked do you want to close the public hearing.

Vice Chairman Montesano replied do you want to close the public hearing.

Board Member Rogan made a motion to close the public hearing. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 4 to 0.

Board Member Pierro asked did Paul leave the room.

Board Member Pierro asked Paul have your reviewed this driveway.

Paul Piazza replied we have looked at it. We both, Dave (Raines) and I both feel that there is nothing that we can do to improve the situation as far as the fire end of it is concerned.

Board Member Pierro asked what about a pull-off. Are you concerned about.

Mr. Naderman replied we actually did provide, there are two lay by's along the way, there is one located here as you come around the corner, there is one located here (unable to hear some Board Members speaking at the same time).

Vice Chairman Montesano asked what is the distance on that driveway.

Board Member Pierro replied fifteen hundred.

Mr. Naderman stated it is fifteen hundred feet to this point right here.

Vice Chairman Montesano asked any other questions from the Board.

Board Member Pierro stated I am fine.

Board Member DiSalvo stated I am fine.

Vice Chairman Montesano thanked Mr. Naderman.

Board Member Rogan asked Rich, do we have other technical issues on this that have to be addressed.

Rich Williams replied I believe Gene and I both issued memos in January that we have not seen plans which address those issues as of yet.

Board Member Rogan stated so it sounds like we are at the address their issues,

Board Member Pierro stated there is a hand up.

Ted Kozlowski stated I just wanted to see a final planting plan at the stream.

Mr. Naderman stated yes we talked about doing some plantings up in here on this side of the driveway sure that is not a problem.

Ted Kozlowski stated I just wanted to see that before your final.

Mr. Naderman stated what we have done because of the history and nature of the application before we spent another level of dollars on behalf of the Applicant we wanted to draw any issues that might come out of the public hearing so that they can all be integrated and taken care of at the same time.

Ted Kozlowski asked one final question from me was on the Sugar Maple Trees did you come up with any more scenario to saving those.

Mr. Naderman replied no I think the only thing was just that at the last appearance we talked about the fact that the driveway is going to be, if you recall that the area in there is depressed where the driveway is and then it slopes up to the stonewalls and the Sugar Maples are basically up on the ridge by the stonewalls and

although we are going to be filling in a little bit for the driveway there is going to be gravel and Item-4 and so on and so forth and I think that is just about the best we can do there.

Ted Kozlowski stated again, the intent is to try and save as many of those Maple Trees as possible, try to make it as porous as possible and not compact it because the roots are the important thing that you are going to want to try to protect.

Mr. Naderman stated we can talk in the field as well if we see that there is an opportunity to doing anything a little extra on a selected location for example; if we find that boy, there is a guy right here that if we nudge over a couple of feet that guy is going to make it then we can certainly consider that.

Vice Chairman Montesano asked any other questions or comments.

Board Member Rogan stated thanks for your time.

Vice Chairman Montesano stated thank you Barry.

Mr. Naderman thanked the Board.

2) WYNDHAM HOMES LOT 26 WETLANDS WATERCOURSE PERMIT – Public Hearing

The Secretary read the legal notice.

Mr. Joe Darnell, a representative for Wyndham Homes was present representing the application.

Vice Chairman Montesano asked can you grab the microphone and state your name and tell them what we got please.

Mr. Darnell stated Joe Darnell from Wyndham Homes. We are proposing to apply for a wetlands watercourse permit. The driveway is coming adjacent to the hundred foot wetland buffer and it is going to require approximately sixty yards of fill to just go on the other side of the driveway which is going to be inside the buffer. That is basically it.

Vice Chairman Montesano asked it is going to be inside the buffer.

Board Member Rogan stated it is grading within the buffer.

Mr. Darnell stated off the edge of the driveway.

Vice Chairman Montesano asked do I have anything from the audience on this particular project.

Board Member Rogan made a motion to close the public hearing. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

Board Member Pierro - aye

Board Member Rogan - aye
Board Member DiSalvo - aye
Vice Chairman Montesano - aye

Motion carried by a vote of 4 to 0.

Board Member Rogan stated Ted is outside I wonder if he had anything he wanted to talk about on this.

Board Member Pierro asked Paul could you please ask Ted to step in.

Vice Chairman Montesano asked Rich do you have anything on this.

Rich Williams replied no.

Vice Chairman Montesano asked Ted do you have anything on Wyndham Homes, 26.

Ted Kozlowski stated no it was pretty minimal on the change.

Board Member Pierro stated we just wanted to get that on the record.

Ted Kozlowski asked we are almost at the end here Joe.

Mr. Darnell replied yes.

Board Member Rogan asked is Mr. Darnell's permit application complete with you.

Ted Kozlowski replied yes. It is really a change of the original site plan but it is minimal.

Board Member Pierro stated we are not going to react to the permit tonight.

Vice Chairman Montesano stated it is up to you.

Board Member Rogan stated that is why I am asking questions because it seems pretty minimal it is grading.

Vice Chairman Montesano stated it is minimal, it is grading I don't think we have any problems with it.

Board Member Rogan asked Rich are we okay to do an approval on this grading as shown on this as shown on that set of plans. Do you have a copy of it.

Rich Williams replied yes I do.

Board Member Pierro asked is there an application.

Rich Williams replied everything is squared away as Ted indicated earlier. I don't think there is any substantial conditions other than the standard notifications within the permit about notification to Ted five days prior.

Ted Kozlowski stated just your erosion controls Joe (unable to hear the rest of his statement no microphone)

Board Member Rogan made a motion in the matter of Wyndham Homes Lot 26 that the Planning Board grants a negative determination of significance of SEQRA and approve the wetlands watercourse permit application to place fill within the hundred foot buffer as proposed on the set of technical drawings for the project. Board Member Pierro seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 4 to 0.

Mr. Darnell thanked the Board.

Board Member Rogan asked hey, Joe you didn't tell that guy he wouldn't have any neighbors did you.

(Several laughed).

3) WHITE BIRCH REALTY SITE PLAN (a.k.a. Yonkers Realty) – Public Hearing

The Secretary read the legal notice.

Mr. Joe Buschynski, Bibbo Associates and Mr. Monteleone, Applicant was present.

Mr. Buschynski stated my name is Joe Buschynski, I am with Bibbo Associates. I represent Pete Monteleone of White Birch Realty who is the new owner of Lot 9 of Patterson Interstate Business Park on Commerce Drive. The parcel was constructed in the late nineteen eighties. It consists of commercial space of 39,000 square feet. It presently contains the businesses of Euro Marble & Tile and Coach Tours. The Applicant has applied to the Planning Board for amended site plan approval to allow a use on the parcel considered a public garage and as part of that process a public garage use also requires a special permit from the Zoning Board of Appeals. That application was submitted and reviewed to the ZBA and a special permit issued in October of 05. Under the previous ownership the site has fallen into disrepair and as part of this amended site plan there are numerous improvements associated with both the building and the appearances around the building. The list includes additional parking area for the proposed new use, screening of truck parking with vegetation, pavement repair. There will be a complete, new lighting arrangement for the site consisting of post mounted lamps along the driveway, cut-off lamps at the rear of the parking lot. There is the intent to line the street frontage with street trees and a decorative stonewall. There are various drainage improvements proposed to capture new pavement and roof area and bring it to water quality basins followed by discharge to an existing pond on the property. The property contains wetland regulated by the Town of Patterson. We have activities within controlled area. Some of those presently exist such as a corner of the building. We will have some water quality features in controlled area and a minor area of new pavement. The site will include fire protection. It is proposed to install dry

hydrants to the pond that exists. One hydrant to extend out to the street, one to the site. There is tremendous volume of water in the pond which would be useful for that purpose. We recently had wetlands field identified by Evans Associates. This plan that we have up tonight shows the wetland boundaries as survey located in addition to this plan we owe the Town Planner and the Town Engineer revisions to comments that they have previously made on the plans and we will be submitting those very soon.

Vice Chairman Montesano asked is there any comments from the audience. There were no comments.

Board Member Rogan made a motion to close the public hearing. Board Member Pierro seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 4 to 0.

Vice Chairman Montesano asked do we have any comments from the Board.

Board Member Rogan stated I don't have any issues waiting for the technical aspects from these gentlemen and we will wrap it up.

Vice Chairman Montesano asked Ted do you have anything to bring forth right now.

Gene Richards stated Joe and I had actually met on this probably a month and a half ago and went through site plan comments that we had so as Joe had mentioned he owes the Town some revised drawings to address those and any comments I am sure that Rich had as well.

Ted Kozlowski asked just my comment is Joe can I get a fresh set of plans with the wetlands and just revise your wetland permit accordingly.

Mr. Buschynski replied yes.

Ted Kozlowski stated let's get it all cleaned up because we have gone back and forth on a few things I just would like you to revise that. That dry hydrant is not going to cross the stream I take it. It is going below that.

Mr. Buschynski stated out and back (he pointed it out on the plan).

Board Member Pierro asked Paul (Piazza) you have no comments on that dry hydrant installation.

Mr. Piazza replied no.

Board Member Pierro asked everything is acceptable.

Mr. Piazza stated yes.

Vice Chairman Montesano stated thank you.

The Board thanked Mr. Buscynski.

**4) FIELD & FOREST SITE PLAN & WETLANDS WATERCOURSE PERMIT
Public Hearing**

The Secretary read the legal notice.

Mr. Jay Hogan, Applicant's Attorney and Mr. Harry Nichols, Engineer was present.

Mr. Hogan stated I am Jay Hogan with Hogan & Rossi in Brewster I am the Applicant's Attorney and this is Harry Nichols the Applicant's Engineer. This property is located near the junction of Foggintown Road and Farm to Market Road. The access to the property is probably two or three hundred feet up toward the Town of Southeast. The access being in the Town of Southeast but the property is wholly located in the Town of Patterson and it is comprised of approximately forty-seven acres. At the present time existing on the property are two apartment buildings, noted as Building 1 and Building 2. They are comprised of eighteen existing apartments. The buildings we believe are approximately a little over twenty-five years old. This property is presently zoned for multi-family. We have an application that is before the Board for both a wetland permit and for site plan approval for two additional buildings on this forty-seven acres. Each of the buildings is proposed to have twelve additional apartments that would be twenty-four total apartment units. Each unit would have two parking spots associated with it. We have a new septic area that is proposed here, a primary septic area and the hundred percent expansion area is up here on the property referring to the plan. We have drainage basins up on this portion of the property to satisfy any of the runoff that comes off the property. We have a couple of level spreaders that are located in the wetland buffer and that is one of the reasons why we are here seeking a wetland permit. There are fire suppression tanks located next to Building 2 that are approximately forty thousand gallons if I am not mistaken that will be filled with a separate well to satisfy the fire concerns within the facilities. The plan at present to build the two new units and once they are up conform the other two existing units to the same appearance exterior wise as will we have with the new units. At present, we have done numerous renovations to these units. We have evicted a number of tenants that we did not feel was satisfactory to us and have replaced those tenants. We have replaced the windows, we brought gas into the property and each unit now has a separate gas fired heat service. These will be gas fired furnaces in the other buildings also. We have got dumpster enclosures in here. If you drive in here you are going to see that the place looks different than it has in the past as far as garbage, junk cars and things like that they are gone. We have also refurbished all the bathroom in these buildings. Again, the reason why we are here wetland wise is because of the two level spreaders that are in the wetland buffer. We have undergone an extensive review by the Town of Patterson with this project. We think it is a good project. It is a project that you can't see from the road and I think it satisfies the need for apartments in the Town.

Vice Chairman Montesano asked any comments from the audience.

Edie Keasbey asked I am just curious how you can have the primary septic area over here and the expansion way over there. How many feet is that apart should you ever need it.

Mr. Nichols replied we provided a central pumping station which currently will serve the primary area at this location. Should there be a need and we have to provide a hundred percent expansion.

Ms. Keasbey stated I know it.

Mr. Nichols stated this would be redirected to the reserved area which is down in this location and we have an access to the ponds which would serve as the access to the reserved area as well as providing construction access to the septic as well as the ponds.

Ms. Keasbey asked awfully sloped land isn't it.

Board Member Rogan asked are you asking about the area for the septic or just generally speaking.

Mr. Nichols stated the septic area is less than fifteen percent which is has to be for the Health Department.

Ms. Keasbey asked and the expansion too.

Mr. Nichols stated the expansion is less than fifteen percent.

Board Member Pierro stated Edie, I know Shawn may be able to speak with more authority on this but,

Board Member Rogan stated not tonight.

Board Member Pierro stated most of the time when a septic system fails they rebuild that septic system instead of going to the expansion area. That is usually,

Ms. Keasbey stated yes but it just seems, how far away is it actually.

Mr. Nichols asked how far is it.

Ms. Keasbey asked from the primary.

Mr. Nichols replied well it depends on where you measure it from it is approximately about five hundred feet away.

Ms. Keasbey stated that is quite a ways.

Board Member Pierro stated that is why they would probably,

Mr. Nichols stated well we already have construction in this access road and that will provide the access.

Ms. Keasbey stated okay thank you.

Board Member Rogan stated thank you Edie.

Board Member Rogan asked Harry, if I am not mistaken the expansion area isn't proposed to be cleared at this time.

Mr. Nichols replied no it does not require fill. We asked if we could swap the two areas but if we did then we would end up clearing both areas the primary area in this location.

Mr. Hogan stated we sought a waiver of not clearing remember.

Board Member Rogan stated we were attempting Edie to try to not use the area that is shown for the primary right now because it is adjacent to a piece of property that is a preserve, the Clout Property but because the area requires fill we couldn't do it. That is what we were hoping for but we couldn't do it but at least the area shown as expansion will be left the way it is. So, it may never be cleared.

Judy Terlizzi stated Judy Terlizzi from the Putnam Land County Land Trust I am here because we received notification that this is in I guess within five hundred feet of one of our preserves and I know that the Clout Preserve, the Twin Hill Preserve which is a property of the Land Trust and both of those are contiguous to Ice Pond so I was concerned about what kind of affects could occur to the Ice Pond property which is also a Land Trust.

Board Member Rogan stated and our biggest concern through this and we have spoken about this is people driving, you know A.T.V.'s that sort of thing and we are not sure how to resolve those issues. That is not something that I think that is within the purview of this Board but that was a concern that we discussed with this of opening up area where they would go from this property on possibly.

Mr. Hogan stated we have actually discussed the distinct possibility of gating that off. I don't know how that hampers people who may like to travel from parcel to parcel but it certainly would hamper the A.T.V. operators from entering the property and connecting to another piece of property.

Board Member Rogan stated but is a valid question.

Ms. Terlizzi asked and would there be any results from construction or runoff that would affect the pond.

Board Member Rogan asked to Ice Pond.

Ms. Terlizzi replied yes.

Board Member Rogan replied I don't see that it would.

Rich Williams stated the drainage from these detention ponds actually is discharged to a stream which flows down to the east side of the railroad tracks and then filters through the stone of the railroad tracks before it gets to the wetlands on the other side. The stone from the railroad tracks is actually going to help filter any other pollutants that are collected but the stormwater detention ponds are designed such that there is a significant reduction in both phosphorous, nitrogen and suspended solids so there should not be a lot of pollutant laden runoff even leaving the site.

Ms. Terlizzi stated okay and as for the A.T.V.'s they are big problem now.

Mr. Hogan stated we would certainly consider that because we don't want anybody getting hurt on the property either.

Vice Chairman Montesano asked any other questions, Sir could you come up here and use our microphone.

Mr. Jeremy Shelbourne stated his name. I live on Farm to Market Road to the east of the property and there is a stream which runs from his property down east and then into a pond which we have adjacent to Farm to Market Road. We have had problems in the past with the previous tenants of that building who did not clean out their drains and I just wanted first the assurance that the new drainage system would not overflow into that stream because clearly it is going to impact our pond which then becomes immediately dark green and ucky. There is another factor which I am sure because you are upgrading the kind of tenants that are going to live there that the previous were dumping an awful lot of garbage on to our property and I would like the new guys to make sure that does not happen.

Mr. Hogan stated we actually cleaned the garbage out that has been there for years and years and we have enclosed the dumpster areas so that we can keep everything so it looks nice when you come in.

Mr. Shelbourne stated thank you.

Mr. Hogan stated as far as the runoff we have some outstanding experts that have looked at this project in this room and I think they are pretty assured, they are pretty confident that there is not going to be any kind of problem like that. We have been in the engineering process for a long time on this at this point.

Mr. Shelbourne stated I think the whole idea sounds splendid but I just wanted to make that point.

Mr. Hogan thanked him.

Vice Chairman Montesano asked any other comments.

Dan Kutcha stated Dan Kutcha, Sunset drive. I am noticing that the hundred percent expansion area is five feet from the property line and so my question to you is there a setback rule for expansion areas.

Board Member Rogan replied for the actual trenches but that is just a box showing the area. Certainly if they use the expansion area and the trenches were placed they could not be placed within five feet of the property line.

Dan Kutcha stated okay.

Board Member Rogan asked any other comments from the audience.

Ms. Shelbourne stated my name is Erin Shelbourne and we own the property next door. I was just wondering if you could show us where the stream is on that map.

Mr. Hogan replied I am not sure what stream.

Mr. Nichols stated we are going in the other direction. There is a high point just about at this location.

Ted Kozlowski stated why don't you show them where their property is.

Mr. Nichols stated your property is over here. It is in this direction here referring to the plan.

Ms. Shelbourne asked so it is not north, south that map.

Mr. Nichols replied it is east. It is to the east in this location here.

Ms. Shelbourne asked where is the compass point.

Mr. Nichols stated the town line is at this location and your property extends into the Town of Southeast.

Ms. Shelbourne stated yes correct.

Mr. Nichols stated your house is very close to the town line.

Ms. Shelbourne stated that is right correct.

Mr. Nichols stated what is happening with the draingage, the drainage is being collected, brought to these ponds it is then being discharged to an existing small watercourse which will take it to the trench or ditch that is alongside of the railroad which flows in a southerly direction.

Ms. Shelbourne stated so totally in the opposite direction.

Mr. Nichols stated it will flow in a southerly direction to about this location. Some of it will filter through the stone as Mr. Williams explained. During high flows it will flow in this direction and it will go through a culvert. It is at this location which will take it the west in a direction away from your property.

Ms. Shelbourne asked so it is the opposite direction entirely.

Mr. Nichols stated yes.

Ms. Shelbourne stated it was the orientation of that map was what threw me. I expected north to be at the top.

Mr. Nichols stated north is to the right.

Ms. SHelbourne stated okay thank you.

Vice Chairman Montesano asked any other comments from the audience. There were no further comments.

Vice Chairman Montesano asked can we get a motion to close the public hearing.

Board Member Pierro made a motion to close the public hearing. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 4 to 0.

Mr. Hogan asked would the Board be in a position to consider a SEQRA determination tonight.

Vice Chairman Montesano asked I don't know can we.

Mr. Hogan stated you can.

Board Member Rogan made a motion in the matter of Field & Forest Site Plan that the Planning Board grants a negative determination of significance of SEQRA. Board Member Pierro seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 4 to 0.

Mr. Hogan stated thank you so much for your time.

The Board thanked him.

**5) EASTERN JUNGLE GYM SITE PLAN/WETLANDS WATERCOURSE PERMIT
Public Hearing**

The Secretary read the legal notice.

Mr. Rob Cameron, Putnam Engineering and Applicants were present.

Mr. Cameron stated Robert Cameron from Putnam Engineering representing the Applicant for Eastern Jungle Gym. This is an application for an amended site plan. The project is located on approximately a little over two acre parcel on Commerce Drive. There is an existing approximate 19,000 square foot building located on the property. The subject of the application as I mentioned was for the amended site plan to permit Eastern Jungle Gym to utilize the facility for their use which also includes the outdoor storage of sheds. We are also here for a wetland permit because in the southern portion of this building there is an existing wetland. The existing building parking area is within the boundaries. It is a pre-existing condition. When the building was built so many years ago I guess there wasn't a necessity for a permit but as we came before the Board it was determined that we should be required to obtain a permit for the impact in the southern portion of the site for the wetlands. That is about the amount of this application.

Vice Chairman Montesano asked is there any comments from the audience. There were no comments.

Board Member Rogan made a motion to close the public hearing. Board Member Pierro seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 4 to 0.

Board Member Pierro asked have you received the last review memo, project review memo from Rich dated March 2nd.

Mr. Cameron replied yes I have and I also most recently discussed that with Ted and I brought with me tonight a plan which addresses some of those comments. We had talked the last time to cut back the asphalt paving, this is the plan that you have seen last. This plan will be submitted I am just advising you of what we have done to this plan. In the area down here we are proposing to remove a portion of the blacktop within the ten feet of the stream area. We are going to set the post and rail fence along the asphalt parking and beyond the post and rail fence we are going to re-vegetate that and plant some Red Dogwood shrubs.

Board Member Rogan asked Rob, is that corner of the parking lot where the stream comes in at a sharp angle.

Mr. Cameron replied yes it is. We have also addressed, the previous submission we had what we called a ? (did not understand what he said), per discussion with Ted we eliminated it in the vicinity of where the stream comes in and we placed stone riprap in that area.

Vice Chairman Montesano asked Ted do you have any comments on this.

Ted Kozlowski replied yes. Rich and I were discussing the stream and I am very happy that you are going to do that ten foot. I was there just this afternoon and that whole parking lot is going into the stream.

Mr. Cameron stated right the whole,

Ted Kozlowski stated and that is the issue and Richie and I have had some discussions on what is the best way to arrest that. I don't think we are going to resolve that exactly tonight but we probably the three of us should get together on the site and get that pretty much wrapped up.

Mr. Cameron stated okay.

Mr. Cameron asked but as far as the twenty-five feet we are okay with this area.

Ted Kozlowski stated yes we agreed to that a long time ago..

Mr. Cameron stated and I have the seed mix noted on there as we had discussed and we will till that area lightly and re-vegetate that area.

Ted Kozlowski stated my main concern really is the stream and what is going on with the parking lot and all the sediment. Everything in that parking lot is winding up in the stream. We have to arrest that and come to some sort of agreement on how we are going to do it because it is again, the stream is taking an unnatural right hand turn when it hits the parking lot and then skirts around the building. It was probably filled in many years ago before any kind of regulations were in place and we have to deal with that now.

Mr. Cameron stated unfortunately we are so limited on area here on this side.

Ted Kozlowski stated yes.

Mr. Cameron stated if we were over here we could do a lot.

Board Member Pierro asked has there been a determination on whether we are going to limit the number of display units to be placed on this site and what is the area that they are going to be placed because that was suggested both by Rich and by Dave Raines in the past. We talked about it briefly.

Board Member Rogan stated I honestly, I would probably be more in favor of delineating an area for them and then whatever they use within that than a number.

Mr. Cameron stated we have done that. We have delineated, if you can see this little dashed line around it, it delineates,

Board Member Pierro stated quite frankly no.

Mr. Cameron stated it is actually on this one too. See this gray line around here that delineates the proposed display area and it also delineates it by an area. I have an area placed on that.

Board Member Pierro stated something square feet.(unable to hear no microphone he was up looking at the plan on the board).

Mr. Cameron stated right and then this one would be four thousand. We are not going to be put anything over here, Board Member Pierro stated over the manhole. Mr. Cameron stated right where the septic is. On this side we are in front of the building, we came back the fifteen feet and we have the twelve feet and then again we have to setback from the building fifteen feet. We have delineated all these areas and then on top of that we have indicated a square footage. So, they have been delineated by boundary and then by square footage. Then we have the one in the back as well where we are going to put the sheds back on the pavement.

Dave Raines, Fire Inspector stated I have two other concerns (hard to hear no microphone) that I would urge the Board to maybe come up with a number within that area, (train drowning him out). It is more hard to do a field inspection which we do on a quarterly basis out there, it is a lot easier to say you got fifteen sets versus hey, did that line move. It is not a fenced in area, it is not going to be. Our concern is the setback from the building is critical no matter how many we have whether it is fifteen or twenty we need to ensure that is setback from the building so that we don't have these combustibles. Right now it is in great shape but if we are going to make a determination for site plan approval it is important to me to think about a number based on that area.

Board Member Pierro stated I am more inclined to go with both a number and the square footage.

Vice Chairman Montesano asked you had a problem with the amount of trucks that they have there also.

Dave Raines stated the number of trucks should be limited to what they have now. I think any increase would be detrimental to the site.

Mr. Cameron stated we have the trucks proposed on the plan. I think the Applicant discussed the last time he was going to have eleven trucks and that is what we are proposing in this area back here. What we are going to do is we are going to utilize from the existing loading dock areas because when the trucks return in the evening they don't need the loading docks so they are going to park the trucks in the loading dock areas. The concern was we didn't want the trucks parked near the stream so that is why we are utilizing the trucks parked up against the building and the loading dock areas.

Mr. Cameron stated and also it is going to be very difficult as displays change they might have small sheds, they might have large sheds by putting a number on the displays, what if they had ten small sheds, 10 by 10's versus ten, large sheds 24 by 12.

Board Member Rogan asked can you come up with an easier marker. Can you come up with a visual marker that would then say that this is the delineated area whether it be a,

Mr. Cameron asked are we concerned about the setback, the fifteen feet that they don't encroach in the fifteen feet.

Board Member Rogan stated well because it sounds like the concern is hey, we go out and do an inspection every three months we want to be able to look, we don't want to measure and say okay are they thirty feet from the building. Is there a visual marker, is there some type of a planting divide or something that would clearly say okay this is the area and they are within the area. I think that is reasonable.

Mr. Honningsberg asked can I speak.

Board Member Rogan replied sure.

Mr. Cameron stated Scott Honningsberg.

Board Member Rogan stated you are paying the bill you have got to be able to speak.

Mr. Honningsberg stated the area where the sheds are going to go the deepest shed we have is twelve feet deep so the line will be created by the buildings itself so when you look down and see the sheds that are there you will see the front of the sheds and you will see the back of the sheds and they will be from one area where it starts and one area where it finishes it. That pretty much covers it because we don't do buildings deeper than twelve feet. They could be ten feet long, thirty feet long.

Vice Chairman Montesano stated what I think the problem may come out with is sooner or later you are going to be let's say changing buildings, etc is the closest of that building to the wall area which limits the fire department access.

Mr. Honningsberg stated we are never up against the building so the fire department will never be infringed from getting to the building based on where the sheds are now that would not happen. When the sheds change you wouldn't really even notice because it is going to look like the same shed that has been there. We usually do that once a year. At the end of the season we take the sheds out, sell them off, the property could look empty, then when the season starts up we put the sheds back in place but it would be very noticeable from today, three years from now it will look exactly the same because we will be within those boundaries.

Board Member Pierro stated I am concerned with having a setback line from not going further into the stream area. We could always measure the distance between the buildings when the gentlemen are out there from the fire office but I don't want to see it.

Board Member Rogan stated it just seems like there should be a real easy way to do this.

Board Member Pierro stated a marker, a survey boundary or something buried in the concrete.

Mr. Honingsberg stated part of that fence that is going against the stream is really creating that boundary. We would knock it over.

Vice Chairman Montesano asked could you do us a favor Robert, when you draw this up what is the largest shed that you would have.

Mr. Honingsberg replied on the depth it is twelve feet deep by, the average building that we are selling is probably a ten by ten, ten by twelve but,

Vice Chairman Montesano stated all right let's say for arguments sake just for generalization let's go to a maximum let's say we put ten, ten foot buildings in maybe you could just delineate that on the plan just for an idea where we would not have it too close to the building or too close to the roadway or too close to the stream. It will just be on a piece of paper to delineate.

Mr. Honingsberg asked and that would be for the front.

(TAPE ENDED)

Vice Chairman Montesano replied it would be basically for around the building so that we don't have any problem with access for these gentlemen here.

Mr. Honingsberg asked you are talking about for this part here referring to the plan.

Vice Chairman Montesano replied right.

Mr. Honingsberg stated well first of all there is no buildings over here.

Board Member Rogan stated right they are not proposed there.

Mr. Honingsberg stated the buildings are only going on the front and basically what I have there I am happy with however many are there or within the area.

Board Member Rogan stated you are saying buildings, it is buildings and play sets right. That is basically what we are talking about.

Mr. Honingsberg stated the play sets are on the grass and then the sheds are right behind on them on the grass in the front because they have to be away from the building but they do vary. The playgrounds go up and down the sheds are pretty fixed. That is why it was easier as far as the playgrounds go because those models are always changing and that is something that we build then we just take it down. They are real simple and they are just spread out. A number on those we could probably have at any time eight to ten of them up just in the playgrounds.

Vice Chairman Montesano stated what I am looking for is just to delineate the space on the plan.

Mr. Honingsberg asked that we are not going to use.

Vice Chairman Montesano stated no that you are using.

Board Member Rogan stated they have delineated it on the plan.

Mr. Honingsberg stated that is all delineated here.

Board Member Rogan stated that is what is shown.

Mr. Honingsberg stated and the buildings will stay within those parameters because unless we go to a twenty deep building which we,

Board Member Rogan stated I think to try to bring this to some closure because I think we are all talking about kind of the same thing. I understand the Fire Inspector's concern they want to make sure that when they go out there that you are not going outside of the area that we are approving on the plan. I think if we could just come up with a real simple way to delineate that on the ground so that when someone walks out on your site they can look and say hey, here is the area because there is a stone paver that runs along underneath, or at grade or something that delineates an area that says this is my display area. I can put sheds and or play sets in there. I am not as concerned with the number as just delineate the area that is acceptable and then you gentlemen have an easy way to say here is the area and it is fine. We already know because the area has been delineated, we measured it, we know it is thirty feet from the building or whatever the case may be and close the conversation and be done with it.

Dave Raines (hard to hear no mic) stated you can do plantings Scott at the four corners of the area and that way,

Board Member Rogan stated that would be fine.

Dave Raines stated (again no mic hard to hear) that is the display area whether you have twelve play sets and ten sheds whatever you can fit within that. We have walked it enough times you and I, we understand what is going on. We won't encroach around the back, we won't encroach too close and there will be no issue.

Board Member Rogan stated that is actually like a shrub or something would be a great idea, something that does not get real big that stays small.

Mr. Cameron stated either a shrub or do you know those little plastic markers that they put in. I don't want to plan too much shrubs because in the front area that fifteen feet is really almost bounded by that swale. You know that swale that is in the front well they are not going to put anything in that swale so at the edge of the swale is almost the fifteen feet. They are not going to put a playground down into the swale or a shed down in the swale.

Mr. Honingsberg stated and that is what we could do is right where the swale comes up that is where we start, the back part of the sheds you can't go any further than that.

Mr. Cameron stated we will look at something.

Rich Williams stated if I could jump in,

Dave Raines stated like you said we take things down in the winter and we setback up in the spring there should not be an issue. It should be this is the display area period regardless of who you have out there working for you doing setup and take down. We are not looking for anything elaborate just markers, whatever you want to use that would be maintained not taken out each year and put back on a seasonal basis you maintain those markers.

Rich Williams stated shrubs may be a problem when they are moving things around. They may get beat up, they may die. It might be easier just to put little concrete markers in the ground not the little plastic ones.

Board Member Rogan stated that is why I said pavers.

Mr. Honingsberg stated so it is always there I understand that. So that is what you are looking for.

Board Member Rogan stated buy twenty bricks and set them in. Buy a couple of pavers and just set them in.

Mr. Honingsberg stated I could do that.

Board Member Rogan stated I think you have a neighbor next door who might have a couple laying around.

Board Member Rogan stated our main concern of course has always been the stream stabilization and I think other than that I felt that the site has improved drastically in the last two years. When we first went out there the place was a wreck. I think we can wrap this one up once we resolve those issues. I am speaking for the rest of the Board but I think that is what we are.

Dave Raines stated I did extensive reviews on this and we did a lot of site walks and they have done a tremendous job and they have met all the existing fire codes and the building department issues that we have had. They really have scaled things down on the site which I know Paul and I (unable to hear the rest).

Mr. Cameron asked where are we right now, we didn't do SEQRA on this yet did we.

The Board replied no.

Board Member Rogan replied no we haven't and I can't see any reason why we can't do that can you. I think we just have to get you guys to meet out there and resolve the stream stabilization.

Rich Williams stated I don't think we are that far off.

Mr. Cameron asked so as far as SEQRA you don't want to act on that right now or you do.

Board Member Rogan replied I don't see any reason why we can't act on it.

Vice Chairman Montesano asked it is up to you.

Board Member Rogan asked does anybody want to do the motion.

Rich Williams stated close the public hearing.

The Board replied we closed it.

Board Member Rogan asked Dave you want to do that or.

Board Member DiSalvo stated I will do it.

Board Member DiSalvo made a motion in the matter of Eastern Jungle Gym that the Planning Board of the Town of Patterson finds that the proposed action will not have a significant impact on the environment and hereby issues a negative declaration of significance. Board Member Pierro seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 4 to 0.

Board Member Rogan stated can we make a recommendation that the project's engineer has a field meeting with the Town Engineer or not the Town Engineer but the Town Planner and the Wetlands Inspector.

Vice Chairman Montesano stated you can make that recommendation it is up to them.

Board Member Rogan stated to wrap this up.

6) THE PADDOCK SIGN APPLICATION

The Applicant did not appear

Vice Chairman Montesano stated nobody is here for this.

Vice Chairman Montesano stated Paul, we can discuss it later but,

Paul Piazza asked what.

Board Member DiSalvo stated the Paddock sign.

Vice Chairman Montesano stated he has not shown up.

7) **BARNES SUBDIVISION**

Mr. Harvey Barnes, Applicant was present.

Mr. Barnes stated Harvey Barnes, I kind of feel insignificant after all those big projects but this is just a minor subdivision that we are trying to do on sixteen acres more or less ten or eleven acres and five or so acres. I believe after the last meeting we addresses most of the concerns if not all of the concerns that you had given us, Badey & Watson.

Board Member Rogan asked Mr. Barnes are you saying that the February 23rd memo that you have addressed those concerns.

Mr. Barnes replied no, no the last time I was here I think was back in December so that memo, actually that is this one here I think I just got since then we have applied for the driveway permit and I noticed that they had changed it slightly and you noted that the reason he did that was to try and get it down below an existing catch basin. They were unaware that this guy over here had already put a pipe here down to that catch basin so we are going to move it to the original location where it had been approved a number of years ago. The DOT says forget about that approval just submit a new permit. That is that. We are in the process of going before Putnam County. We are designing a septic so I see that was one of the notes in your new set of notes there. We are moving ahead with that. We picked a house design it is smaller than the existing house over here by the way I am probably going to move into that if this gets approved. One of the other notes you were concerned about we moved the property line slightly because again, I want to move out of this big house into the small house. We will not do that garage that is presently approved. We won't do that if we are going to do this project we will just forget about that.

Rich Williams stated we do have a problem with that issue. You have got valid permits issued for that garage, that barn and as long as there are valid permits issued for that barn you have to show them on your plan. We have to assume that they are going to be constructed at some point and right now you are not in compliance with the zoning code.

Board Member Rogan stated he has the option of withdrawing the, can you tell the Building Department that you,

Rich Williams stated he has got an erosion control permit and he has a building permit. He would need to withdraw both of these.

Mr. Barnes asked in order to,

Board Member Rogan stated because if you show the proposal I understand that it is probably too close to the proposed property line so that would be a concern obviously.

Mr. Barnes stated I understand.

Board Member Rogan asked is Paul here.

Ted Kozlowski replied yes do you want me to get him.

Vice Chairman Montesano stated he is right there.

Board Member Rogan replied oh, I am sorry you were standing up for so long and you sat down and I lost you.

Board Member Rogan asked would that be appropriate if someone has a valid building permit given what is going on in this situation and they wanted to rescind the permit would they just do that in writing to your office.

Paul Piazza stated just submit it in writing and I will void out the application and the permit.

Mr. Barnes asked is that all I have to do Rich.

Rich Williams stated yes you have to do it for the erosion control permit also.

Mr. Barnes replied okay so both permits.

Vice Chairman Montesano asked does he have to submit one to Planning as well as the building.

Rich Williams stated there are two outstanding valid permits. He would need to submit a letter on both permits saying that he no longer wishes to proceed with the project that he is withdrawing his applications.

Mr. Barnes stated that is easy enough.

Board Member Rogan stated he could cc the Board.

Mr. Barnes asked any other questions.

Board Member Rogan asked did we resolve the issue with the topo in the proposed septic area. I thought there was an issue about the topography,

Board Member Pierro stated the steepness.

Board Member Rogan stated the steepness shown on these plans not being, not matching up with previous sets or topography lines not all being present or.

Rich Williams stated there is a problem with topo I don't know if Steve wants to address it (Steve Miller from Badey & Watson) depending on who actually is doing you could come up with slight differences in the actual topo lines. Mr. Barnes indicated that he is going for a Health Department permit anyway so that negates that issue. That is all I was looking at I mean conservatively that was something I was recommending to the Board that they should do that.

Board Member Rogan stated given the previous,

Rich Williams stated we don't want to create a lot that then ultimately could run into a problem where they can't get a septic system to work.

Mr. Barnes stated I wouldn't expect that. We are moving ahead with that. I just want to know if there is well I have your notes here. All I wanted to know was what the next step is. Is there anything else that you require or any other questions or concerns but we are moving ahead. That is our next step is Putnam County.

Board Member Pierro stated I am not comfortable with going any further until I, we see a Health Department permit.

Board Member Rogan stated I don't know that you can, well I guess. How do you hold up a subdivision application on another approval agency that I mean,

Rich Williams stated if I could chime in here I don't think that you could actually delay the process.

Board Member Rogan stated exactly.

Rich Williams stated but you want to build your record and make sure that you are on solid grounds. You could ultimately deny the application for not having the valid permits.

Board Member Rogan stated well let's face it from the beginning of this application the main concern here has been slope. Can they get the septic in under fifteen percent because previously that was said that it could not be done.

Board Member Pierro stated right it has been denied in the past.

Board Member Rogan stated it wasn't denied that is not it.

Board Member Pierro stated well the Health Department didn't issue a permit.

Board Member Rogan stated no the Applicant dropped the application. That is not the same as going through a process and being denied. They just didn't seek to do the subdivision at that time.

Mr. Barnes stated so my next step it sounds like is Putnam County.

Board Member Rogan stated it sounds like you are working with them.

Mr. Barnes stated right.

Board Member Rogan stated and to continue with this process addressing the issues.

Mr. Barnes stated and if that does not work then it is a mute point at this point but that sounds like the direction that you are going.

Board Member Rogan stated and actually by rights the Health Department shouldn't give any kind of an approval until the subdivision is done. It is kind of a because the lot does not exist. They by rights should say this lot does not exist yet we can't give an approval on something that does not exist right.

Rich Williams asked they can't approve a septic system on a parcel.

Board Member Rogan stated that is true I suppose.

Vice Chairman Montesano asked have we made this a,

Board Member Rogan stated we haven't even done a minor. We can do a motion on a minor.

Board Member DiSalvo made a motion in the matter of the Barnes that the Planning Board declares the project a minor subdivision. Board Member Rogan seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 4 to 0.

Rich Williams stated Mike, one of the outstanding issues the Board might want to address so that the Applicant has clear direction moving forward is the issue about showing topography over the entirety of the site as required by Code. In this instance is it absolutely necessary or do we just need to show the topography in two foot contours in the area that is going to be disturbed you know maybe a little bit immediately up gradient of those areas.

Mr. Barnes asked are we asking do we need this up here.

Board Member Pierro stated I think the Health Department maybe,

Rich Williams stated the Health Department only needs topo in the septic area.

Board Member Pierro asked in the septic area.

Rich Williams replied yes.

Board Member Pierro asked so if there is a severe grade immediately above the septic area.

Board Member Rogan stated look where the septic is approved you have got a hundred foot of topo above the septic. Personally, I don't see any reason why we need anymore topo other than what is shown on there.

Vice Chairman Montesano stated well the possibility what happens if it slides if it is that steep and it slid down and it is covering the septic system with about three feet of dirt. Would that affect its operation.

Board Member Rogan replied would it affect its operation of course it would.

Board Member Pierro asked aren't we going to need topo for the expansion area. Is that indicated.

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

Mr. Barnes stated there won't be any access to that, the driveway here, (unable to hear too many talking at the same time).

Board Member DiSalvo asked so the new proposed house will be a little further up the hill than the one that is existing now.

Mr. Barnes replied slightly.

Board Member DiSalvo stated so somewhat in line when you are going around the turn.

Board Member Rogan asked Gene, with the technical review that you may have to do on this do you think you need anymore topo than what is shown on there.

Gene Richards replied what he has is fine and just to add one thing to what Rich said as far as the Health Department requirements they also want to see topo in the area of the well (unable to hear the rest of his statement).

Mr. Barnes stated that is right here, the proposed well. That is in this lower area. It is not lower than the septic.

Vice Chairman Montesano stated all right so we don't need it, next.

Board Member Rogan stated we have to do that in a motion.

Board Member Rogan made a motion in the matter of Harvey Barnes Subdivsiion that the Planning Board waives the requirement to provide topography over the entire site. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

Rich Williams stated do you want to clarify the limit that topography has to be shown in areas that is disturbance is occurring.

Board Member Rogan stated please amend the motion to include that statement that I would think would be somewhat inheritent in the review process that if things move and we need to review technical aspects of the plan we are going to need them but yes amend the motion to include that please.

Board Member DiSalvo seconded the amended motion.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 4 to 0.

Mr. Barnes thanked the Board.

8) **ALPINE RESTAURANT SITE PLAN**

Mr. Bob Groezinger, Attorney for the Applicant was present.

Mr. Groezinger stated ladies and gentleman Robert Groezinger for the Applicant. We are here for a site plan approval on the application. Basically I have looked over the report of Richie Williams from February 23rd, if we go down and take a look at Item C on page 2 of 5, the dumpster enclosure I think this is a resubmission so I think this dumpster enclosure thing Rich was taken care of last time already and that is fixed. There is no dumpster enclosure that is need of repairs I see it.

Rich Williams stated prior to me doing this review I actually took the existing site plan, went out on the site and compared what was proposed as far as the improvements as far as what has been done out there today and this is a punch list of essentially of what was shown on the site plan that needed to be done that has not yet been done on the site.

Mr. Groezinger stated okay it was my understanding that the dumpster enclosure was completely done, it was painted and everything else.

Rich Williams stated yes but it is not in the right location.

Mr. Groezinger stated aside from that. We are not talking about that. We are talking about the enclosure. You said enclosure. I am talking one at a time. The Stephen's Brook thing I talked to Ted and he is going to go out and take a look because it is our understanding that that was cleaned up in the last thirty days even with nothing in it that was cleaned up but Ted is going to take a look right you said.

Ted Kozlowski stated yes.

Mr. Groezinger stated and the bitter sweet we found a way to try to emolliate that situation.

Ted Kozlowski stated we want to discuss that.

Mr. Groezinger stated right that is why I said we found a way to emolliate that situation.

Ted Kozlowski stated he wants to use gasoline and burn it.

(Laughing from the Board and some audience members).

Mr. Groezinger stated I didn't say that, would I say that.

Mr. Groezinger stated basically it is the same application that it was last time and you are just going to tell us how much the bond is going to be for hopefully and you will approve it. I don't know what else to ask you. You have it there we got your comments and we will address them.

The Secretary stated they have to have a public hearing.

Mr. Groezinger stated right it is not a public hearing it is just the application.

Rich Williams stated but if we are re-doing the application there is a statutory requirement for a public hearing. There is also a new issue with the current site plan that there is a building that has been damaged by fire and they are looking to rebuild it.

Mr. Groezinger stated right we want to fix that up again and right now we have been prohibited from doing that because of the circumstances as they are.

Board Member Rogan asked because of the site plan.

Mr. Groezinger replied yes. We wanted to go in and fix it up right away.

Rich Williams stated it is also within the buffer of the stream channel.

Mr. Groezinger stated right but it is existing exactly where it was and nothing has changed. It is where it is.

Rich Williams stated it has changed a little.

Mr. Groezinger stated it hasn't gotten any larger and the footprint hasn't gotten any smaller. It is where it is.

Board Member Rogan asked so you are saying the footprint is not going to change. You are not tearing down what is there you are going to renovate.

Mr. Groezinger replied yes absolutely correct nothing is changing.

Vice Chairman Montesano stated wait a minute one question. We are doing this site plan now.

Mr. Groezinger stated correct.

Vice Chairman Montesano stated the building that is burnt.

Mr. Groezinger stated it is attached. It is not a stand alone.

Vice Chairman Montesano asked attached to what.

Mr. Groezinger replied to the Alpine.

Board Member Rogan stated to the Alpine.

Mr. Groezinger stated we are not talking about the little one in the front.

Vice Chairman Montesano stated all right we will just let it go at that.

Mr. Groezinger stated and the only thing that we would like the Board to do is give us permission to do the work in that area and we want to move the pad. The pad is required to be moved.

Board Member Pierro asked the pad being the dumpster.

Mr. Groezinger replied the dumpster pad right. That has to be moved and I am guessing because that is in the buffer zone we need some kind of wetland approvals to do that.

Ted Kozlowski stated if there are any changes to the previous permit and you are working within the buffer you have got to go through the process.

Mr. Groezinger stated correct but what I am saying is the Board wants us to move the dumpster.

Vice Chairman Montesano stated to where it was supposed to be.

Mr. Groezinger stated from where it is now back farther.

Vice Chairman Montesano stated to where it was supposed to be.

Rich Williams stated yes. There was a new location proposed on the plan.

Mr. Groezinger stated right correct. So, I don't know when you say where it was supposed to be the matters that were discussed once before that is the place it was going and that is the place hopefully it will still be going.

Rich Williams stated and just so we are all clear there never was a wetland watercourse permit issued for the original application.

Board Member DiSalvo asked how many years ago was that.

The Secretary stated I don't remember it was awhile ago.

Rich Williams stated we did determine that everything that they were doing was really minor in nature. They were shifting the dumpster around, they were cleaning up the stream channels.

Ted Kozlowski stated my concern is Stephen's Brook whatever you are doing there the original agreement years ago I can't remember how long ago it was, you were going to plant trees, take care of the mason lines, clean up the stream and make sure that you kept that vegetated buffer between restaurant activities and the stream. The dumpster was an eyesore, it wasn't at that time,

Mr. Groezinger stated fenced in.

Ted Kozlowski stated stuff goes all over the place it winds up in the stream and we wanted that taken care of. It was taken care of in the sense that the fence was put up.

Mr. Groezinger stated right and they went in the stream and cleaned out the stream.

Ted Kozlowski stated a fence over time gets beat up.

Mr. Groezinger stated correct.

Ted Kozlowski stated trucks back into it and then its function gets diminished. We needed that fix. Where the dumpster goes as long as it is going away from the stream or if something flows out of that whether it is oil or whatever,

Mr. Groezinger stated we are not expecting anything to flow oil should not even be in there.

Ted Kozlowski stated whatever or your gasoline that you want to use or whatever I just want to make sure it is not going into the stream. I will go out to the site, I will check it out this weekend, give me your card and I will get back to you on what you need to do.

Mr. Groezinger stated thank you.

Board Member Pierro asked we are still requiring a wetlands watercourse permit though.

Mr. Groezinger stated Ted is going to make an evaluation of that based on his on site review.

Ted Kozlowski stated right.

Board Member Pierro stated very well.

Board Member Pierro asked and we are going to destroy, we are going to remove the other.

Mr. Groezinger stated well what is going to happen if it is permitted what we are going to do is the concrete that is there now is going to all be ripped up and it will be gravel so the impervious surface will become pervious.

Ted Kozlowski stated when you rebuild the structure that caught fire.

Mr. Groezinger stated yes.

Ted Kozlowski stated we need to understand your plan of action.

Mr. Groezinger stated the footprint is not going to change and we are going to try to rehab it exactly the way it was.

Ted Kozlowski stated right. It is more the staging, more the construction activity itself. It is not so much the footprint. I understand that is staying but on a construction project, trucks show up, debris gets piled. We want to make sure that the vegetated buffer that we have been trying to have the owner maintain is not intruded upon during this construction activity.

Mr. Groezinger stated I don't think that the construction is heavy construction. I think it is mostly carpentry, electrical and plumbing. I don't see the type of equipment that you are thinking about coming in.

Ted Kozlowski stated yes but I see vehicles and people parking and going into that area. You need to delineate,

Mr. Groezinger stated delineate I was going to say they will delineate it.

Ted Kozlowski stated put up a construction fence.

Board Member Pierro stated orange construction fence.

Ted Kozlowski stated protected site keep out. That means vehicles, summer is coming people like to park their vehicles under trees in the shade and the only trees that you have there is next to the stream so we want to make sure that vehicles are parked in the parking areas. I have been to a million construction sites so I know how it goes.

Board Member Pierro asked Ted, when you go to look at this site can you throw a couple of stakes in the ground where you want a construction fence.

Mr. Groezinger stated or a little spray paint or something like that.

Ted Kozlowski stated well we just want, yes no problem.

Mr. Groezinger stated we are just looking for a little direction from you now to what it is.

Rich Williams stated there is a few more issues that we need to bring to the Board's attention.

Mr. Groezinger asked and that is.

Rich Williams stated the original plan, the site plan that you see up here was drawn by Hahn Engineering, Jim Hahn the Engineer who drew the plan, was in my office today, he was questioning whether they had the ability to continue to use this plan.

Mr. Groezinger stated I don't know why he signed off on it.

Rich Williams stated I don't take a position on it one way or the other. I don't know the legal ramifications of it but he was not happy that this plan was being presented tonight.

Mr. Groezinger stated I will say this, this plan was done by Jim Hahn, the services of the Alpine engaged Mr. Hahn to do this plan. This plan was paid for and this plan was done in accordance with the wishes of the client and Hahn prepared this at the wishes of the client.

Board Member Rogan asked if modifications need to be made to the plan who will be doing them.

Mr. Groezinger replied somebody who is competent and authorized to do them. I have no idea. It won't be me.

Rich Williams stated the reality is the only person that can modify this plan is the Engineer. If this plan had been resubmitted with modifications that were not done by Hahn we would not have accepted it.

Mr. Groezinger stated right but nothing has changed.

Rich Williams stated nothing has changed.

Mr. Groezinger stated correct.

Board Member Pierro stated so at the point where it does change.

Rich Williams stated well I explained to Jim he needs to talk to an Attorney, he needs to put something in writing.

Board Member Pierro stated it is up to him.

Mr. Groezinger stated and that could open up a whole kettle of fish for him but that is another issue. The only change if any changes are made on this I mean as a functional matter it would be anything that is out the Board's control right now and I refer you to the property owned by the Bank which is not in the Board's purview right now anyway although it appears on the map. Also, what appears to be incorrect is that you have got the Bank owning something here on the south when in fact they don't. I think if you look at your it says parking continues on the southerly side of the adjacent property owned by Putnam County National Bank.

Board Member Rogan stated it says now or formerly Putnam County National Bank on your plan.

Mr. Groezinger stated it does not say here it suggests something else. This suggest right of way to me given the history.

Rich Williams stated the parking is continuing for the restaurant on the Bank's property.

Mr. Groezinger stated I will tell you it is not. I will tell you that every car that is parked there is parked on the southerly parcel that is not owned by the Bank.

Rich Williams stated for which there is no existing site plan so you are telling me that you are in violation.

Mr. Groezinger stated I am telling you that your statement here, Rich Williams asked are you telling me that you are in violation.

Mr. Groezinger stated no I am telling you your statement is incorrect.

Rich Williams stated my statement may be incorrect, Mr. Groezinger stated that is all I am saying, Rich stated but you are admitting that you are in violation.

Mr. Groezinger stated no I didn't say that anybody parks there I am just saying that, (Several people laughed) I just said no cars park on the bank's property. That is all I said. I didn't say cars were parking anywhere but any event surely you joust.

Vice Chairman Montesano stated jokingly and I was worried about missing tonight's t.v. shows this is getting better by the minute.

Mr. Groezinger stated so anyway Ted is going to come out and take a look and he will get back to me.

Board Member Pierro stated with the spray paint and your guys are going to put up a fence and protect that stream corridor.

Mr. Groezinger stated yes and you are going to look at it and tell us what you think is appropriate.

Vice Chairman Montesano stated how about a sixteen foot steel wall.

Board Member Pierro stated no orange construction fence staked into the ground and repaired when needed.

Ted Kozlowski stated it is simple stuff.

Mr. Groezinger stated right I was going to say hopefully it won't be that long of process either and then we will do something that looks a little better so that you don't see orange day glow crap staring at you.

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

Board Member Pierro asked do they have a C.O.

Mr. Groezinger asked for what.

Board Member DiSalvo asked Richie what do we do with the building in the front. Does that have a C.O.

Mr. Groezinger stated we are not addressing that at the moment because it is all part of the same site plan application.

Rich Williams stated right now I am not aware of any use being proposed for that building.

Mr. Groezinger stated right but I will say this there is a C.O. for the Alpine. There currently exists a C.O. for the Alpine.

(Unable to transcribe too many talking at the same time)

Mr. Groezinger stated I do have a C.O. in the file for the Alpine that was issued by your predecessor that has never been revoked.

Paul Piazza stated no you do not have a C.O. for the addition.

Mr. Groezinger stated I didn't say that. That is not what I said you are not listening. I said there is a C.O. that I have in my possession that has the Alpine on it. I will show it to you. I don't have it with me.

Paul Piazza stated I won't dispute that but I am also going to tell you, you do not have a C.O. for the addition that was put on the Alpine.

Mr. Groezinger stated nobody said we did.

Paul Piazza stated well just for the record.

Board Member DiSalvo stated the addition that burnt down.

Vice Chairman Montesano stated it burnt down so it is not there.

Board Member Rogan made a motion in the matter of the Alpine Restaurant that the Planning Board schedules a public hearing at the next regularly scheduled meeting which would be not the one coming up next week, May.

The Secretary stated the first Thursday in May.

Vice Chairman Montesano asked can we get a second.

Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 4 to 0.

(Unable to transcribe too many talking at the same time)

Vice Chairman Montesano called a recess at 9:05 p.m.

Vice Chairman Montesano called the meeting back to order at 9:11 p.m.

9) CIPRIANO SITE PLAN

Mr. Steve Miller, Badey & Watson and Mr. Cipriano was present.

(The meeting was not recorded at this time because the machine was off for a few minutes)

The Board and the Applicant discussed at length the road improvements for the site.

Gene Richards stated the hundred and fifty foot radius is shown on Sketch 2. Tom McGinn from our office actually went down to meet with Charlie Williams to review Sketch 1 and Sketch 2. Charlie looked at them and after their discussion said he would be agreeable to the hundred and fifty foot radius but that would be conditioned upon the Board waiving the Town Code requirements. As I looked at it further we didn't mention it to Charlie I don't believe about the fifty foot perpendicular line but that would need to be waived as well as the minimum radius from two hundred to a hundred fifty feet. One thing that I kind of closed our memo up with was the fact that if the Board does ultimately consider waiving this requirements that in any resolution you prepare for it you should state why you are relieving the Town Code requirements and they really are specific to this location that we have and the geometry of the Town road and the New York State road, the close proximity so that there atleast is a clear record as to why you waived it.

Board Member Pierro asked Gene what do you feel the intent is of the 200 foot radius in the Town Code purely for safety and line of sight.

Gene Richards stated it gets into Ashto requirements for line of sight and motor safety. This is a 30 mile per hour road so all those come into play with that. You are right at the beginning of a road if you come in from Route 22 so people are not going to be going 30 mile per hour as they turn into the road necessarily. Not to say that you don't have to design for that but we are trying to better the situation. The situation that we now have is Old Road intersects 22 very near Ballyhack Road so you have two intersections very close

together probably about fifty feet apart and the angle of the intersection with Old Route 22 and 22 is about a thirty degree angle so while what we are proposing in Sketch 2 isn't ideal, it doesn't fully meet Town Code it certainly is an improvement over what we have today with the intersection by Ballyhack. I feel that it should be considered as part of the reason to support a waiver as well.

Mr. Miller asked if I may, we had met with Gene and certainly appreciated the situation that was there. We are trying to make a bad situation better there is no question about it. The alignment and the layout that we had proposed here was a combination of providing access to the site and resolving this issue with the road. It wasn't a perfect solution. It was the best one that accommodated everything that we could see. We acknowledge that that is not going to be satisfactory to the Town. While the possibility exists that we may propose a connection like Gene has suggested, what we would like to do before the Planning Board decides finally that that is the solution that they like we would like a month to analyze some other alternatives. Mr. Cipriano owns, there is two parcels involved, there is this larger parcel and Mr. Cipriano also owns a parcel here that goes a couple of hundred feet south along Old Route 22 so he has this other area available to him. We would like to look at some other alternatives where perhaps we use some other portion of his property to bring this road out, perhaps getting more of a radius, perhaps analyze a possible cul-de-sac where there is no, there is not a lot of traffic on this road. There is only three or four parcels on it. The possibility exists that maybe the solution is to put a cul-de-sac in down here and closed this whole northern portion of the road and that Mr. Cipriano just provides himself with a driveway that meets the Town specs. We close this northern portion here, we have an intersection at Ballyhack, we have a driveway intersection and some number feet down is where Old Route 22 comes out and somewhere in the middle there is a cul-de-sac. There is no other access out to Route 22. That may be a viable solution. I am not saying that is the best solution but what I would like to do is rather than have the Board hash out whether this is acceptable to them, let us take a month to analyze some alternatives, allow us to meet with Gene and the Highway Superintendent when we have two or three possibilities and discuss it with them and perhaps come to some suggestion and then come back to the Board with some other alternatives.

Board Member Rogan stated you will never not get more time from us.

Vice Chairman Montesano stated you want more time.

Board Member Pierro asked Gene do you have any comment on that.

Gene Richards stated no that is fine and certainly what Steve is proposing we will get together with Charlie so he is certainly involved in that process and we will put it back on the table too with Charlie just in case, Rich just mentioned before what about leaving the alignment as it is shown now and just making it like a two way stop condition at that intersection.

Mr. Miller pointed to the plan and asked here.

Gene Richards replied well as you have it right, have a Stop sign coming out from the site I assume you are talking about Rich and then one coming from Old 22 to the south.

Mr. Miller stated one other possibility might be that this becomes one way.

Rich Williams stated the issue that I have with all that is we have got an intersection down at the other end that is geometrically challenged and we don't want to make that a primary access or the soul access so we need to look at options that are going to give us more than one way in and out of that road.

Board Member Rogan stated we also don't want people to try and use that entrance to get to this site.

Rich Williams stated if they are coming south on 22 and they jump in it is not horrific.

Board Member Rogan stated right that is true or you mean if they are going north on 22.

Rich Williams stated right from the south.

Gene Richards stated you had talked about the possibility of a cul-de-sac. I would not get too crazy with that I don't know that Charlie would approve that because most Highway Superintendent's do not like cul-de-sac roads, the snow plow.

Mr. Miller asked even though the Town has a provision in the Code for cul-de-sacs.

Gene Richards stated understood but we currently have a road that is not and he may be reluctant to go that way.

Mr. Miller stated I understand that.

Gene Richards stated just so you are aware of it.

Board Member Rogan stated I will be interested to see what you come back with.

Mr. Miller stated we are looking for some alternative that works for the Town and works for Mr. Cipriano.

Gene Richards stated you can do what you said put together some alternative layouts and then we can get together and schedule a meeting.

Mr. Miller stated we had started looking at this after we met with Gene and the geometry is less of a problem for us than the grade is because if we have to meet the Town's grade in here it forces us to start out at a lower elevation here which puts us four or five feet down in the grade up here from where we already are. That is why we would like some time to analyze this a little more.

Vice Chairman Montesano stated done.

Board Member Rogan stated sounds reasonable.

Board Member Pierro stated sounds fine to me.

Gene Richards stated so we will work with Steve's office and the Highway Superintendent and try to come up with a recommendation.

Mr. Miller stated we will put a few plans together and we will get in touch with you and try to make some arrangements.

Gene Richards stated sounds good.

Mr. Miller stated thank you very much.

Board Member Rogan stated one of these stores in here has to be I just keep getting back to this.

The Secretary stated I know what he is going to say.

Board Member Rogan stated what.

The Secretary stated ice cream.

Board Member Rogan stated it has got to be if you are going to have people hanging around outdoors,
(Too many talking at the same time unable to transcribe).

Board Member Rogan stated thank you have a nice evening.

10) PADDOCK VIEW ESTATES SUBDIVISION

Mr. Dan Donahue, Engineer and Mr. Porcelli, Applicant was present.

Mr. Donahue stated my name is Daniel Donahue I am the Consulting Engineer representing the owners of Paddock View Estates and we are here tonight hopefully to receive preliminary approval on the subdivision. At the last meeting that we were here one of the concerns the Board had was the fact that, what we are going to do is take out a portion of this particular building with reference to the proximity to the ponds. So what we are showing on this map here of course it will be shown on the subdivision map the fact that this portion of the building will be removed. As you can see we have surrounded the building in the westerly direction so that there will be some buffer from the existing residences with some evergreens. I think we have tried to address a lot of the concerns of the Town that the Town has had with the pond so hopefully we are in a position to get preliminary approval. I know I received a letter from Rich and he had a number of comments in here and if we could possibly go over just a couple of them.

Board Member Rogan stated sure.

Mr. Donahue stated what we plan to do and I will show you it on the other map is that we have a construction easement with the Town. The Town had requested it that we provide (unable to hear others talking at the same time). We provided a construction easement.

Rich Williams asked Dan are we talking about the conservation easement.

Mr. Donahue replied I am sorry conservation easement. I apologize. The conservation easement that would run, this is the knoll property which runs up through here and then down through here. What we were going to give to the Town, the conservation easements were the slopes on this particular portion of the property. I think one of the questions you had with respect to where this well was located because of the steep slopes. I think we will be able to move that well and still maintain the,

Board Member Pierro stated the separation from the septic.

Mr. Donahue stated from the septic systems.

Vice Chairman Montesano asked Dan can I interrupt you for a second.

Mr. Donahue replied sure.

Vice Chairman Montesano asked does that conservation easement run into where the back of the park is.

Rich Williams stated actually I think it does yes.

Board Member Pierro asked and as part of that conservation easement would it allow access for that project that,

Board Member Rogan stated it is very steep.

Rich Williams stated yes we are talking about protecting the very steep slopes out there with a conservation easement and essentially the conservation easement is just to prevent disturbance from occurring on that area. It is not something that is going to give anybody any sort of rights to.

Vice Chairman Montesano stated I was asked by the Park Commission if there was some way to get an access road in case of emergency that is why. I didn't think it was possible but I just wanted to verify that.

Rich Williams stated yes correct I have had a number of conversations with John Taylor about trying to get access to the back area. The reality is in order to do it and do it the way Mr. Taylor would like to see it done would require losing one of the lots on the subdivision.

Vice Chairman Montesano stated thank you.

Mr. Donahue stated I think one of the things we talked about was putting in an area in here which would be part of the right of way. Another question with respect to the infiltrators on the individual lots I can see the point of having maintenance or inspection on the pond but I don't know about going on the individual properties to make sure that they are going to be maintained. That is a little ambiguous to the owner of the property.

Rich Williams stated I appreciate what you are saying but they are going to be part of your Stormwater Pollution Prevention Plan and it is an absolute requirement of the General Permit in New York State. What the DEC has done that we make sure that any stormwater practices in that Stormwater Pollution Prevention Plan we have the ability to go out and inspect them. Certainly, Dan just so you know we are not going to just go traipsing across somebody's property. We are going to knock on the door, make an appointment and their infiltrators they are probably not going to need very much in way of inspections at all but we do need to have that ability.

Board Member Pierro stated but as well the buyers of these properties have to know, Board Member DiSalvo stated it has to be disclosed, Board Member Pierro stated that there are infiltrators there, it has to be disclosed and they can't put sheds on it.

Mr. Donahue stated (hard to hear) you know you have a septic tank there and you are obligated, you are not obligated but you should maintain it for your health and well being for yourself and your community.

Vice Chairman Montesano stated some people come up from certain cities and they have no idea what you are talking about.

Rich Williams stated there is a big difference though between the septic system and your desire to be able to flush every morning and the fact of having an infiltrator that is in your way because you want to put a shed so you go and tear the infiltrator out. You think that is funny but we have incidences in Patterson where they actually went in and dug out the detention pond after the fact,

Mr. Donahue stated I remember that conversation.

Rich Williams stated an instance in Southeast where they filled one in.

Mr. Donahue stated I submitted plans to Rich Williams office for the Stormwater Pollution Prevention Plan, and our drainage and hopefully Gene will get a copy of them. They also went down to DEP. We filed an application for a permit from DOT and a NOI with DEC. I guess you filed with the Planning Department for the County.

(TAPE ENDED)

Paul Piazza stated on the entrance road, on the road coming in right at the north end of the ponds, the retention ponds, that spot in there, (Mr. Donahue pointed to the plan), yes in that general area we would like to see a 30,000 gallon water tank for fire suppression to maintain the flows that is required for single family homes.

Mr. Donahue stated well that is a fairly substantial, this lot is pretty well, what do you have a stand pipe coming out of it.

Paul Piazza stated a stand pipe coming out, well fed.

Mr. Donahue stated this lot is fairly well encumbered as it is with two ponds.

Paul Piazza stated as an alternative to that there is another site up here, on Lot 10 up in this area, pointed it out on the plan with the Board. We were hoping to get one in here or if not there here.

Board Member Rogan stated it would be nice to get an idea of what kind of square foot area is required for one of those tanks so that we knew.

Paul Piazza stated if I was to guess I would say between,

Rich Williams stated it is easy enough to figure out, (unable to transcribe too many speaking at the same time).

Board Member Rogan stated it takes an area about probably half the size of this room a little bigger.

Rich Williams stated we are doing it on Field & Forest so that is easy enough.

Paul Piazza stated that was twin tanks though. That is two tanks that is why it is so big.

Gene Richards asked is that two, twenties.

Paul Piazza stated I would like to see a twenty and a ten.

Mr. Donahue asked is that a Code requirement.

Paul Piazza replied this is what the Town is going for now yes.

Mr. Donahue asked it is a written Code requirement that we have to do this.

Paul Piazza replied it is being presented to the Town Board at the next Town Board Meeting to have it included in the Zoning Code.

Mr. Donahue asked okay but it is not,

Paul Piazza stated at this point not but we are pushing for it and according to the Building Code, Fire Code rather the fire access road is what that is and we need to have water up in that area.

Mr. Donahue asked who is going to own this.

Paul Piazza replied it will be maintained by the, you will have street lighting in there same people that pay for the street lighting will pay for that.

Mr. Donahue asked no who is going to own it.

Paul Piazza asked who is going to own it.

Mr. Donahue replied yes.

Paul Piazza stated the subdivision.

Mr. Donahue asked who is going to own the tank.

Paul Piazza stated the district.

Mr. Donahue asked pardon.

Paul Piazza stated they will form a district.

Mr. Donahue asked these people are going to form a district to,

Paul Piazza stated you are going to have a district for your street lighting.

The Secretary stated no.

Rich Williams stated no that we don't. If there is a street light we incorporate it in the existing lighting district for the entire Town.

Paul Piazza stated I apologize then we will explore,

Mr. Donahue asked who is going to maintain it.

Paul Piazza replied we will have to explore that option.

Mr. Donahue stated because if you are going to put a water tank here, a storage tank, please understand where I am coming from is that we have to know who is going to own it, who is going to maintain it, who is going to make sure there is water in it so when the fire truck comes up and attaches to the stand pipe and all of a sudden there is no water in it.

Board Member Rogan stated Dan what we have been doing on these is after the initial fill, the Fire Department draws from them they refill them other than the ones that are being serviced by wells correct. These are just holding tanks.

Paul Piazza stated no the Fire Department is not liable, is not in a position to be put liable to refilling them. What we have talked about and decided to do was have the homeowner association,

Vice Chairman Montesano stated another meeting coming.

Rich Williams stated this was what was supposed to be discussed at the Town Board Meeting,

Vice Chairman Montesano stated yes I know but it didn't get done.

Mr. Donahue stated I will tell you, please excuse me but I object, I am the Professional Engineer of the job, I am not the owner of the property but I object to think that these homeowner's are going to be responsible to refilling this tank when it is a requirement that the Fire Department is making this tank be installed. If the tank has to go in the tank should be filled up and maintained by the Fire Department. If God for bid there is a fire and somebody said well the guy on Lot 7 he must of filled it up the other day, didn't he and all of a sudden they go and think they have fire protection and there is no fire protection. Whose going to be responsible when their building burns down because they go to that tank and find there is no water in it.

Paul Piazza stated that is why the push is for a self, a well to feed that one tank, an independent well to feed that tank.

Vice Chairman Montesano asked who owns the well and who maintains it.

Board Member Rogan stated and that is what we would like in, Board Member Pierro stated in a perfect world, Board Member Rogan stated in a best case scenario.

Paul Piazza stated also the homeowner's insurance ratings are dropped considerably.

Mr. Donahue stated I would hope not, I would hope not because there is no guarantee that there is going to be water. It is not a fire hydrant where you are going to have water coming out,

Paul Piazza stated it is a dry hydrant.

Mr. Donahue stated that is going to protect the people in the community.

Paul Piazza stated yes it will. It has a definitive drop to the fire insurance for those homeowners.

Vice Chairman Montesano stated okay moving right along what we are going to have to do is let him do that and then go from there.

Board Member Pierro asked is there an alternative to using the ponds that are there.

Vice Chairman Montesano stated all we can do is tell people about it.

Board Member Pierro asked is there going to be a quantity of water in those ponds.

Board Member Rogan stated I think you need to give this gentleman some direction that is clear.

Vice Chairman Montesano stated all right fine, you would like to give him some direction since the Town Board has not,

Rich Williams stated Dave the short answer is no.

(Several talking at the same time unable to transcribe all)

Vice Chairman Montesano stated has not addressed this problem yet how do we give direction when they have to approve it.

Board Member Rogan stated no I understand your point I am just trying to,

Vice Chairman Montesano stated the thing here is we can suggest it this is what we are going to look for as soon as we get permission to look for it. Anthony is sitting there we can't order someone to do something if it is not in the Code and we are sitting with our hands tied. All we can do is make a positive suggestion and hopefully it will work out. This is a small development you are going to tell these people that they are going to have the possibility of creating a water district exists, we have had other things that were created in districts whether that still exists or not I don't know because the Town Board is the one that has to approve it. We have had homeowners association that were created in different projects.

Mr. Donahue asked what is the (hard to hear) on the trucks, what is the rate.

Paul Piazza replied 1750. To maintain flow on a single family residential according to the ISO rating is 250 gallons a minute for 2 hours.

Mr. Donahue asked how many hours.

Paul Piazza replied two hours.

Board Member Pierro stated two hours divided by twenty thousand.

Rich Williams stated about thirty.

Paul Piazza stated it is thirty thousand.

Mr. Porcelli asked don't the trucks come with full water already.

Paul Piazza replied they are coming in with water yes but by having water, the closest water to this point here is going to be technically in reality is in Lake Carmel's Fire District on Sabrina Court up off Mooney Hill Road.

Board Member Rogan asked not right here.

Mr. Porcelli asked isn't there one right outside here, they were pumping tonight.

Paul Piazza replied I am saying the closest one to this development, Mr. Porcelli stated is right here.

Paul Piazza stated is going to be Sabrina Court,

Vice Chairman Montesano stated 292.

Board Member Pierro stated 292 at the traffic light.

Paul Piazza stated I am sorry I apologize, 292 does not have a dry hydrant.

Board Member Rogan stated no he is saying that it is right on 292 wouldn't this be the closest.

Paul Piazza stated it is going to be Cornwall Meadows. It is going to be the best source of water for anything up in this area.

Board Member Pierro asked what about the park.

Paul Piazza stated until the park gets a drain line that they are going to replace gets that project up and running that is where we intend putting a dry hydrant under that to bring it out to North Street, to depend on the park in the winter with snow on the ground, ice on the pond I can't get a truck in close enough to get water.

Board Member Pierro asked what is the hold up to install that line.

Paul Piazza replied you would have to talk to the park, the park committee. I brought it to the park committee over a year ago and discuss it and they agreed to it but they have not gone any place with it.

Vice Chairman Montesano stated we are going off into left field here folks so let's get Dan on the way.

Board Member DiSalvo asked the Vice Chairman something (unable to hear to transcribe).

Vice Chairman Montesano replied you can ask.

Board Member Rogan stated I can't hear you Maria.

Board Member DiSalvo asked the archeological dig whatever happened with that, anything.

Rich Williams stated we have never heard back from anybody.

Board Member Rogan stated you would have heard if they found anything.

Rich Williams stated just so you know that is really an issue that you want to tackle before final and what it is if they do find anything on the site they are going to make them dig in the areas where they are proposing disturbance and the undisturbed areas are going to be left alone.

Mr. Donahue stated I am sorry Rich I did not hear you.

Rich Williams stated I said if there is a requirement that there has to be an archeological study done on this site that is something that is done after preliminary before final.

Board Member Rogan asked does anybody have anything else on this. There were no comments.

Board Member Rogan asked does anybody want to do the motion.

Rich Williams asked do we have a clear direction on what we are doing with fire out there yet.

Board Member Rogan stated well that is the frustration.

Vice Chairman Montesano stated this is what the frustration is. What direction all we can do is suggest that it would be a good spot but until we get direction from the Town Board how do we direct them from here. Everything is in limbo.

Board Member Rogan stated what I am confused about is on other subdivisions we have already required it.

Vice Chairman Montesano stated we have asked for it and people have gone along with it.

Board Member Pierro stated yes and they were much larger subdivision for one. Certainly Forest View Apartments is a much larger project.

Vice Chairman Montesano stated what I am saying is we have asked, those that have wanted to have done so and that is all we can do.

Rich Williams stated Mike, I think it is more than just asking though, I think it is if you can identify there is a clear need, a clear demand and a clear justification for putting it on the site then you can require it and if you can't then you probably are not in a good position to require it and that is the issue with subdivision or any subdivision such as Couch Road. You have six lots going there is there an absolute demand for it, is there a need based on the change of circumstance.

Vice Chairman Montesano stated the object is if we order them to put it in then we have got to wait to see what happens from there. If the Town does not approve, hypothetical case, we order or we direct the Applicant to install this tank, under what pretext do we order it. Who is going to pay for it. The Applicant will take care of the initial installation but who is going to maintain it. Will the Town accept the maintenance of it.

Rich Williams stated well I think in that respect what you need to do is come up with a plan, a scenario, what you are looking to do and then send a recommendation over to the Board. For example; if you are going to say that you want fifty thousand gallons of water on the site and you want two wells to feed it and that is going to require electrical services which requires a district now you have got all of this you take that recommendation, you put it in writing and you send it over to the Town Board saying this is what we are recommending, will you go along with forming the district, will you go along with this scenario.

Vice Chairman Montesano asked should that be taken up right now or should we have a separate discussion which is what the four of us can discuss tonight on what our recommendations would be.

Rich Williams stated with regard to this plan it should be taken up before you address the preliminary subdivision plat so that we know what the final layout is going to look like.

Vice Chairman Montesano asked so basically if we chose to discuss this we don't have to give a preliminary tonight.

Rich Williams stated no you are not going to.

Vice Chairman Montesano stated and we can discuss this after the fact. If Dan comes back in next month of next week whenever and we tell him now we are going to permanently request that you put that tank in we may have a better understanding of what we are going to be allowed or what we would recommend to the Town Board to do and then let them take it from there. My feeling is we can recommend it, we have done it before and people have gone along with it.

Board Member Rogan stated I think the frustration here if I could jump in is that this is the first time this is being mentioned on this application. We have been going along on this and with our last meeting that we met with the Town Board and with the Fire Inspector we talked about being more consistent with making sure that we are looking at fire protection. In this case, I can understand the frustration because we are at a point where we are very comfortable with this project aside from the fire protection I think we are in a position for preliminary approval tonight and so I am hesitant to hold up preliminary approval because of this knowing full well what the Building Inspector wants but also realizing that we have come to point in this application over the course of the last two years. If fire protection hasn't been shown to this point it is a failure of this Board that we haven't asked for it earlier and I am having a problem with it from that standpoint.

Board Member Pierro stated I agree Shawn.

Board Member Rogan stated we haven't hit our mark on every project but I think with the open communications that we have now I think that we are going to do a lot better on these projects.

Vice Chairman Montesano stated with that note taken right now we have not put a shovel in the ground. Basically, this would not in anyway that I can see hinder having that property held off because basically what you are talking about is getting a tank, digging a hole, putting it in the ground and then connected a well to it. The object would be to me that would be minimum because you are not going to interfere with the construction of any of the buildings going up. It doesn't necessarily interfere with the construction, the road going in.

Board Member Rogan stated and we have even done less than that. We have required tanks with no water supply just tanks.

Vice Chairman Montesano stated I agree but we are not getting a complete direction as to what the Fire Department or this tank will consist of. Is it just a holding tank which means someone has to fill it up. Who is going to fill it up. That is not our decision.

Board Member Rogan stated that is not true though we are getting clear direction at this point as to what they would like. What we have done is vary the standards in the past. I am clear in hearing that what you

would love to have is a thirty thousand gallon tank serviced by a well that is part of some district that the Fire Department does not have to be responsible for.

Paul Piazza stated right.

Board Member Rogan stated to me that seems pretty clear and that may be if this project came in today as an initial concept right from the get go we would say ten lots you are going to need thirty thousand plan on it but we are not at that point right now. We are two years down the road and we are sitting here on a point where we should be doing preliminary approval on this project and unfortunately the Applicant is hearing this for the first time and that is the problem that I have with this.

Vice Chairman Montesano stated with that note whether you give preliminary or not the object is fine we are sitting here with a lot of parameters to play with. If we say stick a thirty thousand gallon tank in there it is there then it would be to me if you put a tank in the ground then it has got to be a water district of some type created that the tank has to be done then it has to be since this is going on with the Fire Department, the Fire Department at that particular time has got to have some responsibility to fill that tank up whether it is done the first time or after that. They don't want that responsibility how do we get you to come in and volunteer to have people do this if you are not willing to take some responsibility in at least filling it up.

Board Member Rogan asked Paul, wouldn't if a fire truck came up on to a site and sucked out eight thousand gallons for a scene wouldn't it be the responsibility of whatever project they went to, the house, the liability, the insurance for them to then hire Culligan or somebody to come in with a tanker truck.

Paul Piazza stated you are a hundred percent right.

Board Member Rogan stated now that assumes of course that you know where you got all your water from that is a kind of a difficult system.

Board Member Pierro asked why do we need a well then.

Paul Piazza replied that is the ideal method of refilling the tanks. If the tank is put in without a well, a contract has got to be in place or should be in place with a Durkin or Culligan or any other water source tanker truck that will come in and refill that tank but you can't leave it up to nobody. Somebody has to take charge and run with it.

Board Member Pierro stated right but it makes it a little bit more palatable for the developer here not to have to put a well in.

Paul Piazza stated I understand what Shawn is saying and I can appreciate what you are saying it is at the last minute because of that I can see backing off on the well but getting the tank in place and the dry hydrant hook up to it and a fill.

Board Member Pierro stated no only the well but the cost of the electric and the, Board Member Rogan stated just the maintenance. Board Member Pierro stated and the maintenance of it and creating a district to support that well and the pump and the future maintenance of it and also that Lot #10 is 1.3 acres I looked closely at the map we are going to have to create another lot there and are we diminishing the required square footage that we need for a separate lot by putting a tank on that particular lot. Are we going to leave it in the hands of the owner of that lot or are we going to sub it off to a different parcel.

Vice Chairman Montesano stated that note you have the State that comes in and puts right of way or they take property you end up paying the taxes on it, you end up owning the property but they have the right to come in and do work on it.

Board Member Pierro stated right but who is going to own this. Is it going to be a separate tax parcel. Is it going to be a separate lot.

Vice Chairman Montesano replied we don't know. That would have to be up to the people that make the regulations on it. What I am looking at basically is Paul just mentioned something about having a contract with one of these companies to do it. Who is going to have that contract. You have got ten lots here. You are going to have ten different insurance companies how do you go ahead,

Board Member Pierro stated if it is one fire at one house that insurance company is going to pay for it.

Vice Chairman Montesano stated right but how do you end up your contract is for your insurance. You are going to have to have a stipulation in there that you are responsible for that water if not some homeowner is going to be stuck paying for the water to save his house.

Board Member Pierro stated I think our recommendation should be that if the Fire Department takes a certain amount of water out of that water district's tank then they have to replace it and it should not be the burden of this homeowners association if there is a fire at Cornwall Hill Road and the Fire Department takes water out of this tank. Why should it be the responsibility of this homeowners.

Vice Chairman Montesano stated I feel what my recommendation would be is if the Fire Department is using this water to save something other than the community that it is in because it is convenient to have it there then they should be responsible to refill the tank and let them go to the insurance company and get reimbursed.

The Secretary stated why doesn't someone look into other towns and what are they doing about it like Carmel, East Fishkill and so on. Isn't it worth looking into what they do.

Rich Williams asked are you volunteering to do a survey.

The Secretary stated this is just crazy we are not the only Town that has developments coming in and what are they doing. (Too many talking unable to transcribe).

Vice Chairman Montesano stated I agree with you are you volunteering.

The Secretary stated no I am just saying it is worth finding out and the Town Board should look into it. It is just that this has been an issue for so long and nobody is really researching.

Board Member Pierro stated one of the problems that we have and I am sure other Fire Departments have is their inability adequate manpower on the street in order the current type fire departments.

Vice Chairman Montesano asked do you want to give them preliminary.

Board Member Rogan stated that is my frustration with tonight I don't know how until we as a Board decide and just decide that we are going to require some or not.

Vice Chairman Montesano stated let's see if this will float, if we were to give them a preliminary and we have got to have a complete unanimous decision here, if we give them preliminary based on the fact that if the Town Board approves something with a fire tank in it they have got to accept that.

Board Member Rogan stated I would still be approvable to let's face it put a tank in I am not worried about a well, I am not worried but I don't have the slightest idea how to setup the maintenance agreement or how that works I really don't .

Vice Chairman Montesano stated the well to me is out at this point. All we are asking is if we give a preliminary approval tonight it is going to be on a condition if the Town Board proceeds and agrees to that then the least they have to do is put a tank in, nothing about a well and then let the Town Board figure out where they are getting the water from and the rest of that.

Mr. Donahue asked wouldn't that be the most that we would have to do is put the tank in. The least means,

Board Member Pierro stated our recommendation the minimal. I would feel comfortable with having a twenty thousand gallon tank in there with a standpipe.

Vice Chairman Montesano asked thirty or twenty.

Someone said we will go to twenty.

Board Member Pierro stated I think twenty is a good mediator and to be honest with you Sir, we haven't asked you to do too much on this project.

Mr. Porcelli stated I am not, I am just more concerned about the responsibility down the road. The thing is if you put a well on one of these tanks that are never going be used a well pump sitting in a tank for five years, Board Member Pierro stated is going to rust up right.

Board Member Rogan stated that is actually the reason why I was not in favor of not having wells.

(Unable to transcribe too many talking at the same time).

Board Member Pierro stated and I don't think the cost of a twenty thousand gallon tank and the additional engineering that you might have to do to create a separate lot for that tank is,

Mr. Porcelli stated I just don't know the size of it like you said in this area.

Board Member Pierro asked what is the diameter of a twenty, Paul we have put in before right.

Paul Piazza stated I don't know for a fact.

Vice Chairman Montesano asked is that the ideal location.

Board Member Pierro stated I think it is Mike, unless we put it in the middle of the cul-de-sac island.

Vice Chairman Montesano stated no we can't do that we will have Charlie, (too many talking at the same time).

Board Member Pierro asked is this going to be accessible.

Rich Williams asked is what going to be accessible.

Board Member Pierro stated this stand pipe at the end of that road at the front of Lot 10.

Rich Williams stated well they are going to have the stand pipe up against the road.

Board Member Pierro stated then the truck has got to be able to get around that cul-de-sac during the weather, inclement weather with snow banks there. That may be a tough one.

Vice Chairman Montesano stated if it is that tough then the guys driving then they have to get a new driver because I can manage it.

(Unable to transcribe too many talking at the same time).

Board Member Pierro stated good point, Rich, a new member on the Planning Board he has a great idea, just continue this easement up to a portion of this parcel so that the tank could be in an area that is already going to be an easement if that is okay.

Rich Williams stated we just have to look at the size.

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

Board Member Pierro stated I don't think it is more than twenty-five wide.

Rich Williams stated the twenty thousand gallon tank we put in Deerwood we termed, Tom termed the yellow submarine.

The Secretary stated don't you remember the pictures Rich had.

Anthony Molé stated the question to I think is who is going to actually like you said before who is going to own the tank itself.

Board Member Pierro stated I would make a recommendation that the Fire Department be responsible for filling.

Anthony Molé stated responsible for filling it but I am saying who actually (unable to transcribe too many talking at the same time).

Board Member Pierro stated it could be dedicated to the Town.

Mr. Donahue stated I look at it this way myself who is a Professional Engineer designing this and my client we don't have anything to do with this. Once it is designed, the Town takes over. The Town assumes full responsibility either the Town of the Fire Department because once again I don't want to be in a position where,

Anthony Molé stated that is my point.

Mr. Donahue stated if somebody has a fire over here, Dan Donahue did work on this tank over here and,

Board Member Pierro stated they are coming after you right. I think it should be, Mr. Donahue stated you will find notes all over this plan,

Anthony Molé stated that is was I am saying it would not be a utility easement it would have to be a little separate carved out section that is owned by,

Board Member Pierro stated to the Town.

Rich Williams stated he was talking about putting it in the Town right of way.

Board Member Pierro stated if you put it in the Town right of way you dedicate that tank to the Town. If the Town wants the fire protection than the Town has got to assume the liability for the tank.

Vice Chairman Montesano stated what we have to do is this, when your thing goes in and you are starting to work on it that is probably going to be the last piece that goes in,

Board Member Pierro asked do you agree with that Shawn, if the Town wants the fire protection the Town has got to assume the responsibility,

Vice Chairman Montesano stated hopefully the Town will move on what they want which would give us a hell of a lot better direction than we have right now.

Anthony Molé stated this is a Town Board issue where would they or would they not accept that piece for dedication.

Vice Chairman Montesano stated to me that would be the last thing that we are going to do.

Board Member Pierro stated I am sorry to deliver an ultimatum but if the Town does not want to accept that than Paul I have to go for building this project without fire protection.

Rich Williams stated now we are back to actually the Board making a written recommendation to the Town Board about this is what we are looking at, this is what is appropriate and making sure the Town Board is on board with it and if you like in the Town right of way we should get Charlie in on it.

Board Member Rogan stated well said.

Board Member Pierro asked do you want our recommendation at this point to the Town on this particular issue.

Vice Chairman Montesano asked do you want to let Dan go home first and then we will see and make a recommendation.

Mr. Donahue stated I would like a preliminary approval.

Mr. Porcelli asked just on the size of the tank because we are tight here with this area,

Board Member Rogan stated ten by thirty-eight.

Mr. Porcelli asked ten by thirty-eight is the size of the tank.

Rich Williams stated and you are going to have to build a base to anchor it down it is going to be a little bit bigger.

Vice Chairman Montesano stated you are talking about forty-five feet.

Board Member Pierro asked underground right.

Board Member DiSalvo asked then aren't you disturbing the easement.

Board Member Rogan stated you are probably talking fifteen by fifty.

Mr. Porcelli stated I am saying the size of the tank we are in close proximity to the Fire Department and this pond here I mean if we couldn't accommodate a twenty, a fifteen so would not totally disturb this area and we could bring it up as far as possible without losing, we have got .3 of an acre to lose here to keep it.

Board Member Pierro stated I think it would fit in a third of an acre more than enough.

Board Member Rogan stated absolutely.

Mr. Porcelli stated well I don't know how much of this, when we calculate this we don't know if this takes up part of this here also.

Board Member Rogan stated I was saying that we didn't bring up fire protection but we did have a conversation about fire protection on this. I don't know if it was with the Applicant but we were talking about the ponds and we were talking about the idea of having wet ponds with the idea that we would storage in there.

Rich Williams stated fire protection has been brought up on a number of different occasions it is just that we have never gotten any clear guidance.

(Unable to transcribe too many talking at the same time)

Vice Chairman Montesano stated so basically to me it is a just a matter of if we suggest they prepare the area for it and if the Town Board approves doing this then they utilize that land. If the Town Board does not approve it then the land stays the way it is.

Mr. Donahue stated so I will label it as future area.

Vice Chairman Montesano stated that way the area will be available if necessary. I think that is about as fair as we can get without.

Board Member Pierro stated why don't we digest this until Thursday night. We are only a week away and we will come up with a recommendation that we can submit to the Town Board.

Vice Chairman Montesano stated definitely but that is not going to help Dan right now.

Rich Williams stated well let's be frank here there are a number of different issues that have to be addressed on the plat really before it gets preliminary approval. There are metes and bounds descriptions that are not shown on the plan they need to be on there and there are some other things. We are close.

Mr. Donahue stated I remember in a conversation, I remember I asked if all the notes and everything that wanted to be placed on the plan and I was told that was not needed at this particular time to get preliminary approval or else I would have had all the notes and everything. I was told that we could take care of that later on. I am a little dismayed now if I can't get preliminary approval at this particular point I would have put the metes and bounds, the owner's consent, and all that stuff on the map I mean.

Rich Williams stated I am not talking about the notes. I am talking about bearings and distances for property boundaries. There were a couple of wells that had to be shifted around.

Mr. Donahue stated that is not going to change the lot size, the configuration of the lot.

Rich Williams replied the issue with the fire tank might.

Board Member Pierro stated Lot 10 it may. It may reduce the size of that lot.

Mr. Donahue stated I thought we were going to label that future.

Board Member Pierro stated Dan we are not that far away. You have some clean up issues to take care of and I am sure you can wipe those out between now and then.

Rich Williams stated I understand what you are saying Dan but I want to point out that you have got property boundaries that don't go anywhere.

Mr. Donahue asked when is the next meeting.

Board Member Pierro stated our next meeting is Thursday.

Rich Williams stated no, no.

Mr. Donahue asked when do you think you will have the fire hydrant issue resolved.

Rich Williams stated that is probably going to be at the Town Board meeting sometime in April I would imagine either the first or second meeting. Get the plans cleaned up, back in by April 18 and we can wrap it up.

Mr. Donahue asked for what.

Rich Williams stated preliminary.

Mr. Donahue asked am I being pushed off now because of the fact that this fire issue has not been resolved now, to tell you the truth that is what I,

Rich Williams replied I am pushing you off because you have property boundaries that don't continue throw if you want to throw the plan back up I will start pointing the things out that really are deficient.

Mr. Donahue asked so if I bring it in for the next meeting, when is the next meeting with the Board where I can get preliminary approval.

The Secretary replied May so it needs to be in by April 18.

Board Member Rogan stated you have got to have your plans back in in two weeks.

Board Member Pierro stated you got away without the well.

Board Member Rogan stated no that is not,

11) D'OTTAVIO SITE PLAN

Mr. Harry Nichols, Engineer and Mr. Steve D'Ottavio was present.

Mr. Nichols stated the memos that were just handed out we have responded to these and these will be the subject of the meeting next Thursday so I think

Vice Chairman Montesano stated then I will see you next Thursday.

Mr. Nichols stated see you next Thursday.

Mr. D'Ottavio asked you don't have anything else to say.

Board Member Rogan asked Harry, you don't want to talk about your project tonight at all.

Mr. Nichols replied well I don't want to take anymore of your time it is getting late.

Board Member Pierro asked Ted do you have anything.

Ted Kozlowski stated I conveyed it in a memo this morning. I don't know if you read it.

Board Member Pierro stated I did read it tonight.

Board Member Rogan stated Harry, I am going to make a statement real quick on this because for a long time the Board has, we have been comfortable with the layout of the project, you know that because we have said it for it feels like two years we have said, pretty much when you come we have said Harry, address these gentlemen's concerns, by that I mean Gene and Rich, Board Member Pierro stated and Ted. Board Member Rogan stated and we really haven't had a lot of talk about your project. It has been more or less we have been being told we are giving Harry the review memos and we are not getting plans that represent changing to these comments so we have been basically bumping along. We have been comfortable with the project, we have been comfortable with the idea of two septic's on one lot. What we are concerned about and we have always been concerned about actually this was the first site walk I ever did for the Planning Board and it is almost four years now so that is how long this project has been going on was of course the steep slopes that go into that stream, the drainage channel. I know we are doing a functional analysis I know you are working on that or Beth Evans is working on that but leave here tonight

at least knowing that next week we are going to talk about we want to make sure that you are addressing what is going to happen in that stream area because while we as a Board are very comfortable with the project none of us want you tearing up steep slopes going into that stream with the impacts from this project.

Mr. Nichols stated let me explain now that you brought that let me just explain what we have done to try and minimize the amount of disturbance. The prior plan showed three locations at which we were breaking into the stream. We have now reduced that to one at the suggestions of the Consultants.

Board Member Rogan stated wonderful.

Mr. Nichols stated we have an emergency overflow and in that we have the primary discharge in the same location and we have taken any discharge that was coming from the inlets and the road and we put it through the existing headwall. We have taken the suggestions by the Planner that the riprap should extend out to the I forget what that word is,

Rich Williams stated the center of the stream.

Mr. Nichols stated we have eliminated two of the breaks into it, removed the landscaping that was going to go into an area that it should not have been in there in the first place. These areas will not be disturbed. We are staying on the east side of the existing stonewall and I think we have made improvements to try reduce and mitigate what is going to happen down the road for us.

Board Member Pierro stated thank you Harry.

Board Member Pierro stated we will see you on Thursday Harry, thank you.

Mr. Nichols thanked the Board.

Board Member Rogan asked what number is, do we have next week's agenda already.

Rich Williams stated yes and again we have a situation there we have some real minor stuff coming in so he is still at the tail end but we don't have a big agenda.

12) LEONIDAS SUBDIVISION

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

Board Member Rogan stated Theresa someone told me that you were coming in with a new application with no steep slopes, no wetlands and it was going to go through in less than a year. Is this the one.

Ms. Ryan replied this must be it (joking).

Ms. Ryan stated we are representing Leonidas Enterprises. They own a sixty-four and a half acre parcel on Ballyhack Road. Part of the property is in the C-1 Zone but the majority of it is in the R-4 Zone and also as Rich pointed out the Open Space Overlay District. The property has about a half acre of frontage on Ballyhack Road. It also contains a number of structures. There is an existing residence here it actually the

second house in on the left as you go in from 22. There is a barn on that piece of property. This section of the property is meadow in the back here with some woods in the front. There is also an existing house toward the back of the property on the eastern portion. When we did the layout we took those into consideration and broke those off on separate lots. The barn ends up being on one of the lots and being separated from the original house. To access the lots there are five lots on the first portion of the road that are coming directly off the road including the existing residence here. There is a State Wetland in the south central portion of the site. It was a Town regulated wetland until the new mapping it became a DEC Wetland and then the existing residence in the southeastern portion of the site will remain as is. We are also proposing a cul-de-sac road that is going to hug the eastern portion of the wetland to get to the,

Ted Kozlowski made a noise at this time & everyone laughed.

Ms. Ryan stated it is hugging,

(TAPE ENDED)

Ms. Ryan stated we are also proposing stormwater management on the property of course. We anticipate that the lots that are not coming off the cul-de-sac road will have their own on site stormwater management probably in the form of infiltration. The cul-de-sac road will be serviced by stormwater basins in two separate areas and as Rich pointed out one of the stormwater basins will be in the buffer other than that we don't anticipate any other buffer disturbance for this project. That is about it.

Ted Kozlowki asked can I say something here right off the bat. We have learned from Deerwood, we have learned from a million projects and I want to be Theresa, you know I love you but I want to be perfectly clear all right so no surprises like D'Ottavio or anything like this. I am opposed to this road, I am opposed to these two lots. This is built in nightmare. We know what we are going through on the other subdivisions. This person has absolutely no room to live here. The same with this and putting a road right on top of a State Wetland, Town Regulated Wetland is recipe for disaster and my recommendation from the outset is this has got to be reconfigured. You are looking for major problems here. Theresa, with all due respect you are just doing work for your client but this is wrong.

Ms. Ryan stated thank you Ted.

Ms. Ryan stated this road is basically follwoing an existing trail that is cutting right adjacent to that wetland already.

Ted Kozlowski stated a trail is different than a road Theresa.

Vice Chairman Montesano stated an existing trail is it open to the public.

Ms. Ryan replied no it is private property right now but it could be public.

Board Member Rogan stated there has got to be someone who wants that large chunk of property for one estate home with a driveway,

Ms. Ryan asked which one.

Board Member Rogan stated right where you are showing all of what Ted just got all upset about.

Ms. Ryan asked all of this.

Board Member Rogan stated all the way to the back.

Ted Kozlowski stated Theresa, I have been through this, this is just another Deerwood nightmare to me.

Board Member Rogan asked what about, Theresa you said the house to the east of the propose roadway is existing.

Ms. Ryan replied this one yes. The lighter color structures are existing.

Board Member Rogan asked could you lose that house and shift that roadway completely over and get it further away from that wetland.

Board Member Pierro stated or put the house closer, put the road,

Board Member Rogan stated I mean I am not saying that you would have to lose a lot, you may lose the existing house and put up a new house or something but.

Rich Williams stated that may be something that we want to evaluate when we do a site walk.

Board Member Rogan stated absolutely.

Ms. Ryan stated it gets a little steep back here, the topography is much better but certainly we can.

Board Member Rogan stated but I do agree with what Ted said to the west of the wetland that that lot was the first one I was going to tell you to not even try.

Board Member Pierro stated well I think generally as a concept there is something that we can work with here taking into consideration Ted's comments about the wetland we have are experience I think we should get out there and take a look at it.

Ted Kozlowski stated there is no way you can construct that road without going into the wetland, the staging, the grading, the amount of disturbance you are going to be in the wetland.

Ms. Ryan asked in the wetland.

Ted Kozlowski stated you are going to be in the wetland property constructing that road.

Ms. Ryan stated the wetlands is way in here Ted referring to the plan. This is the buffer line, this shaded area that is a hundred foot buffer.

Ted Kozlowski stated they are going to be in it.

Ms. Ryan asked in the wetland.

Board Member Pierro stated Ted that may be a little premature saying you are going to be in it. Let's get out there and look at it, let's get it staked and make a visual determination.

Ted Kozlowski stated Dave, I have been doing this for fifteen years, I have,

Board Member Pierro stated I understand that Ted but it is not your vote, we have to make the decision let's get out there and look at it thank you.

Ted Kozlowski stated Dave I am the one that goes to court not you and I have been burned on every single project like this.

Board Member Pierro stated let us get out there and look at it.

Rich Williams stated Theresa, based on the deficiencies in zoning that I have identified in the memo with regards to this layout is this something that you still want to go forward with or do you want to take another look at it.

Ms. Ryan asked deficiencies in.

Rich Williams replied well it does not meet the requirements of our Subdivision Code, the Cluster Overlay.

Ms. Ryan asked you mean for the Open Space.

Rich Williams stated yes in any way shape or form.

Board Member Pierro asked Rich do we have to use Cluster Overlay every time.

Vice Chairman Montesano replied yes.

Rich Williams stated there is a provision that allows flexibility. There is a provision that allows a waiver but in doing so this Board is going to have to make a recommendation, you are going to have to identify or your should identify in your recommendation why you are not going down that road and how you are still meeting the intent of the Code. The short answer is no you don't and not every property is going to warrant using that technique.

Board Member Pierro stated another thing that I don't want to get into is having to apply for variances for every pool, shed and deck compromising the wetlands, the buffers we have in this site. I would almost rather they be on large lots. I don't think we have a I mean the whole area is heavily wooded, surrounding it and I don't really think there is a major problems with wildlife corridors in that particular area. The whole Town is a wildlife corridor.

Rich Williams stated all I am suggesting is there are Code requirements that have to be addressed. The question is does she want to take another look at trying to get closer to them, how are they going to meet the intent of the Code or is this the project that you want to proceed forward with.

Ms. Ryan stated I believe the Applicants would like to proceed forward with this one. What we could do is stake this out just to get the Board out there to take a look at the site.

Rich Williams stated you understand that if you radically change the design based on comments from the Board it requires another site walk that you are going to have to pay for another site walk.

Ms. Ryan stated and another staking.

Rich Williams stated yes.

Board Member Rogan stated hey, while we are on the subject of bringing things up early, think about fire protection early on.

Ms. Ryan stated there is a nice pond here right now.

Board Member Rogan stated Theresa I can appreciate what you were saying about the topography on the first two hundred feet of this roadway. You are crossing a lot of slope.

Board Member Pierro stated the other issue that we discussed at our work session when we looked at this map was the existing roadway. We talked about maybe, (unable to transcribe too many talking at the same time).

Board Member Rogan stated the grading alone from going up through that slope is going to go into that buffer from what they are showing.

Vice Chairman Montesano stated Dave is right we should go out and look at it before we go any further.

Board Member Pierro stated we had discussed initially about possibly donating some land on the existing portion of Ballyhack for any future improvements on widening the road because that road is, Board Member Rogan stated terrible. Board Member Pierro stated pretty thin.

Board Member Rogan stated I am looking forward to going and taking a look at it.

Board Member Pierro stated having the ability to improve that road, Rich I think is important.

Rich Williams asked what.

Board Member Pierro stated having the ability to improve the existing road.

Rich Williams stated yes listen to start with there is a Code requirement that they have to take a look at offering for dedication anything within twenty-five feet of the center line of the road. They are well aware of that.

Ms. Ryan stated yes.

Rich Williams stated if we get out there, we see other unique issues certainly we are going to bring them to their attention.

Ms. Ryan stated I think the Board is at least in the position to classify the subdivision. It is just a technical thing but.

Board Member Pierro asked when do you think you can get this staked out and you will notify Rich.

Ms. Ryan replied I will notify Rich.

Rich Williams stated let me ask one last question. Is the Board right now and there is two issues, one of them I am going to kick over to Anthony and put him on the spot, the first is the fact that the cul-de-sac that they are showing out there exceeds our maximum by about two hundred feet. Is the Board comfortable with that.

Board Member Rogan asked you mean the length of the road exceeds by two hundred feet.

Rich Williams replied what they are proposing for a cul-de-sac yes.

Board Member Pierro asked on the width of the cul-de-sac or the size of it.

Ms. Ryan replied the length.

Rich Williams stated they are at seventeen hundred the limit is fifteen hundred.

Ms. Ryan stated fifteen hundred would take it back to here referring to the plan.

Vice Chairman Montesano stated that is what we are limited too so,

Rich Williams stated well here is the other issue our Code says that the maximum length of the single entry roadway can't be anymore than fifteen hundred linear feet. The new proposed road is more than fifteen hundred feet away from the entrance of Ballyhack and Route 22 which is a single entry road.

Vice Chairman Montesano stated so needless to say you can't develop the property.

Rich Williams stated sure she can she can have a driveway.

Ms. Ryan stated I already have one right so I am done.

Ted Kozlowski stated bigger lots.

Ms. Ryan asked bigger lots.

Board Member Pierro stated Rich is telling us scenic overlay, we have the overlay district we have to be smaller lots. Let's look at it.

Vice Chairman Montesano stated yes but what do you do with a seventeen hundred foot driveway that we can't call it a road and do we have the right,

Ted Kozlowski stated look at how many issues that have just come up on this.

Vice Chairman Montesano stated excuse me, do we have the right to look at something that isn't on a Town, State or County road that is a cul-de-sac.

Rich Williams replied yes sure we can have a private road as long as it is a platted subdivision road.

Board Member Rogan stated I would be willing to go look at the property without it being staked personally because I would be looking at,

Vice Chairman Montesano asked without it being staked.

Board Member Rogan stated yes I would just look at it to see how the lay of it is and walk it and maybe come back with some ideas as to.

Vice Chairman Montesano stated then we have to go out and look at it again as a staked.

Board Member Rogan stated that is because I feel comfortable with this plan going out and knowing where I am and saying that you can follow the contours up through and envision what it is going to be like.

Rich Williams stated yes you can take a look at the plan and see the different features on the plan and associate that with the house locations.

Board Member Rogan stated this has some very unique topography on this site. There is some real interesting topography.

Rich Williams stated you know exactly where the road goes in, you know where the trail is and you know where the wetlands are.

Board Member Rogan stated I personally don't need it. I think if we are all out there together I don't the Board needs it all staked.

Ms. Ryan stated you will have Rich there.

Board Member Rogan stated Rich has an internal compass.

Vice Chairman Montesano stated he has a GPS in his pocket and so does he.

Board Member Rogan stated I mean we obviously in the early stages of any project we have to admit that there are limits to every piece of property and some properties just aren't meant to be developed or at a minimum as a one, certainly no one here would disagree that this lot couldn't be developed as one lot. I think everybody would probably love to see that but the reality is at this stage for us to look at this Ted brought up some valid points that just in talking we have already brought up some really significant issues that we have to tackle. One, being whether or not we can put a roadway in because we are already off a single entry road the other is there are some wetland issues. I am looking forward to taking a look at it. That is the best part of the process.

Board Member Pierro stated that is right.

Board Member Rogan stated is getting to see it because on paper it doesn't look as good.

Board Member DiSalvo asked so what are you saying that you want to site walk it without it being staked.

Board Member Rogan replied yes.

Board Member DiSalvo stated I will do that.

Board Member Pierro stated that is fine if that is what you want to do but we have to keep it in mind that, Board Member Rogan stated by site walking it I am not endorsing this plat or this idea or concept but the reality is in being fair to the Applicant at least then they have not spent anything either. We did it with Bear Hill Estates and in that case I think it worked out well because we got a lay for the land before anything was ever, before a lot of time had been spent on it.

Board Member Pierro stated absolutely you are right.

Board Member Rogan stated and in that case it saved the person some money I think because that was a horrendous lot.

Board Member Pierro stated and you know Shawn another thing maybe we can do this at the same time we do Boniello because they are contiguous and we can better understanding for both of them.

Board Member Rogan stated I just want to say something because you are the Applicant, the gentleman in the audience stated no. Board Member Rogan stated you are not well then for Theresa, it is easy for us as a Board to sit up here and throw around ideas, now it is late in the evening so we are getting a little bit giddy or punchy but if I owned the property and I was sitting in the audience I would not want to hear my property thrown around so haphazardly so I don't like to joke about people's property because they have a lot invest in it and I know there is a lot riding on these things anyway I would be offended if I was sitting and I saw people kind of throwing around ideas .

Vice Chairman Montesano stated well that depends if you were here why would you be offended if it was a possibility that you will save money in the long run.

Board Member Rogan stated that I agree with.

Vice Chairman Montesano stated you are taking expert opinions being given to you at no cost.

Board Member Rogan stated I would be happy that someone was trying to save me some money and not waste my time. I am looking forward to seeing it.

Ms. Ryan stated okay great.

Board Member Rogan thanked Theresa.

Board Member Pierro asked how many acres.

Ms. Ryan replied it is about 64.8. Do you want to classify this as a major right Rich that is a pretty simple thing to do.

Rich Williams stated yes I don't see it being anything less than a major subdivision.

Board Member Rogan made a motion in the matter of Leonidas Subdivision that the Planning Board determines the application to be a "Major Subdivision". Board Member Pierro seconded the motion.

Vice Chairman Montesano asked all in favor:

Board Member Pierro - aye

Board Member Rogan - aye
Board Member DiSalvo - aye
Vice Chairman Montesano - aye

Motion carried by a vote of 4 to 0.

Ms. Ryan thanked the Board.

13) OTHER BUSINESS

a. Site Walks

Board Member Rogan stated we have not even gotten out to NRA Realty but now that the weather is getting better we should probably start to.

Board Member Pierro asked Rich do we need anything staked on NRA.

Board Member Rogan stated it should all be staked.

Rich Williams stated it was staked six months ago.

Vice Chairman Montesano stated all right we have that and Boniello and now we are going to throw this thing in.

Board Member Rogan asked does anybody want to do site walks on Saturday.

Rich Williams stated it is supposed to rain.

Vice Chairman Montesano stated it is supposed to rain and I won't be available on Saturday anyway.

Board Member Pierro asked the Saturday before Easter.

Ted Kozlowski asked how about next Saturday.

Board Member Rogan stated the following Saturday I will be away.

Vice Chairman Montesano asked are any of these people on the agenda for next week's meeting.

Rich Williams stated no.

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

Vice Chairman Montesano asked let's try this instead of giving up Saturdays since we do have a few hours in between as far as daylight why don't we try to look at a day if we can't do all of them maybe we can do two on this day and one on the next day.

Board Member Rogan stated that would be great.

Board Member Pierro stated that is fine.

Vice Chairman Montesano asked do we want to try this week or do we want to wait until after the meeting.

Board Member Rogan replied not this week.

Vice Chairman Montesano stated the following week, on a Thursday afternoon.

Board Member Rogan stated we have a meeting. I don't want to do site walks and then come here and be here in the evening also.

Vice Chairman Montesano stated we are not going to be here in two weeks.

Ted Kozlowski stated that is the 13th.

The Board agreed to site walk at 5:00 on the 13th meeting at the Alpine.

Board Member Pierro asked and then maybe the following Saturday for Leonidas and Bonniello.

The Board agreed.

b. Putnam County National Bank Site Plan – Extension Request

Board Member Pierro made a motion in the matter of,

Board Member DiSalvo stated didn't we do it at the work session.

Board Member Rogan stated I thought we did.

The Secretary stated you would not have done it at the work session.

Rich Williams stated the last one that I had we did in January a 90 day extension.

Board Member Pierro made a motion in the matter of Putnam County National Bank that the Planning Board extends their time for another ninety days retroactive to March 7, 2006. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 4 to 0.

c. Eurostyle Marble & Tile - Extension

Board Member Pierro made a motion in the matter of Eurostyle Marble & Tile the Planning Board grants a sixty day extension. Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 4 to 0.

d. Bear Hill Subdivision – ZBA Recommendation

Vice CHiarman Montesano asked what is Bear Hill.

The Secretary stated you guys never did the formal recommendation.

Board Member Rogan stated and that was for that one lot.

The Secretary stated the lot area, the motion was made but not seconded and not voted on.

Board Member Rogan stated it sits close to Route 311.

Board Member Pierro stated on the left going up the hill.

Board Member Rogan stated and it is basically bound by the road we said we would make a recommendation.

Board Member Pierro made a motion in the matter of Bear Hill Subdivsion that the Planning Board makes a positive recommendation to the Zoning Board to approve a substandard lot.

Board Member Rogan stated I don't remember the Lot number but if we could reference that.

The Secretary replied Lot 4.

Baord Member Pierro stated Lot 4 very good.

Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor:

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

Motion carried by a vote of 4 to 0.

Board Member DiSalvo asked has he ever come back in with the lot across the street the one house that he wanted to put on the thirty-seven.

The Secretary replied no.

Board Member DiSalvo stated because there seems to be more flags going up the hill.

14) MINUTES

Board Member Rogan made a motion to approve the December 8, and December 29, 2005 minutes. Board Member DiSalvo seconded the motion. All in favor and motion carried by a vote of 4 to 0.

The Secretary stated for those of you that stop in you will have all the minutes by Monday up to date except for this meeting so if you get a chance maybe you can get them and then get them approved and off the agenda next Thursday.

Board Member Rogan made a motion to adjourn the meeting. Board Member Pierro seconded the motion. All in favor and meeting adjourned at 10:38 p.m.