

**TOWN OF PATTERSON**  
**PLANNING BOARD MEETING**  
**April 7, 2005**

**AGENDA & MINUTES**

	<b>Page #</b>	
1) <b>Budakowski Subdivision – Public Hearing</b>	1 – 4	Public hearing continued
2) <b>Mushkolaj Site Plan – Public Hearing</b>	4 – 5	Granted Conditional Final Approval
3) <b>South Patterson Business Park S/D</b>	5 – 6	Granted Conditional Final Approval
4) <b>Putnam County National Bank Site Plan</b>	6 – 8	Recommendation to the ZBA to approve variances
5) <b>Secchi/Halpin Lot Line Adjustment</b>	8 – 9	Granted a Negative SEQRA Determination Granted Conditional Final Approval
6) <b>Farias/O'Donnell/Chamberlain Lot Line</b>	9 – 11	Granted Negative SEQRA Determinations Granted Conditional Final Approvals
7) <b>Steinhardt Lot Line Adjustment</b>	11	Granted Negative SEQRA Determinations Granted Conditional Final Approval
8) <b>Burdick Farms Subdivision</b>	12 – 13	Board accepted Findings Statement Discussion on drainage & Mr. Noblet's property
9) <b>Fryer Business Machines Site Plan</b>	13 – 16	Initial review of the proposed addition to the building
10) <b>Patterson Garden Center (Poppy's Place)</b>	16 – 18	Board to site walk Discussion on limits of disturbance
11) <b>Cipriano Site Plan</b>	18 – 21	Discussion on type of business, access & layout
12) <b>Frantell Development Site Plan</b>	21 – 26	Discussion on architecture for building Discussion on basins and the buffer
13) <b>Other Business</b>		
a. <b>Couch Road Subdivision</b>	26 – 41	Discussion on lot configurations, access, & conservation easements & zoning requirements
b. <b>Reilly Wetland/Watercourse Permit     Cornwall Hill Rd</b>	41 – 58	Discussion on house size and deck and style of house.
c. <b>Deerwood Bond Reduction</b>	58	Recommendation to the Town Board to reduce the bond
d. <b>Thomas Subdivision</b>	58	Granted (2) 90 Day extensions
14) <b>Minutes</b>	58	Approved 12/2/04, 12/30/04, 1/6/05, 1/27/05, 1/31/05, 2/3/05, 2/14/05, 2/24/05, 3/3/05 Meeting Minutes

**PLANNING DEPARTMENT**

P.O. Box 470  
1142 Route 311  
Patterson, NY 12563

Melissa Brichta  
*Secretary*

Richard Williams  
*Town Planner*

Telephone (914) 878-6500  
FAX (914) 878-2019



**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**ZONING BOARD OF APPEALS**

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

**PLANNING BOARD**

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

**Planning Board  
April 7, 2005 Meeting Minutes**

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

Present were: Chairman Schech, Board Member Mike Montesano, Board Member Dave Pierro, Board Member Maria Di Salvo, Board Member Shawn Rogan, Rich Williams, Town Planner, Gene Richards, Dufresne-Henry, Town Engineer's Office and Anthony Molé, Town Attorney.

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

There were approximately 27 audience members.

**1) BUDAKOWSKI SUBDIVISION – Public Hearing Continued**

No representation for the application was present.

Chairman Schech stated no one is here for Budakowski.

The Secretary stated you had a letter in your mailbox.

Rich Williams stated there was a letter Mr. Chairman, I did talk to both the engineer and the attorney for Budakowski's and they could not be available for tonight. It is on tonight as a continuation of the public hearing that was opened back in January. I have been notified that in deed the road, the centerline has been staked out. They are supposed to be getting us plans they may have come in today I don't know. I have not had time to check in with it. So, they are available for the Board to do the site walk that they have expressed interest in doing.

Chairman Schech stated okay I see there is some people here, some neighbors. There is nothing to do with dog kennels tonight.

**An audience member** stated we understand that.

Chairman Schech asked Mr. Baker did you have any concerns.

**Mr. Baker** stated I was just concerned about the staking of the road. I was trying to figure out I only see one stake I thought you were going to stake out,

Chairman Schech stated there were supposed to be several stakes but some are offset and there is one I believe that was in the center of the road where the road was supposed to be going.

**Mr. Baker** stated they are sort of like all on one side so I have no idea how it affects my property.

Chairman Schech stated we are going to go out Saturday and we will check it out and see what is going on.

Rich Williams stated if I might, Mr. Baker typically the stakes will have marks on them, which say offset six feet, offset seven feet so you might be able to take a look at the stakes and figure out exactly where they are offset from the center. The staking generally tries to follow the centerline of what everybody is presuming to be the center of St. John's Road.

**Mr. Baker** replied all right thank you.

**Mr. O'Rourke** introduced himself to the Board and stated he is here on behalf of Mr. O'Hara who of course is one of the adjacent property owners. As we said the last time we were here we are not opposed to the subdivision. What was of concern to Mr. Baker and Mr. O'Hara as well as Mr. Delamarre was the exact location of the road and I think the staking has help clarify that because there was some uncertainty. Where it is staked the initial portion of the road is staked so as to have the entire road on the property of Mr. O'Hara, now that we have seen where the staking is the thought is that perhaps the best way to proceed would be straight down the centerline of St. John's. In other words, so that it would be partially on Mr. O'Hara's property and of course partially on the other side. Now that we have seen where the stakes lie but in any event that is our position and I am kind of disappointed that Mr. Mayer is not here.

Chairman Schech stated he had some more commitments somewhere else. We will take that into consideration when we take a look at it.

**Mr. O'Rourke** stated thank you very much.

Chairman Schech asked anyone else in regards to the location of the road. I will take a motion to close the public hearing.

Board Member Rogan asked we can close the public hearing given that there are still some concerns with the attorneys.

Rich Williams replied yes you can close the public hearing if you so desire.

Board Member Rogan asked well if we so desire but what are the implications of that in reference to the attorneys not finishing their work on this.

Rich Williams stated the Board still has the ability to accept written comments but by closing the public hearing you would close the opportunity for anybody else to come up and speak publicly on the project. The real question for you Shawn is whether you feel there has been adequate public comment made on the project and whether there would be more.

Board Member Rogan stated I am comfortable with that.

Mr. Molè stated maybe at this point it would have to be closed, how long has it been opened.

Rich Williams replied they have got another thirty, thirty-five days I believe.

Board Member Rogan stated we have got one more meeting. Will the result of what the attorneys are looking into, would it be I guess what I am thinking is would something change with the project that then people would want to comment on. Would something happen within the next thirty days with that discussion or is this going to be something that is open ended that we don't have an end in sight as to when they are going to make their determinations.

Board Member Pierro stated after what we just heard from Mr. O'Rourke I think if the road location changes there may be some room for additional public comment and if we have the additional thirty-five days and we are running into another meeting why not leave it open.

Board Member Rogan stated I was just thinking the same thing, we are going to do a site walk, why not leave it open we have got another meeting it does not hurt anything.

Chairman Schech asked we do have another meeting I thought this was it.

Rich Williams replied no the statutory requirement is a hundred and twenty days from the date that you open which was January.

Chairman Schech stated okay leave it open.

Several audience members started exiting the meeting room at this time.

Board Member Rogan stated it seems like there is an awful lot of people here for Budakowski.

Chairman Schech stated the dog kennel.

Board Member Rogan asked do we even have an application for that.

Board Member Pierro stated we don't. I think we might want to allay these people's fears a little bit.

Board Member Rogan stated ladies and gentlemen one moment, we thought that since you all seem to be here with concerns we have got a lot of letters about the dog kennel. I don't know if that is your main concern but,

Board Member Pierro stated we don't have an application in front of us at this moment for any dog kennel. There were some additional inquiries done a few months back but I don't think that even conforms with the zoning in that area correct Rich.

Rich Williams stated if I could just kind of elaborate on that, yes we did get an application. It was not complete, there were zoning issues, there were several variances that were needed. The Applicant was directed to stake the property so the Board could look at it. I know the property was in fact staked out however the Board has never been notified that it has been so they never have done the site walk and before

the Board can really do any further consideration they would need to go to the Zoning Board and obtain a number of variances and they have not even initiated that procedure. In addition they will also need a Special Use Permit and they have not started that process yet either so there really is nothing going on. The Town received a concept plan and that is about it.

Board Member Rogan stated please understand that if someone makes an application people have a right to apply for whatever they want it does not mean that we are in favor of the project in anyway. I don't know anything about the project at this point.

**A member of the audience** stated we understand. I did receive a phone call from one of the Applicants stating that she was going forward with the applications.

Board Member Pierro stated yes but that all revolves around whether or not Mrs. Budakowski gets her subdivision.

**The member of the audience** stated absolutely.

Board Member Pierro stated if Mrs. Budakowski gets her subdivision then the Porto's cannot close on this property.

**The member of the audience** stated and that is one of the reasons why we are here in support of the subdivision for Budakowski.

Board Member Pierro stated well as you can see Mrs. Budakowski is not getting her subdivision any time real soon.

**The member of the audience** stated we understand that, we have a lot invested in our properties so that is why we are here.

Board Member Rogan stated we appreciate your time folk's thank you.

Board Member Pierro stated we wanted you guys to know that we are not there is nothing surreptitious going on, we are not jamming anything in, we are concerned about this application as well.

**The member of the audience** stated right and that is just why we wrote the letters, that is why we are here and that is why we will continue to be here just to make sure that we are just preserving our rights.

Board Member Rogan stated understood.

Chairman Schech stated I will be able to hear the dogs too.

**The member of the audience** stated as we all will. Thank you very much.

## 2) MUSHKOLAJ SITE PLAN

Chairman Schech stated we have a resolution.

Mr. Dick Clark, Harry Nichols office and Mr. Mushkolaj was present.

Board Member Rogan asked what is the status with the water.

Chairman Schech replied we are all set.

Board Member Pierro replied it is clean, very clean.

Board Member Rogan asked we got some water sample results on this.

Chairman Schech replied yes.

Board Member Rogan asked do you have them.

Chairman Schech replied we had them at the work session.

Board Member Pierro stated Edie, in regards to Mushkolaj you brought up about water sampling, we have the results back and we have reviewed them at the work session, which you were there for, and as I said, the water is better there than it is at my house on Cornwall Hill Road.

Board Member Rogan made a motion in the matter of Mushkolaj Site Plan that the Planning Board approve the Final Site Plan Resolution including the five general and one special condition contained within. Board Member Rogan seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 5 to 0.

Chairman Schech stated you realize that we will not sign the plat until all the conditions are complied with.

Mr. Clark stated yes.

### 3) SOUTH PATTERSON BUSINESS PARK SUBDIVISION

There was no one present representing the Applicant.

Board Member Pierro asked are they here.

Chairman Schech stated it does not matter it is just the resolution.

Board Member Pierro made a motion in the matter of South Patterson Business Park that the Planning Board approves the resolution for Final Subdivision Approval with the nine general conditions and one special condition stated in the resolution document dated April 7, 2005. Board Member Montesano seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 5 to 0.

Chairman Schech stated and the same thing goes with that it will not be signed until all the conditions are taken care of.

#### 4) PUTNAM COUNTY NATIONAL BANK SITE PLAN – Front Street

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

Chairman Schech stated you want a recommendation on a area variance.

Ms. Ryan stated just a referral to the ZBA.

Chairman Schech asked didn't you have to go for a variance the last time too.

Ms. Ryan replied yeah there were variances granted before and we are going to need new ones. The Applicant has agreed to get rid of that piece of property that bumps out in Front Street and the building, the overhang for the front portion of the building is going to encroach a little bit more than we had a variance so that we could be ten feet back. We are going to need another variance so that we can be six feet back because of the bump out of the building and that will be right in front of that piece that we are going to give back to the Town

Board Member Pierro asked and that is the total for the area variance.

Ms. Ryan stated and then we also need an impervious coverage variance. The zoned changed and so the impervious coverage requirements changed and we are going to need another variance on that.

Board Member Pierro asked Rich how much.

Rich Williams replied I don't know.

The Secretary asked I have it in the office. Do you want me to get it or do you have it with you.

Ms. Ryan stated it was eighty percent coverage and sixty-five percent is permitted in that zone.

The Secretary stated they had a variance on coverage the last time I believe.

Board Member Pierro asked they did get the variance the last time.

Ms. Ryan replied yes we got both variances last time.

Chairman Schech stated if experience is any teacher they will probably let this run out anyway so we will have to worry about it again two years down the line.

Board Member Pierro stated and then all bets are off on everything we have approved so far.

Ms. Ryan stated I am not the owner.

Board Member Pierro made a motion in the matter of Putnam County National Bank I make a recommendation that we recommend to the Zoning Board to approve the area variances required as stated in the discussion of April 7, 2005. Board Member DiSalvo seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	aye
Board Member Pierro	-	aye
Board Member Rogan	-	opposed
Board Member DiSalvo	-	aye
Chairman Schech	-	aye

Motion carried by a vote of 4 in favor to 1 opposed.

Ms. Ryan thanked the Board.

Board Member Pierro asked Theresa, what about our last conversations here on this project we had discussion about, Board Member DiSalvo stated the Architect. Board Member Pierro stated an Architect coming in did we get anywhere with that.

Ms. Ryan replied the Applicant said he was okay with paying for another Architect, he already has an Architect on board who was actually going to be designing the building and he is okay with the Board hiring an Architect to review these drawings, Board Member Pierro stated I don't care who does it, Ms. Ryan asked is that what you are talking about.

Rich Williams stated yes let's be a little clear on this what we are going to do is I am going to retain an Architect to review the plans, Board Member Pierro stated oh, yes we do care who does it. (unable to hear the rest of Rich's statement).

Ms. Ryan stated the Applicant wants it to be capped; he wants a limit to the amount of money that is going to be spent on this review.

Rich Williams stated I am going to get a proposal and we are going to see if we come to some sort of mutual agreement before we proceed.

Board Member Pierro stated but we are going forward with this, but we are going forward with that is what I am concerned with.

Rich Williams replied yes we are.

Board Member Pierro asked and you agree that we are going forward.

Ms. Ryan replied absolutely.

Board Member Pierro stated because if we stop going forward then all bets are off.

Ms. Ryan stated well I am not the Applicant and we are willing to go forward with it as long as the Applicant is.

Chairman Schech stated and remember colors really impress us.

Ms. Ryan thanked the Board.

#### **5) SECCHI/HALPIN LOT LINE ADJUSTMENT**

Mr. & Mrs. Secchi were present.

Board Member Rogan asked if you could just give us, a brief idea of what you are doing and why you want to do it.

Mr. Secchi stated we found after we moved in was that the line between the properties are not what we were told it was so I discussed with my neighbor about making an adjustment so to make it what we thought it was, what he thought it was and I will give him some property in back and he would give me a little in the front, keep the properties exactly the same. We would just get the actual stake, which ends up being in my driveway back over where we thought it was originally.

Board Member Rogan stated that even with the shift in property lines there isn't enough side yard setback on, are you the lot on the left or the right.

Mr. Secchi replied on the left.

Board Member Rogan stated currently you have 6.35 feet to your property line and you will gain really it only looks like about, is that what it says 6.35 feet.

Rich Williams stated that is about right.

Board Member Rogan stated and you are going to gain about two or three feet so at least in that case you are making more of a conforming situation.

Mrs. Secchi stated we want to feel like we own our driveway.

Board Member Rogan stated I agree with you that would be a good thing.

Board Member Rogan asked is that the only reason, what is the other reason for doing this shift.

Mr. Secchi replied just so the line is how we had it before there is a garden and an area that was marked off that we thought was our property which now by this is in our neighbor's property which he doesn't want and in the back the line kind of goes into what he thought was his property so I am giving him in the back and he is giving me the front.

Board Member Rogan stated just doing a little swap.

Chairman Schech stated I have got no problem with it.

Board Member Rogan stated no I just wanted to get your impression on it.

Board Member Rogan made a motion in the matter of David & Laura Secchi and Michael & Kim Halpin that the Planning Board grants a negative determination of significance of SEQRA and grants the lot line adjustment application as per plan prepared by Terry Bergendorff Collins and to include the corrections noted in the memo April 7, 2005 from the Planning Board. Board Member DiSalvo seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 5 to 0.

The Secchi's thanked the Board.

Board Member Rogan thanked them.

Board Member Pierro stated thank you for trying to do this the right way we appreciate your effort.

## **6) FARIAS/O'DONNELL/CHAMBERLAIN LOT LINE ADJUSTMENT**

Mr. Farias was present representing the application.

Board Member Rogan stated we had a prep on that now you know what you have to say now.

Mr. Farias stated yes.

Board Member Pierro stated this is the one that George Michaud did on his own.

Chairman Schech stated this is taking a bunch of odd lots over in Putnam Lake and combining them into one little area for the three gentlemen involved and they all agree on what they are doing.

Mr. Farias stated yes absolutely.

Board Member Rogan stated and we are not creating any vacant land in this case we are reducing inferior vacant land in Put Lake; land that is not large enough to build on.

Board Member Pierro asked do we need SEQRA on this.

Board Member Rogan replied yes.

Board Member Montesano asked did anybody ask George if he would like to show up and tell us how to do this.

Chairman Schech stated be nice.

Board Member Pierro stated in the matter of Kevin O'Donnell, Katherine & Robert Chamberlain, Frank & Irene Farias,

Rich Williams interjected Dave, you probably should do two separate motions they are actually two separate lot line adjustments.

Board Member DiSalvo asked which go with the two.

Rich Williams replied Farias and O'Donnell and O'Donnell/Chamberlain.

Board Member Pierro made a motion in the matter of Farias, Frank & Kevin O'Donnell lot line adjustment, Lot 1, 12 Orleans Road and 35 Manchester Drive that the Planning Board grants a negative determination of SEQRA and that the Planning Board approves the lot line adjustment with the conditions stated in the memo of April 7, 2005 from the Patterson Planning Board. Board Member DiSalvo seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 5 to 0.

Board Member Pierro made a motion in the matter of Robert & Kathryn Chamberlain and Kevin O'Donnell, 9 Newburg Road and 12 Orleans Road, Patterson that the Planning Board grants a negative determination of SEQRA and that the Planning Board approves the lot line adjustment with the conditions stated in the memo of April 7, 2005. Board Member Rogan seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 5 to 0.

Mr. Farias thanked the Board.

Board Member Pierro stated again, thank you for taking the extra steps we appreciate that.

#### 7) **STEINHARDT LOT LINE ADJUSTMENT**

Mr. Steinhardt was present.

Board Member Pierro asked did we have any questions on this I thought it was pretty straightforward from our review of the map.

Board Member Rogan stated it looks fine.

Chairman Schech asked you are not creating any more problems for us that we don't know about are you.

Mr. Steinhardt replied we hope not.

Chairman Schech stated we are going to get mad.

Board Member Rogan stated because you would have to come back to us though that would not be a good thing.

Board Member Rogan made a motion in the matter of John & James Steinhardt & J & J Lakeside Development that the Planning Board grants a negative determination of significance of SEQRA and approves the lot line adjustment as prepared by Terry Bergendorff Collins on the map filed and given to the Planning Board and with the comments stated in the Planning Board's memo dated April 7, 2005. Board Member DiSalvo seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 5 to 0.

Mr. Steinhardt thanked the Board.

**8) BURDICK FARMS SUBDIVISION**

Ms. Kristina Burbank, Kellard Engineering was present representing the Applicant.

Chairman Schech stated I think we are just accepting the Findings Statement this evening and that is all we are doing this evening.

Board Member Rogan stated that is correct.

Ms. Burbank stated okay.

Board Member Pierro made a motion in the matter of the Burdick Farms Subdivision that the Planning Board accepts the Findings Statement as it is written. Board Member DiSalvo seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 5 to 0.

Ms. Burbank stated I appreciate the cooperation in what I hope is in this document represents a good compromise in the way SEQRA process should work and I am pleased about that.

Board Member Rogan stated we hope so too thank you Kristina. I think it would be appropriate to at least while we are on Burdick Farms to mention that we were requested to look at some of the water coming off the property, we have some pictures that were submitted to the Board that are excellent, quality pictures anyway. The best I have seen that someone has taken from Mr. Noblet's property. (Mr. Noblet's submitted the pictures to the Board). I did check that water and it is significant or it was during this storm event and I think when we get to the real design on this project we are going to have to address that. That is a serious concern and I wouldn't want any neighbor to have to live with the amount of water that currently has been flowing off that property and not being filtered.

Board Member Pierro stated if you like I think one of us could run over and get those photos or allow you to review them.

Board Member Rogan asked do you want to look at these while you are, (he handed the photos to Ms. Burbank).

Ms. Burbank stated I can take a look at them.

Vice Chairman Montesano stated also do you want to make a notation that we would like to have this matter taken care of before the project how about taking a look at it now.

Board Member Rogan stated well I absolutely think that your on site consultant for site work should do some sort of erosion control there so that the water I understand that water may sheet flow but right now it is channelized in about four different locations. When you see those, I think that you are going to be pretty surprised. The photos are excellent they are a great tool.

Chairman Schech stated we would like them back.

Ms. Burbank stated I will just look at them now and we are happy to work with Mr. Noblet and the Board.

Board Member Rogan stated understood thank you. You have been wonderful so far in this process thank you so much.

#### 9) **FRYER BUSINESS MACHINES SITE PLAN**

Mr. Lou Dileo, Architect representing the application.

Mr. Dileo introduced himself to the Board.

Mr. Dileo stated basically what we are proposing is to add a 6,000 square foot addition in the center of an existing courtyard over an existing building. The client runs the factory assembly line in the back of the building and he has two tenants left and right off this building. The use of the addition will be for offices, which presently are in the factory space. We are going to take that space and move it into this new space and create a new entrance to this operation.

Board Member Pierro asked which tenant is going to be utilizing this space.

Mr. Dileo replied this space, Fryer Machines.

Board Member Pierro asked he is the landlord technically.

Mr. Dileo replied yes he is the owner of the building. Right now the office space is in a make shift arrangement the temporary office they had over the years I guessed developed and they really want to have a presence so the first floor, the addition will be office space and above it we have a lunch room, a seminar room and a conference room. There will be no increase in employees it is the same exact employees moving from this spot to this spot. This space here will be reclaimed and be used for storage and other necessities.

Chairman Schech asked the other areas are still going to be rented by others then.

Mr. Dileo replied yes the same exact tenants will remain as is.

Board Member Pierro asked we had a concern about a drain that is in the center of that courtyard now.

Mr. Dileo replied catch basins yes.

Board Member Pierro stated yeah we don't want that becoming a drain for chemical waste or any other materials. We want it sealed.

Mr. Dileo replied no, no.

Board Member Pierro stated because people find a hole in the ground you don't know what a ten dollar an hour employee is going to do with a bucket of oil. We would like that done correctly.

Mr. Dileo stated we have a site engineer on board unfortunately we have been waiting two months because when we went to get a survey, the weather finally cooperated with us so within the next week we will have that in and we could address a few of the concerns that have been brought up already. These catch basins are basically area drains and a few roof drain liters are going into that and then going out. That use is not going to change it still remains the same. This whole area is going to be re-landscaped. Right now the access is very similar to what we are proposing to have so there will be new sidewalks and new landscaping. That is the extent of the project.

Chairman Schech asked do we have a problem with the retention pond.

Board Member DiSalvo stated and the dumpster site too.

Mr. Dileo stated I think some maintenance you were saying.

Rich Williams stated yes we have a problem with lack of maintenance. We are going to have to address that as part of the MS-4 Program. It doesn't you know I had suggested that it might be looked at now but it is not a requirement right now but it will be soon under a different program if they chose to wait they can do that. I do have another question here something I just heard tonight, currently a good portion of the building is occupied by United Cerebral Palsy in fact they never actually have been a legally permitted tenant within the building.

Board Member Rogan asked aren't they planning on moving doing a whole new building.

Rich Williams stated my understanding was that they were getting ready to move down to Southeast.

Board Member Rogan stated yeah they are.

Rich Williams stated so it is not a big concern what I am hearing though tonight is that you were basically intending to continue that use.

Mr. Dileo stated as far as I know.

Board Member Pierro asked is it a zoning issue Rich.

Rich Williams replied I don't know that it is necessary a zoning issue but it is a site design issue. Are the improvements to the site suitable to support the intended use. We have been up there, we have seen the traffic problems that they have, the parking problems. The concern here and the reason I raised the issue is if that is going to be the continued intended use at the site we need to know that on the site plan. We need

to take a look at the site improvements to make sure that they are all suitable they may be but we just need to take a closer look at that.

Board Member Rogan stated and it would also help to ask the question if they are planning on vacating when the new building goes up because that is in the works.

Mr. Dileo stated okay we will bring that up.

Board Member Pierro asked so basically we are concerned with the number of bathrooms, safety access, door widths and things of that nature.

Rich Williams stated access, parking.

Mr. Dileo stated all those issues as far as the addition is concerned will be addressed. You are asking to sort of evaluate the existing part of it to see that it is conforming. I don't know can you ask my client to bring everything up to date at this point when he is not touching that.

Chairman Schech stated well if he wants final approval we can.

Mr. Dileo asked but are they violations.

Rich Williams stated yes they are violations okay so we are trying to tap dance around the issue we are just trying to be nice.

Board Member Rogan asked Maria you had something you wanted.

Board Member DiSalvo stated weren't we talking about the dumpster in the back we were going to relocate it or.

Board Member Pierro stated we had discussed that.

Board Member Rogan stated I thought that it was something about it wasn't installed in the right location or they wanted to move it on this plan.

Rich Williams asked Mr. Dileo you did get a copy of my memo correct.

Mr. Dileo replied yeah I think what you were saying is that according to the original site plan when the building was first built the dumpster is showing in a different location. So, what do we do, do we show it where it exists now, the survey is going to show that now.

Rich Williams stated the survey shows where it is right now the issue is this that with the original Special Use Permit that was granted to the overall Robin Hill Corporate Park there was certain limitations placed on development of the individual sites, one of those limitations was a one hundred foot setback from the adjacent residential property lines for any above ground construction which would include the dumpster, the dumpster pad. The survey showed the dumpster pad located about ninety feet off of that so you are within that hundred foot setback and it needs to be pulled out.

Mr. Dileo stated okay we can do that.

Chairman Schech stated one of the problems with the current location was the fact that the stuff did blow out and it was going right down hill.

Mr. Dileo stated we will address that.

Board Member Rogan stated the concept was fine though. I think everybody is agreeable to that.

Mr. Dileo thanked the Board.

#### **10) PATTERSON GARDEN CENTER & SUPPLY SITE PLAN a.k.a. Poppy's Place**

Ms. Theresa Ryan, Insite Engineering was present.

Chairman Schech stated Theresa we are going to do another site walk this Saturday hopefully and what we really want to know also is what does he really want to do here.

Board Member Pierro stated what does he want to be when he grows up.

Chairman Schech stated we are getting well maybe we are going to do this, maybe we are going to do that.

Ms. Ryan stated well he can meet you there if you want and he could discuss with you exactly what he plans to do.

Board Member Rogan stated you know normally we don't, Chairman Schech stated we don't usually do that normally but, Board Member Rogan stated it might not be the worse case here to walk around I kind of think in this case it would be appropriate I really do because at least then we can have him at least explain what he envisions for the site and he might tell us starting like a negotiator this is what I would love to do and this is what I will accept and maybe we can work somewhere in between.

Board Member Pierro asked do we know that Ted is going to be available for Saturday Rich.

Rich Williams replied Ted will not be available Saturday.

Board Member Rogan stated well we know that Ted has great concerns about using anything more on the site than is already currently being used. He does not like this particular situation.

Ms. Ryan stated and that is something that we would like to get resolved too during the site walk to see where the limits of disturbance.

Board Member Pierro stated I don't know that we are going to be able to resolve it on Saturday but at least we can get an idea of what is going on.

Chairman Schech stated we will try to make some progress.

Board Member DiSalvo stated he has been out there a few times Ted too.

Board Member Rogan stated it will be good for us to hear from the owner what he wants.

Ms. Ryan stated because we are showing the limits that the Applicant told us that were already disturbed and Rich indicated that he didn't think it was that extensive so we would like to get some kind of a line maybe delineating when you are out there. We could put stakes in or whatever.

Board Member Montesano asked did Ted make any suggestions other than the suggestions that we have heard before has Ted given anything formally in writing as to if that disturbed area is any better.

Rich Williams replied Ted has been waiting for the spring to go back out there as well.

Board Member DiSalvo asked now Saturday we are just going to meet with Mr. McCormack.

Chairman Schech stated yeah if he is there we are going out whether he is there or not.

Board Member DiSalvo asked what about the other fellow.

Ms. Ryan asked Martin Perenti.

Board Member DiSalvo asked is he going to be there also.

Ms. Ryan replied they could both be there if you like.

Board Member Rogan asked who are they.

Board Member DiSalvo stated the guy that was looking at the other property on 311.

Board Member Montesano stated he is the guy that suddenly wants to develop more of the storage area in the back.

Board Member Rogan stated okay I am drawing a blank.

Ms. Ryan stated he is co-applicant with Bob McCormack.

Board Member DiSalvo stated so they both will be there.

Ms. Ryan stated if you want them to.

Board Member DiSalvo stated I think we should have both of them there right.

Board Member Montesano stated yes.

Board Member Rogan stated Theresa, one thing that the Board seems to see on these site walks quite often that amazes us is that they know we are coming and yet there is garbage or there is things that the Board has commented you know you should remove the junk before we come out on site and in this case there is quite a bit of things out there that you know,

Board Member Pierro stated there have been I don't know if they are still there either.

Board Member Rogan stated well that is what I am saying they were there last time we were there and we were very surprised quite honestly.

Board Member Montesano stated he is doing a lot of cleaning in the front when I went passed there.

Ms. Ryan stated Martin is. He is cleaning it up a lot. He is working on it a little at a time but he is working on it.

Chairman Schech stated we will probably be there around eight thirty or so.

Ms. Ryan stated Rich also mentioned in his letter that the Board could consider that this a Type II action if you are in concurrence with that then SEQRA would be complete am I right.

Rich Williams stated something like that.

Board Member Pierro stated well we will see what we see on Saturday because you know sometimes we don't always agree with Rich and I know that is hard to believe but we don't and a lot of times he does not agree with us and he takes it out on us too but he is a good man, he is a prize. I am glad we have him.

Ms. Ryan asked you are not ready to act on the waivers then either.

The Board replied no.

## 11) CIPRIANO SITE PLAN

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

Board Member Rogan stated we have very high hopes for this project. I know you get a sense of that. We are excited about this project. It is something I think would be excellent in Patterson if done properly.

Board Member DiSalvo stated we need another farmer's market in the county.

Board Member Rogan stated of course we are going to tear the plan apart.

Chairman Schech asked did you sit down and talk to Rich about this at all this plan.

Rich Williams replied have not.

Chairman Schech stated I think you should really make an appointment and come see him because he had some real good ideas about building locations and what not.

Board Member Rogan stated I have not been to the Adams Fair Acre Market but I would like to because I would like to get a better sense if that is something you are kind of the theme that you are going for I would like to be able to see one to get a sense. It is tough for people such as ourselves to always be able to visualize what you are putting on paper.

Board Member DiSalvo stated why don't we take a site walk there.

Board Member Rogan stated honestly that would be worthwhile but if you found a place that you said hey, this is kind the essence of what we are shooting for I would appreciate that because I think it would help the Board out a lot because it is more than just one building. It has got a real sense of wanting people to come here and stay for awhile and I think that is something that we need to look at from a design standpoint not that I am doubting the design work that was already done. I think this would be an excellent project and we are excited about it.

Mr. Miller stated it has been a long time.

Chairman Schech asked the entrance way is great where you moved it to. The interior traffic flow Rich came up with some.

Mr. Miller stated we realize that we have more work to do, we understand that. I think the idea was to get it has been a long time since we have been here. It took awhile for Mr. Cipriano to actually acquire the parcel in the front and I think the reason to be here tonight was obviously to get Rich's comments and to get a little information from the Board but I wanted to really go over what our proposal was down here. I think the plan that we sent Rich it was a little vague as to what we were planning on doing that this was possibly just going to be a driveway and that the end of Old Route 22 was just going to come out. Our proposal is really to abandon this section of Old Route 22 and this intersection, offer to the Town a fifty foot wide right of way so that Old 22 comes up and turns like this, Mr. Cipriano stated with a T. Mr. Miller stated with a T intersection and then actually Mr. Cipriano's driveway for the project would start here and go up so that this portion would be to the Town's right of way.

Board Member Rogan asked would you be looking then to put the signage for this out on 22 or further up.

Mr. Miller replied Mr. Cipriano owns all this piece in here and this piece and Richie had comments about where we had originally placed the signs so we have this available for signage and this available for signage.

Mr. Cipriano stated back away from the intersection.

Board Member Rogan stated yes I just want to make sure that we are thinking in terms of not blocking views.

Chairman Schech asked would the State allow you to abandon that Route 22.

Mr. Miller replied this belongs to the Town.

Chairman Schech asked the Town.

Mr. Miller stated it was released, it was originally owned by the State, it was taken by the County, the State had it, the State released it when they constructed 22 in the thirties so this is actually a Town road. So, what we would be looking at is to have the Town abandon this, release up to the center line of it to Mr. Cipriano and this company, which owns this little parcel in here.

Board Member Pierro stated even more so to sit down with Rich and maybe he could bring our engineer into this and Charlie as well.

Chairman Schech stated that is also up to the Town Board.

Rich Williams stated there are some other issues my understanding that intersections are generally owned by the State so the State is going to have to,

Mr. Miller stated we fully realize that the State is going to be involved this.

Rich Williams stated but I think it is a workable plan.

Mr. Miller stated when we were here the last time the biggest concern at that point seemed to have been this intersection and this is an effort to resolve it and hopefully with the help of the Town knowing full well that the Town knows that this has become dangerous.

Chairman Schech stated it is dangerous.

Mr. Miller stated other than the comments from Rich was there anything from the Board, any comments that they might have.

Chairman Schech stated no basically what we thought was a good site and he came up with some real good ideas about internal traffic and now you have come up with the fact that you know we are going to abandon that. We can't.

Mr. Miller stated we understand that we also understand that if there is some sort of acceptance by the Planning Board it goes a long way as we move to the Town Board.

Chairman Schech stated up to this point I think it is fine.

Board Member Rogan stated I like it.

Board Member Montesano asked that section the southerly section that is your property,

Mr. Miller stated Mr. Cipriano owns this piece up to this line.

Board Member Montesano asked what I am wondering is with the trucks coming in then the State is going to get involved I was going to say maybe a turning lane would be easier on that piece of property but the State is going to get involved in that.

Chairman Schech stated the State is going to tell you.

Mr. Miller stated we are going to need to make a proposal to the State in any event.

Board Member Montesano stated if they go along with it fine.

Board Member Rogan stated I think what you have from the Board tonight is that the concept, the idea we like, we are happy with what you have done for 22 for access I think in the long run it will create a better situation than what exists now. The idea of the site is great I think we just need to work with Rich he had some real great ideas we all thought in terms of a layout that maybe would be more people friendly, layout better for the site and in the long run maybe a home run for you guys. I would like it if you would meet with him and discuss some of those ideas and give him some more work, I mean get his ideas.

Mr. Miller thanked the Board.

Board Member Montesano asked Shawn clarify that with him that is what he wants to do that Adams Fair Acre Farm is a model.

Board Member Rogan asked Mr. Cipriano when I was asking about the theme of this would it be fair that if we went to a place like Adams Fair Acres that it would be a similar concept.

Mr. Cipriano stated I know a lot of garden centers across the eastern seaboard I will figure out one that is, Adams is more commercial.

Board Member Rogan stated okay if you could come up with one that would be somewhat similar please or if you want to do a virtual tour on some kind of computer system and give us, have someone punch it in we would love that but I am half teasing on that.

Mr. Cipriano stated I am almost close to getting the greenhouse designed and some specs what it would like look and my brother's design firm will help us and the engineers will get it laid out so we should be able to give you some better idea next time or I don't know how long it is going to take.

Board Member Rogan stated because we had a architectural concept plan for I think it was Patterson Outdoor Storage on Commerce Drive it was almost like a pastel drawing it was an architectural rendering and if you could get something like that from two angles I think that would be great, anything that we can do to visualize this a lot better.

Mr. Cipriano stated okay that might take me two or three months.

Board Member Rogan thanked him.

## 12) FRANTELL DEVELOPMENT CORP. SITE PLAN

Ms. Theresa Ryan, Insite Engineering and Mr. Joe Mansfield, Architect was present representing the Applicant.

Ms. Ryan stated as you are all aware Lou Pescatore is a principal in Frantell Development Corporation and he owns 15 acres on Route 22 north of Route 311 intersection. It contains a large portion of local wetlands, which is likely to become a DEC Wetland. We looked through the files from Putnam Engineering when we took it over and found a memo from Rich Williams indicating a couple of issues that the Board had and one of them was that the building was too large. There was too much impervious and it was encroaching in the wetland buffer. We reduced the size of the building, we pulled all of the impervious surfaces outside the buffer so all we have now are portions of stormwater basins in the buffer. We just want to continue discussion of the project, pick up where Putnam Engineering left off.

Board Member Rogan stated the project is getting better, we had a ball with the architecture.

Board Member Pierro stated you are light years ahead of where the former engineer was.

Ms. Ryan introduced Joe Mansfield the Architect.

Board Member Rogan stated I have to say and I will try to do it as politely as possible but we all felt that this looked like it was going to be Lego Land.

Mr. Mansfield asked looked like.

Board Member DiSalvo stated Lego's, the smile faces.

Board Member Rogan stated the smiley faces, maybe we are not envisioning it the same way you are but,

Mr. Mansfield stated I think that may in fact be the case. I am going to rather than put it up there I am going to hold it. Essentially, the concept is to build this entirely out of concrete masonry. The concept being that is a durable, hardy, material that will stand the test of time. With retail centers like this one of the biggest issues really is maintenance, maintaining the material throughout the life of the project. I reside in Patterson it is important to me that whatever we put here is something that is going to last for a long time. Concrete masonry units are a good practical product for that. The basic idea is that it is going to be veneered in concrete masonry unit throughout with varying shades of tan. The idea is that we are going to have a sixteen foot tower on each end of the building built of the concrete masonry units with a green copper metal standing roof on top of that and then broken up in the third points will be these additional eight foot towers also in concrete masonry units with a green copper roof then linking from tower to tower we would have a continuous metal standing seam roof that will provide protection along this covered walkway here to allow access from tenant space to tenant space and from the parking area into this tenant space area.

Board Member Rogan stated I think you should spend a little bit of the time listening to the Board that this concept on this architectural is not something that I am comfortable with.

Chairman Schech stated right now it reminds us of Stormville, Board Member Rogan stated they use those towers at a prison actually and it looks like a drive in garage for a mechanics shop quite honestly. We are getting more comfortable with the project I would hate to see you lose us on architecture. I probably have not felt worse about a project as this one in terms of the architecture so I don't want you to waste more time. I don't believe in wasting people's time.

Mr. Mansfield stated we had several different concepts for this plan, this particular location. Lou and I reviewed the project and he really stressed to me that he wanted something very simple, very uncomplicated and that is where we came up with this concept again the idea is that it is just a simple structure with simple elements to it a lot of the beauty of this structure is in the concrete, the material itself really and I think regardless of what we do with the rest of the façade I would still strongly suggest that we stick with that material because I think it is a good durable material and in that I just wanted to speak to the colors that we are considering. The idea is that at the base of the building, the body of the building would be this lighter color, concrete masonry unit, the darker areas that you see shaded in here would be this darker color and where you see the material actually appear like it is sticking out beyond the face, it is not really sticking out beyond the face what it is is we would be utilizing a split face block to get a little more depth an richness to the color of the block.

Board Member Rogan stated it seems that your proportions are not proper though on the narrowness of the what do you call the structures that are basically on the ends right now.

Mr. Mansfield replied well I am referring to them as towers.

Board Member Rogan stated towers are and I think maybe it is the proportions that seem to be I don't know I should shut up and let the rest of the Board speak.

Board Member DiSalvo asked you are planning on retail.

Mr. Mansfield replied yes and to speak that if I may for just a moment, the idea is that we have to start off with a minimum height at one and it pretty much goes to whatever it is so we are starting at a twenty foot height over here and it winds up being about twenty-four foot height at this end. We are dealing with also a slope of the grade that we have there. Certainly, we could look into possible dropping the scale with some of this, maybe even some of this as we look at it, I would talk with Lou.

Rich Williams stated if I could just jump in here for a second, Joe I saw one of your other designs for this site it was very impressive to say the least. I think that is something that would be more a kin to what the Board is looking for as far as the style of architecture that they would like to see through out the Town and on this site as opposed to the style that you are showing here and I think that is the direction that they are trying to give you tonight.

Board Member Pierro stated I would like to see the alternatives Rich before I beat up any further on this man's work I would like to see alternatives. I agree with what Shawn is saying it is not what we are really looking for.

Board Member Rogan stated not at all.

Board Member Pierro stated I can't stand here and beat up on this man's work without giving him suggestions on what we want to see.

Chairman Schech stated we are not trying to steer you we are just trying to push you.

Board Member Rogan stated if we have another plan let's pull that out and take a look at it.

Mr. Mansfield stated if I may I can show you that, this is the original rendering I proposed to Lou.

Board Member DiSalvo stated this is like a barn idea.

Board Member Rogan stated you can see the proportions on it, it looks completely different.

Board Member DiSalvo asked and that was also out of concrete.

Mr. Mansfield replied because of the nature of those structures it really can't be out of a concrete block perhaps the main building yes that would be concrete block but all those structures they really need to be true to the architecture they really need to be more in keeping with clapboard siding, shingle siding whatever might be appropriate.

Board Member Rogan stated if there is nothing else that the Applicant should have learned on this is that if he just listens and gives in a little bit we would get this approved and done. It is not your fault on this but,

Board Member Pierro stated it is kind of obvious that this is going to cost much more than that. I understand his mindset but this at least has got some country flair to it, a little style to it. I think this is nice.

Board Member Rogan stated I am sorry I hope that you didn't feel like I was beating up on you. It is not you at all, it is not personal. It is purely the design.

Mr. Mansfield stated no I don't take it personal thank you though.

Board Member Rogan stated I appreciate your time though.

Board Member DiSalvo asked is this building the same size as that.

Mr. Mansfield replied yes it would be.

Chairman Schech stated why don't you see if you can sell him on that.

Board Member Rogan stated let's send a copy of the minutes to the owner and make sure he reads them.

Ms. Ryan asked if you want to move this along can we start SEQRA.

Chairman Schech stated no.

Ms. Ryan stated all you have to do is declare your intent to be Lead Agent.

Chairman Schech stated let's take a look first.

Mr. Mansfield stated if I may I think the architecture certainly can work around whatever Insite is presenting here as the site work. I am certainly more than willing to work with you and I am sure the client will be as well.

Board Member Rogan stated not to disagree with the Chairman but I think starting the SEQRA process doesn't hurt us in anyway. (TAPE ENDED)

Board Member Pierro stated it might push Louie a little further, it might push him a little faster Herb.

Board Member Rogan stated a good faith gesture.

Ms. Ryan stated what we would be circulating out of the site plans I mean if the Board is pretty much good with the way the site plans layout.

Board Member Rogan stated I will tell you the only thing that I would like and I know it may not be a big issue to you but I would really appreciate if you would keep the entire basin out of the buffer. If it means taking five feet off the building and pulling the parking lot a couple of feet I would love to see that so that it is clear.

Board Member Pierro stated it makes it so much easier.

Board Member Rogan stated because you showing the basin I don't know I am hoping your outer line is the limits of disturbance but if it is not then we are going further into the buffer so I would prefer to not.

Ms. Ryan stated we have all the grading on this drawing here so basically we drew a line around the top of the berm, the outside, the top of the berm.

Board Member Rogan stated so you are into the buffer on grading in many spots.

Ms. Ryan stated yes.

Board Member Rogan stated okay see that is what I am concerned about.

Ms. Ryan stated okay we will see what we can do.

Rich Williams stated Shawn, just so you know I did hear from Ted today I actually kept the message because he liked the plan.

Board Member Rogan stated yeah I know but I am going be a little bit more tough than Ted on this one.

Rich Williams stated well that is fine I don't have a problem with that.

Board Member Rogan stated I think if we have the ability we should do it on every case.

Ms. Ryan asked just reduce the scale of the stormwater basins or get them out of there all together.

Board Member Rogan replied lets try to keep everything out of the buffer as best as we can.

Ms. Ryan stated really.

Board Member Rogan stated I think so. You don't think so Theresa.

Ms. Ryan replied it will significantly reduce the size.

Board Member Rogan stated well I am just one person.

Board Member Pierro asked isn't there a way that, Ms. Ryan stated I mean this was pasture land,

Board Member Rogan asked well how about the basin itself if you keep the basin out and we are just talking about a little grading now we are compromising.

Ms. Ryan replied okay I will see what we can do.

Chairman Schech asked did they change their rules and regulations on these basins that is not helping us at all, DEP, DEC and God.

Board Member Rogan stated Theresa the concern that I have here this is brand new construction and I don't feel that quite honestly that I owe the applicant the ability to build on this lot I mean it is not previously approved by the Town and we are coming back in. It is not like the analogy of a subdivision lot that has problems now because Codes have changed so I really feel that we need to meet these requirements. I just think that obviously if we can't meet them then we are over building the lot and I won't agree with it as much as I think it fits now I think if we can pull it then you have my full support on it.

Ms. Ryan stated also this land actually right up to the wetlands most of it has already been disturbed.

Board Member Rogan stated yeah I know I was out there but I still don't think, disturbed in the case of a farming activity or something anyway you have my feeling on that and that is where I stand.

Chairman Schech asked how many square feet do you have any idea how many square feet we would lose on the building if we pulled it back.

Ms. Ryan stated I was estimating maybe a quarter to a third of the improvements would be lost if we took it out entirely.

Board Member Pierro stated why don't you take a closer look at it Theresa and then let's see what we can do.

Ms. Ryan replied sure. The Board has already done their site walk.

The Board replied yes.

Board Member Rogan asked Maria have you ever been out there.

Board Member DiSalvo replied no.

Board Member Rogan stated actually when we were out there the wetland delineation was kind of funny because it was wherever they could reach to set a flag it was very like follow the mower path kind of thing.

Ms. Ryan stated it looks like there is some stakes out there too they were adjusted.

Board Member Rogan stated they must be adjustments.

Ms. Ryan stated there were flags and stakes.

Board Member Rogan stated Ted had gone and looked at it.

Rich Williams stated Beth Evans and Ted worked on delineating the line out there.

Board Member Rogan stated you know what though if we are going to be across the street at Poppy's and Maria wants to walk it we should do it.

Ms. Ryan stated it is an easy walk.

Chairman Schech stated all right we can stop by Saturday.

Ms. Ryan thanked the Board.

### **13) OTHER BUSINESS**

#### **a. Couch Road Subdivision**

Mr. Joe Buschynski, Bibbo Associates and Mr. Tom Frasca and Mr. Vince McGough, Applicants were present.

Chairman Schech stated you gave us too much information so we are all confused.

Board Member Rogan stated we like little pieces of each one of the plans that is what happens when you give people three choices but we did have some common view points though. There were varying degrees some of the people on the Board thought that the houses should be I am talking about say the first four houses from the bottom of the plan in other words on the southerly part of the property that they should some people felt further back some people felt closer to the road but where the Couch Road takes a down hill turn we all felt that we didn't want driveways once we hit that break. Truth be known we would prefer to pull some of the houses closer to the south and possibly not even have or at least the house might be okay there but not have the driveway going across that steep slope because the clearing and the grading that would be involved in putting that driveway in, you know when we are looking at a piece of property like this we are looking at obviously keeping some green, some open space of course, keeping some wildlife corridors in this case you have kind of cleared all from the houses to Couch Road more or less because of the driveway configurations; of course I am looking at the top left plan right now. I think that the Board generally felt that the property to the south could be used. We talked about maybe one common drive to get to that back area where you show the northerly house but I will tell you there were so many different opinions on this so I am really speaking, trying to speak for everyone.

Chairman Schech stated one was trying to get all of the houses off that large parcel on the top the real steep parcel and pulling them all down towards the southerly part.

Mr. Buschynski asked when you say steep part you mean (pointing to the plan), Chairman Schech stated that one up there yes. That is about the steepest area right there in the front.

Mr. Buschynski stated in front yes.

Board Member Pierro asked so the upper part is north correct.

Board Member Rogan replied yes.

Mr. Buschynski stated obviously it is this configuration to get the proper grade.

Board Member Rogan asked could you bring the driveway in to that house from the opposite side of the house and bring it in I am looking at the white area, right up through there (referring to the plan). I know you have the septic going there somewhere but,

Mr. Buschynski stated more than likely. (Hard to hear the rest of his statement).

Board Member Pierro stated there is some issues there with the road frontage too. Most of the stonewalls in that stretch are ten feet above the road surface,

Board Member Rogan stated a heck of a cut.

Board Member Pierro stated and for years I mean the road has been carried away and there is some problems there and I know some of our neighbors here don't want to hear me say this but something has got to get done out there whether the road gets paved or not but some of those stonewalls are going to roll into the roadway and maybe hurt somebody and I don't know if it is your responsibility to work on those stonewalls.

Mr. Frasca stated well our intentions are to improve those stonewalls but not to the extent of over improving. (Hard to hear).

Board Member Rogan asked you don't seem that bashful but would you mind standing up so we can capture what you are saying.

I am Tom Frasca I am one of the principals of Couch Road Corp. no our intention is to bring the stonewalls back to a state where they are aesthetically pleasing and obviously structurally stable. I would rather not remove it I would rather integrate it into what we are doing except for where we have to make the obvious driveway cuts, line of sight there. I don't want to over build it for the area either.

Board Member Pierro stated right manufactured.

Tom Frasca stated out of the Vatican. I want something that kind of gives the rural quality that I think the area reflects.

Board Member Rogan stated I think the whole Board agreed we certainly could see you putting five lots on this piece of property. It is the on the top left plan it is that last lot to the north that we are having a little bit of a problem with. I will speak personally I think the houses should be brought closer to the road and the reason I say that is because of the character of the road a lot of the houses are already right on the road, me personally I think that then gives the back part of the property a little bit more of a wildlife corridor, it reduces some of our driveways even at the expense of possibly having a pump up septic I am not opposed to that but I think the houses should be a little bit closer to the road than what they are shown here and there is a difference of opinions across board. I may be the only person who believes that but I say it for myself.

Board Member Pierro stated I don't often disagree with Shawn but in this regard I like the larger front road, larger areas in front of the house being left alone, being wooded and houses going back farther because I think Couch Road is already a wildlife corridor and all of that property down below which is mostly wetlands is just one large wildlife corridor and I think it may remain the same I don't want to see the houses from the road. There is only one house or two that are close to the road within a few hundred feet of this.

Board Member Rogan stated if that is your point and I would actually agree with it from one standpoint then you reduce the number of driveways somehow so that we have less impact.

Board Member Pierro stated right and that is my point.

Board Member Rogan stated the amount of clearing with that top plan you don't have a corridor say in the front yard, if you leave them say the way they are now I am not a fan of common drives but in that case what Dave is saying I would prefer to see the first four

houses split a common drive for each two something like that so that we have one point of I don't like common drives though so.

Board Member Pierro stated I think in this day and age with this kind of construction in the Town of Patterson these houses are going to be seven or eight, nine hundred thousand dollars you are not going to get trailer trash buying them. I think upscale people are usually a little more intelligent I think they can get over the common drive way issue and sort of we don't have to worry so much about the old issues with common driveways that we have had. If somebody throws up a fifteen hundred square foot raised ranch and everybody is fighting over whose parking what I don't think that we are going to have that problem.

Mr. Frasca stated one of the things that we discussed and we talked to a lot of people because this was in the works for about a year before and we took a number of comments from various people. We said okay let's integrate it and kind of point us in a direction. One of the things I was always in favor of which we had discussions with Rich about was running a hundred foot conservation easement all the way up, Couch Road and I know there is concerns about if we have to go back and disturb that area or whatever,

Board Member Pierro asked you mean lineal on the road.

Mr. Frasca replied yes a hundred foot wide buffer running the whole length because we wanted to keep that rural quality.

Board Member Pierro stated I was hoping for more than that I was hoping for a hundred and fifty I think you can do it. I think you can do it. It is only an easement, it is only a conservation easement and it means protecting the trees.

Mr. Frasca stated I actually moved the driveways a couple times because we identified a few trees that we don't want to cut. Some of them were ancient, (too many speaking at the same time unable to transcribe).

Mr. Frasca stated I know that there is concern that if we have to go into the conservation area with whatever drainage we would need, driveways or whatever the DEP may require that we are disturbing the area but obviously we would put it back, restore it and plant native trees. I always (hard to hear no mic) highest and best use for property and if I also understand conservation and from a marketing standpoint for us it doesn't really matter either it is going to be horse property or it is going to be surrounded by a conservation area both of them having a pretty general appeal so it doesn't really matter to us we really just need a direction from you.

Board Member Rogan stated it is beautiful property.

Board Member Rogan asked Joe, the plan to the right that shows the three houses off of the one road or driveway would that be a common drive or would that be a Town road.

Mr. Buschynski replied a common drive was the intent.

Board Member Pierro stated I can swallow that. I really can I know that Mike (Board Member Montesano) didn't like it way back when but I think we have to be creative because of the road and the site.

Board Member Montesano stated my feeling is I don't like the common driveway, I have been to Greenwich they argue about twenty feet of property so since we are worried about this trailer problem that my, Board Member Pierro interjected esteemed colleague, Board Member Montesano stated my friend at the end has, I believe people will argue until they are green in the face no matter how much money they may or may not have. I have seen an awful lot people discussing with community driveways that just don't get along. The first time you have a party of any sort someone blocks the driveway all hell breaks loose but that is my feeling on community driveways. If we are going to have a conservation easement I would like to see it more in the back of the property where there is less activity going to take place rather than having, the houses are near the front of the road now and the majority of the houses on the street now. If people are going to build house some people like to show off their house other people don't that is something you have got to contend with when you talk to them. My feelings the conservation easement would be in the back this way if there is any wildlife the people that live there don't have to have people walking across the front of their house because there is a conservation easement. I would think it would be easy to put in some kind of roadway on one end of the property where they can go scoot back out there.

Board Member Rogan asked Mike, are you talking about, when we are thinking of conservation easement we are not thinking about opening it up to the public though.

Board Member Pierro stated we are talking about protecting the,

Board Member Montesano stated you are going to have people walking if there is something in there.

Board Member Rogan stated I would think it would be, Board Member Pierro stated it is still private property Mike.

Mr. Buschynski stated there is a provision and there was a request to have a trail system.

Board Member Rogan stated on that piece we understand.

Board Member Montesano stated now also you are going to have a problem because people will wander whether they are trespassing or not.

Board Member Rogan stated I understand.

Board Member Montesano stated to me if the people have less of a problem they are going to be at the back of the property they are out of the way. Still my main problem is putting in a community driveway. I have seen too much of it that is my personal experience with them. I think they end up causing like I say I have been to Greenwich and they have a few dollars the people I know and they seem to be for a lousy two hundred feet you are going to argue but they argue over twenty feet and they do fight.

Board Member Rogan stated I agree with that.

Board Member Montesano stated and they are in court and people that are supposedly so nice do create major problems.

Board Member Rogan stated they step over the dollars to pick up the pennies.

Board Member Montesano stated that is unfortunately how they got there and pennies are very important to them plus that is there prestigious and I say I think if you are going to pay that kind of money for a house you would like to be able to show it off a little bit.

Board Member Rogan asked so Maria it is your turn.

Board Member DiSalvo stated I am not a fan of common driveways either but you are not talking like the same driveway with two houses on it.

Board Member Pierro stated right.

Board Member DiSalvo stated I mean this is not really a common drive it is a common cut in the road.

Board Member Rogan stated but I mean you are talking about two driveways side by side in the same cut.

Board Member Montesano stated if you are going to put driveways side by side they are individual driveways.

Board Member DiSalvo stated I like the top plan here with the three cuts.

Board Member Montesano stated that does not bother me, making it individual driveways.

Board Member Pierro stated fine then we agree on that Mike. I like the top plan.

Board Member DiSalvo stated I kind of like the conservation easement in the front. I don't want to drive down that road and see six houses so visible one after another.

Board Member Rogan stated that conservation easement will help with that too keep a good buffer.

Board Member Pierro stated that whole area whether if they put six houses in there it is still going to be wildlife habitat because that area is just inundated with animals.

Board Member Rogan asked inundated.

Board Member Pierro stated inundated.

Chairman Schech stated I like the top one. I would rather see that one house out of that one large lot.

Board Member Pierro stated I agree with the Chairman on that if we could pull that house out.

Chairman Schech stated and I would like to see the conservation easements between the lots moved to the rear of the lots. There are conservation easements between the lots aren't there. Board Member DiSalvo asked between the lots, property lines.

Rich Williams stated no what you are looking at is setback lines.

Chairman Schech stated sorry I thought they were conservation easements.

Mr. Buschynski stated we were attempting fifty feet here, (unable to hear too many talking at the same time).

Chairman Schech stated okay so those are just setbacks I am sorry. When it comes to common driveways I have them at my house and I have got my trailer trash wife hates it, my son in law and daughter hate it.

Board Member DiSalvo stated but you have all your family on the common drive.

Chairman Schech stated I know, the whole family is on it, one is going too fast, one is going too slow but I had no choice in the matter. It was either that or three flag lots but common driveways cause problems I don't care who is on it.

Board Member Rogan asked Joe what about the idea in terms of minimizing disturbance obviously you get a sense from the Board that most of us don't really care much for the common drives of running the cuts for the driveways I know that offset is supposed to be what ten feet from the property lines,

Rich Williams replied well,

Board Member Rogan stated but we are talking about that but if we ran driveways virtually side by side so that we had one cut across the slope and even if we left a buffer strip between them of ten feet I think even then your overall impact you are not bringing like this case to the south you are bringing two driveways up and around, two different cuts to you know two different areas that you have to clear is there a way to look at bringing those four houses,

Mr. Frasca asked doing this referring to the plan.

Board Member Rogan asked what I am saying is there a way to access those two houses with one driveway scheme but build two driveways side by side in other words either have the property line follow the driveway, could we look at something like that.

Board Member DiSalvo stated I think that would be worse.

Board Member Rogan stated well it wouldn't be worse because you would only have one cut.

Board Member Pierro asked and would that require a waiver.

Board Member DiSalvo stated I mean as a homeowner I think that would be worse.

Board Member Rogan stated you would have your own driveway though,

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

Board Member Rogan stated I don't understand explain to me why it would be worse.

Board Member DiSalvo stated they have their own driveway here it is just going, Board Member Rogan stated they have their own driveway but you have got twice the impact. You are separating the impact into two areas of slope. If you bring it together and have one cut that they basically have to grade part of this hill to get a driveway up through to grade out another fifteen or twenty feet isn't as cumulatively as big of deal.

Board Member Pierro stated and there is less impact.

Board Member Rogan stated Joe probably has a million and one things going through his head that is saying that it can't work but it is something that you might want to consider.

Board Member Montesano stated the first time somebody plows, Chairman Schech stated the two entrances put together like that is going to basically alleviate a lot of problems.

Board Member Rogan went to the plan on the Board and stated what I am saying is you have got septic areas right now that are limited by your driveways if you could push those septic areas out a bit right now you can't because of the driveways but if you could bring a driveway let's say that these property lines and went up through here and you were able to keep the two driveways together and access both, switch around the houses so the driveways go opposing each other, the garages now you are not crossing two areas of steep slopes you are crossing it once with one impact and you have more buffered area which the Board is feeling pretty strongly. (Unable to transcribe too many conversations going on at the same time).

Board Member Rogan stated now Rich has a problem with, do you want to talk in terms of our zoning you were talking about currently that would not be an option because of the offset from the driveway to the property line.

Rich Williams stated that is correct our current zoning does not permit driveways within ten feet of the property line.

Board Member Rogan asked can we recommend to the Zoning Board that they grant a variance or waiver on that.

Rich Williams replied no.

Anthony Molè asked plus wouldn't that result in, those two lots you were just pointing to that one on the bottom if you make the driveway on the bottom go along with the driveway on top his driveway is going to be on the other person's property.

Board Member Rogan stated no I am saying neither one of them the way they are presented will work I was trying to illustrate just that they would follow, you need to look at the grading and try to figure out if you could create a property line that meets the front, whatever you call it the road frontage so you need to maintain your road frontage but there is nothing saying that the lot line can't run anyway it is just a thought but I think if you could do something to that affect with these four lots, you got the fifth you may even then be able to break off and put your house in here for the sixth and get all six maybe this is the one that you have to come in and then you can branch off but again you are not crossing, we definitely nobody likes this area right through here including you guys I am sure.

Rich Williams stated I do have a couple of things that I would like to throw out here first, to answer your questions within the current zoning changes that are being considered by the Town Board there is a provision that will allow the Planning Board under a certain circumstance, under finding a unique situation to vary that standard about the setback so I built it with the current changes so assuming that gets adopted by the Town Board you will have that flexibility. You can do common drives. As to the issue of the hundred foot conservation easement I use to feel the same as you gentlemen did that it was really important to have that conservation easement, I have seen a couple of subdivisions more particularly the Big Elm Subdivision to realize with all the best intention it just doesn't work by the time you get the driveway cuts in, the grading for the driveways, Joe and I have talked there is going to be stormwater issues on this because he is exceeding the DEC Permit that may, the low point is the road, that may impact the amount of clearing that you are going to have along the road. The best you are going to do is good design out there and a conservation easement with all the best intentions are going to be just that good intentions. The last thing that I just want to throw out here is you know aren't you glad you bought this site, regardless of what you come up with you still have to make sure that you comply with the current requirements and I did talk with some Town Board Members about building some additional flexibility in, we are doing that with the new zoning changes hopefully they are going to be considered next Wednesday night, we should have an answer as to whether that is going to forward or not but you do have to comply ultimately and that is the challenge on this site because again, as we are finding out the zoning regulations, the design requirements of the subdivision regulations work great on perfectly round, perfectly square lots and we just can't find any in Patterson.

Chairman Schech stated I would say lean towards the top one do some magic.

Mr. Buschynski stated but the top one isn't in compliance with the cluster.

Chairman Schech stated convince us that it is.

Rich Williams stated and that is the rub. What you gentlemen prefer to see is not what is in the best interest of the Town ecologically.

Board Member Rogan asked is not in the best interest of the Town what was the last word you said.

Rich Williams replied ecologically.

Board Member Rogan stated I don't see how that isn't in the Town best interest, reducing impacts, creating, me personally I would rather have the conservation easement in the back because I think the view shed to the back with the slopes and everything even with a hundred foot buffer in the front you are going to see the houses from the road. It is going to break it up but people are going to do landscaping and such.

Board Member Pierro stated as I said earlier sometimes Rich and we disagree and on this point I disagree with Rich but I,

Board Member Montesano stated and thank God he doesn't vote (joking).

Board Member Pierro stated right. I think we can come up with a project that will be, will not create major ecologically problems.

Chairman Schech stated just leave enough room for the A.T.V.'s to run back and forth.

Board Member Pierro stated maybe you could put a covenant and a restriction no A.T.V.'s because people are going to be in Sterling Preserve on this one if they have A.T.V.'s.

Board Member Rogan stated we are a long way away from figuring out those things.

Mr. Frasca stated it is our intention to deed restrict the lot from use that would not be appropriate.

Board Member Rogan asked Rich, please jump in with what are our biggest stumbling blocks of meeting the Code for the top left corner plan. What is it about this plan that doesn't conform to the new code.

Mr. Buschynski replied area.

Rich Williams replied yes area,

Mr. Buschynski stated these are four acre lots, all four's and one ten.

Board Member Rogan asked and you are saying it does not comply.

Mr. Buschynski stated it is too big.

Rich Williams replied not with the cluster overlay provision. The cluster overlay provision is designed to take your development, your development density and squeeze it down into one area of the lot and protect the other area of the lot as a block of open space and what you want to look at in doing that is where the sensitive areas, where are the steep slopes and the wetlands and unique features of the site, where is wildlife corridors, what adjacent properties are there that are also protected open space so that we can try to create either these bigger blocks of open area, protected open space, or wildlife corridors.

Board Member Rogan asked what is the maximum size that those lots can be.

Rich Williams replied right now under our Code it is 55,000 square feet.

Board Member Rogan asked but we are increasing that.

Mr. Buschynski stated this plan here reflects compliance with the Code.

Board Member Pierro stated I just don't see the need to protect open space in this particular area we have three or four reserved properties within a thousand yards of this place and a lot of the other land is protected by wetlands. There is a three hundred and fifty acre State Park less than a quarter of a mile away. I mean this particular area I think it is more beneficial to the Town to allow a little bit of a stretch on the overlay zone.

Mr. Buschynski stated each plan does use the developable portions of the property. It does spare the more sensitive ridge area and the front. We are using the appropriate part of the property. This plan if we were exempt from having individual driveways (hard to hear). The driveways could be reduced then we are back to that type of concept over there on the top.

Board Member Rogan stated I think the problem is taking into account the cluster like say the bottom plan that you have right there it doesn't do anything for the Town other than create little vegetative strips. I don't think that was obviously the intent of doing that because now you have a project that meets the bulk area but they are still spread out all over the lot so you have got these compartmentalized pieces of open space, which are really a lot useful as one large contiguous block. I am sure you would agree with that. You know what I think the problem is I think that the cluster may work very well on a relatively flat piece of property, flat, open piece of property and you throw slopes into it, it just doesn't work. You go on a rural lot like this I don't want to see a neighbor a hundred feet away. The lots are too small for that property.

Mr. Buschynski stated we are concerned that as I pointed out in our transmittal that this plan doesn't work practically for bringing driveways into the lot and cutting next to septic systems, everything is confined.

Board Member Rogan stated I agree with you a hundred percent. I would think in this case, I would rather see us move forward with the top left corner and try to get this lot excluded from the overlay zone and I don't know if that is even possible but I also,

Board Member Pierro stated I would be comfortable with that.

Board Member Rogan stated I think if you could do that you are realistically looking at a five lot count and it will be a slam dunk if we can get it removed from the overlay zone. I think that top, that northern lot might be the one that is going to be a problem. I think in this case you do need the space around the houses with the lay of the land. You do.

Vince McGough asked can I say something.

Board Member Rogan replied please do.

Vince McGough stated his name. When I saw this property I just fell in love with it about seven years ago. I began working with the owner who subsequently died and I was able to work with the estate and so Tom and I went to contract with it. This is only the first time I

have done this. I want to live in one of these houses. I like Couch Road. I have been a Patterson resident for sixteen years and this is where I would like to live.

Board Member Rogan stated sure it is beautiful property.

Vince McGough stated this is the nicest plan, this one looks not so well.

Board Member Rogan stated that is terrible.

Vince McGough stated so like I said this is the first time I have ever done so we need some direction. This is the first time I don't do this a lot, this is the first time, I am not a wealthy man, I would like to live on this road, I have admired the lot since I saw it seven years ago.

Board Member DiSalvo asked so which lot would be yours.

Vince McGough stated probably the top if I could afford it.

Board Member DiSalvo asked well how do you feel about a common driveway.

Vince McGough replied I am pretty open minded one way or the other.

Board Member DiSalvo asked is your brother-in-law going to live next door or you know.

Vince McGough stated I would like to live in one of these houses if I can afford it. I admired the property for a long time. I would like to live there myself. I don't do this a lot so I want to get this one done so that I can live there. We need direction as far as what we should do.

Board Member Rogan stated all three of you are gentlemen and we appreciate all your efforts and just starting with three plans you may be feeling like you gave us too many options but we all went right to the top left plan and the one that we were thinking of starting with but sometimes it is good to see the other ones just as a comparison. I wish more people approached it the way you did they don't though.

Tom Frasca stated we both are in the real estate business.

Vince McGough stated (hard to hear no mic) selling houses working with people.

Board Member Pierro stated you are out of here then (joking). You mean you are my competitor oh, no I didn't know that. I am only kidding.

Tom Frasca stated we need to know what you want us to do.

Board Member Rogan stated here is the problem we are having we are a Board of laypeople, we don't do this for a living and this man does. All we can really do is say Joe this is what we are feeling about this and he needs to I mean quite honestly it is not our job to plan it. I wish I could come up and draw a perfect plan for you I don't have that ability.

Tom Frasca asked Joe Buschynski do you have a picture from what you have heard, a picture of what they would like to see.

Mr. Buschynski stated well the main issue is still how to serve these lots with lesser driveway impact but yet minimize the common driveway concept.

Board Member Rogan stated I hate the common drive but I want to almost go for two of them on this one if they were done right and drawn up right.

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

Mr. Frasca asked if we were able to bring the driveway cuts and collapse the area in between a little bit more, I am not sure Joe if I am talking out of turn then jump in but is it possible to run this up here, I think we can flip the septic's on this can't we.

Mr. Buschynski stated there is maneuverability.

Mr. Frasca stated so we will bring them in a little closer but bring this driveway up to here, maybe we have to make a lot line adjustment here. Would that allay any concerns.

Chairman Schech stated I would say try that and see then if you can't you could always lose that one house too. I know that hurts a little bit but.

Mr. Buschynski stated well again, we have to go back to there is a formula associated with this zone also.

Board Member Pierro stated right over lay.

Chairman Schech stated you don't have to stick to it do we.

Rich Williams replied yes.

Mr. Buschynski stated no I am saying the formula shows that it is clearly seven lots.

Board Member DiSalvo replied but after next week maybe not.

Board Member Rogan stated but that also takes into account all things being wonderful in the world and you have a lot of steep slopes on this lot. That is also no guarantee of what can be practically built it is a formula as you said it doesn't mean that then you are guaranteed this lot count. We can't guarantee I mean if that was all steep slopes you would say well by the formula I can do seven lots and if you only had septic area for one how many lots would you build.

Mr. Buschynski stated one lot.

Board Member Rogan stated exactly so I think we are looking at was is practical.

Mr. Buschynski stated you are saying I don't have six lots because you don't like a driveway.

Board Member Rogan stated no I think if you can get the driveway without going through that steep slope I am fine with it.

Board Member Pierro stated and I think you can because the steep slope is more prone to the front of the lot correct.

Mr. Buschynski replied where the shaded area is.

Board Member Pierro stated where the shaded area is but if you go around that.

Board Member Rogan stated I just think the amount of grading for that cut is ridiculous.

Board Member Montesano asked if the new gets approved it gives us some leeway as a Board to maneuver.

Rich Williams replied no.

Board Member Montesano asked none at all.

Rich Williams shook his head yes.

Board Member Pierro stated yes it does Rich.

Board Member Montesano stated at any rate that is what we want to try,

Rich Williams stated if it gets approved as it has been written now there is some flexibility in the design standards. Certain lots can go up to eighty thousand square feet, the minimum is still forty but now we are doing it we are also going to look at an average lot density so you have that.

Board Member Pierro asked so we would have the method to do this with the upper lot.

Rich Williams stated you would have the flexibility. There is also one other provision if you want to get away from the cluster provision all the way you need to get a variance, you need to get a variance from the Town Board.

Board Member Rogan stated with anything in an overlay or any of these zones you would think the flexibility would be inherent that if the situation meets certain requirements that we can ask for a variance or recommend that a variance be granted and at least be considered. The Zoning Board then feels that they agree with us,

Rich Williams stated well it is not the Zoning Board,

Board Member Rogan stated or the Town Board.

Rich Williams stated I mean there has been a lot of debate on this and I just want to bring this to some closure if I can ask Edie a question real quick, Edie out of all the plans which one do you prefer, the top left one.

**Edie Keasbey** stated the top left.

Rich Williams stated and here is the problem with writing regulations and trying to improve land use within the community; when you see three plans thrown up like that the plan that everybody always prefers is the large lot zoning which is what everybody calls sprawl, even Edie likes sprawl.

Board Member Pierro stated you trapped her. That was terrible.

Rich Williams stated but it is true this is what society, this is what we prefer.

Board Member Rogan stated you are right and I happen to agree with that concept that I would rather have twelve acres of property, no one around me. I would not buy a house if it was a hundred feet away to the next house but that is me personally. People move up from the City and they don't want to be in the woods there are people that will buy, either way no matter how this gets designed you will sell the houses that is obvious but the inherent value in those houses are going to be based on how the subdivision looks and what the usability of that property is.

Mr. Frasca stated (unable to hear no mic) I could cite several instances there is a few subdivisions in Stanford that have been marketed as conservation, (hard to hear) read between the lines it is swamp (unable to transcribe). We are not building a hundred houses.

Board Member Rogan stated I can appreciate that.

Mr. Frasca stated the market is always going to be there for whatever particular type of subdivision this becomes whether it is sprawling maximized use area or something surrounded with conservation easements.

Board Member Rogan stated you might have misunderstood me I am agreeing with you on that I think that whatever ends up here, Mr. Frasca stated my only concern is that we just have to have a clear direction.

Chairman Schech stated all right take the top left one and run with it.

Board Member Pierro stated run with it and if we can get that driveway off the steep slopes and see if we can get a little creative with the curb cut and combine those, is that the proper direction.

Chairman Schech stated the curb cuts you want to combine the curb cuts right where you have the two entrances.

Board Member DiSalvo stated yes.

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

Board Member Pierro stated nice to meet you Mr. McGough.

Mr. Buschynski, Mr. Frasca and Mr. McGough thanked the Board.

Board Member Pierro stated and you guys think you were bad with us wait until we get through with Joe Reilly here, my buddy Joe Reilly.

Board Member Rogan stated have a good night gentlemen.

**b. Reilly Wetland/Watercourse Permit**

Mr. Dick Clark, Harry Nichols Office and Mr. Joe Reilly, Applicant was present.

Board Member Pierro asked Rich Williams did you have further consult with Ted on this lot on moving the house as we discussed.

Rich Williams replied yeah Ted actually supplied a memo.

Board Member Pierro stated you are not allowed to buy anymore lots in Patterson anymore Joe.

Mr. Clark stated the house essentially got a little bit longer.

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

Board Member Pierro asked did you read Ted's memo. The last suggestion we had at the work session was to move the house to higher ground and Ted and Rich got together and pulled the house back this is a different plan correct.

Mr. Clark stated the house got, Board Member Pierro asked this is not the same plan we looked at last Thursday.

Rich Williams stated let me jump in here, this is close to the one that you saw, essentially what they did is instead the square box that was originally shown I don't know if you brought that plan. They actually showed what the house is really going to look like with the deck. I had met in the in between with Harry Nichols and talked about relocating the house into a different area of the site higher up which in my opinion still can be done. The issue is you can't build that house that style house in a different location of the property and minimize the disturbance. It would have to be a different style house and this has been one of the issues that I raised consistently with the Board that people pick their house and look for the site and try to figure out how to get it on instead of recognizing the constraints of the site and trying to design a house to fit the site. Ultimately again, we are back to where it was at the work session where it comes down to whether considering the time that has been spent on this already, considering the direction of the Town was to go get your approvals from other agencies whether you are going to accept this house in this location and considering the increase in size or whether you want to see a different house style shown on the site.

Board Member Rogan asked and this is a previously approved subdivision lot.

Rich Williams stated yes it was part of the Van Cleef Subdivision.

Chairman Schech asked did Ted see this.

Rich Williams replied no Ted has not seen this plan at all.

Board Member Pierro asked what is the dimension on that deck 30 by 31.

Mr. Reilly replied 30 by 16.

Board Member Montesano stated 50 by 27 wow.

Board Member Rogan stated that is not that big 50 by 27.

Chairman Schech stated for that lot.

Board Member Rogan stated well I understand,

Board Member Montesano stated for the property it might be.

Mr. Reilly stated about thirteen hundred square feet.

Board Member DiSalvo asked two stories.

Mr. Reilly replied it is a raised ranch it has one story.

Chairman Schech asked did you see Ted's comments on this no deck.

Board Member Rogan stated that was the comments on the old plan. Ted was also more concerned,

Board Member Montesano stated wait a minute, if you look at the old plan versus the new plan right because there is no dimensions on the original plan, proposed three bedroom residence I don't see anything there.

Mr. Clark stated essentially all it did was get longer and in the open area instead of the yard they are applying for a deck.

Board Member Montesano stated for a deck but he might, I can't make any comments until Ted sees this.

Mr. Clark stated the disturbance line remains the same.

Board Member Montesano stated yeah, I can see these people are going to adhere to that.

Mr. Clark stated there is also a stream in here they don't want to go back any further.

Board Member Rogan stated I feel bad for the people that buy this house quite honestly because they can't use the property.

Mr. Clark stated the people are right here and this is what they want.

Board Member Rogan stated you guys are crazy for buying this.

Board Member DiSalvo asked do you live up here currently.

**The woman** replied I live up here,

Board Member Rogan stated come speak we are happy to have you speak. What is your name.

**The woman** replied my name is Alicia Russo I have been up here for fifteen years I have been living up here. The house is for my parents. What was supposed to be a two month issue has now turned into a two year issue.

Board Member Rogan stated and I apologize for that but unfortunately it is the lot's fault.

Board Member Pierro stated it is not our problem, Caveat Emptor Maim.

**Ms. Russo** stated what initially had started out for something that was supposed to be relatively easy with the understanding they did move from a thirty-five hundred square foot home. They want something that is minimal they are both getting older, my father has diabetes he does not want to have the stairs. They also watch my children so the house layout what we were shown is ideal. It is not on top of the road and it is not too far back. As far as the property, the wetlands behind it they only had an eighth of an acre in White Plains he doesn't like to mow the lawn, he doesn't want a lot.

Board Member Rogan stated there isn't any area here for a children's play set.

**Ms. Russo** stated the side is all the area that they need to play and I have a two tier play set and all that so they will be back and forth between mine but the bus is right there. My son attends Mathew Patterson, my daughter with the little temper of a two year old I am trying to get her into Tots-n-Us so she learns how to play nicely. If I tell you our hopes have been so high and as we understood that Patterson was going to follow the DEC and the DEP and we have waited for so long and tonight, we couldn't even take my mother because she would have passed out. We were here last week when we messed up what the date was and we walked out of here and had to tell her that it was called on the account of snow because she would have fainted. Her health has diminished just waiting for this, waiting for this. I mean certainly they are not looking for a bigger house. They are not looking to throw on an addition afterwards nor would they ever.

Board Member Rogan stated you could not approve one. There is no way an addition.

**Ms. Russo** stated they wouldn't want one by the time (TAPE ENDED).

**Ms. Russo** stated I was very involved with the DEC and DEP I am very aware of the aerobic system, very aware of the plantings that are being required and actually my mother loves the plantings.

Board Member DiSalvo stated but there are restrictions of what you can't use. You can't use certain detergents, what were some of the other things on that list.

Board Member Rogan stated it is exhausted the list of what you can't do with this but having said that I reacted in saying you shouldn't buy it I don't mean that I just think that you should be aware of not only the complications but the limits, the severe limits of this lot and anything and I honestly believe and will make a recommendation when this gets approved that the way it is shown on the plan that nothing further should be done. I don't care if you want to add five feet more to the deck or a handicapped ramp I don't think it is going to be approved.

**Ms. Russo** stated we don't need to at all. I mean we have no intentions.

Board Member Rogan stated the problem here is that someday eventually another person will own this house and they are also going to have to be told how severely, what happens unfortunately for us is that a Real Estate Agent will come in and they will sell the house and they will give them all sorts of hopes and we have seen it happen. The new owner comes in and says well they told me I could put this and unfortunately now we become the bad guy because we are limiting people. We are not limiting people it is this lot that is limiting people.

**Ms. Russo** stated and we understand that going in.

Board Member Rogan stated we are more than willing to help you out here it is a matter of dealing with the constraints of the lot in a balance, in a way of doing things that is good for you as a property owner but also good for the environment as obviously you know because of the length that the DEC went through in approving this. All we are trying to do now is make sure that any further impact such as this deck, which wasn't shown on the last plan that we can evaluate the impacts.

**Ms. Russo** stated we have no where to go I mean you have seen the changes from two years where are we going to go right now and we don't have anywhere to go.

Board Member Pierro stated Joe also and I know that you are very good builder but you should have known when you bought this lot.

Mr. Reilly stated well you know it was a lesson learned when we purchased the property it was subject to Health Department, DEP review, it was an approved lot by the Town with the subdivision and we went through that not knowing that every so often the wetland boundary moves. We didn't know that.

Board Member Rogan stated nature is always changing on us.

Mr. Reilly stated right.

Board Member Rogan stated really.

Mr. Reilly stated no I understand that. I didn't know that and,

Board Member Pierro stated you are well aware that today this lot would never get approved.

Mr. Reilly stated and I understand that.

Board Member Pierro stated and I don't want to sound like I am threatening you Joe but we are looking at a plan that is twenty-seven foot wide by fifty.

Mr. Reilly replied hmm, hmm.

Board Member Pierro stated promise me that is what is going to get built not an inch over.

Mr. Reilly stated that is it.

Board Member Pierro stated not an inch.

Board Member Rogan stated it will be moved.

Board Member Pierro stated our current recommendation says no deck now we are looking at a new plan is Ted intimating that, is Ted suggesting that no deck be built on this house. I don't think that,

Chairman Schech stated he didn't see the new house.

Rich Williams stated I haven't reviewed Ted's memo that well,

Board Member Pierro stated on the first house there was no deck.

Board Member Rogan stated if I may what he said, he says there should be no further consideration for future site improvements now he is basing these comments on the past plans that will disturb the buffer area of this site. This includes buildings, pools, patios, decks and lateral building extensions. So, I am wondering based on that comment whether or not Ted would approve the deck location or whether he would have approved it on the last one.

Rich Williams stated really I think it goes back to what we talked about at the work session and Ted's position at the work session is there is no reason that we can't move the house and I think that is where he starts his memo off with is,

Board Member Pierro stated the house being relocated.

Rich Williams stated right.

Board Member Pierro stated but I am still not calling this an approval to build a house with a deck on it.

Mr. Clark stated if I may point out the deck is simply being put over the lawn of the backyard so you are relinquishing the use of the lawn for a deck.

Board Member Montesano stated you have to put stuff in the ground to support the deck.

Mr. Clark stated it is only three lolly columns, four lolly columns.

Board Member Pierro stated I mean originally at our work session Ted was not in favor of moving the house,

Board Member Rogan stated no he was he wanted, Board Member Pierro stated I think I was the one that brought it up and you called me the next day and said we are going to talk about moving the house up into the higher ground where that older road bed was. I think Ted would go along with the deck in this position but I would like to hear from him.

Board Member Montesano stated we don't know until he sees it so we are stuck again. I wish we would have got the plans, the changes a week ago when we could look at it. We can't look at it tonight.

Mr. Clark stated we do have some minor comments that we have to respond to so in that time period we would like to hear from Ted on the deck.

Board Member Montesano stated well I don't like getting plans the night of the meeting.

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

Board Member Rogan stated so the house and half the septic system are within the buffer and that is probably what promulgated all the restrictions from DEC in terms of the system we understand that. The DEC approved the septic system to service the lot they probably weren't so much approving the house location they were approving a septic system.

Rich Williams stated they should have approved all the disturbance within the buffer area.

Board Member Pierro stated but this house is in a better position as we are looking at it now from what we looked at with the first plan correct.

Rich Williams replied no it is in the same position.

Board Member DiSalvo stated it is just bigger, longer.

Board Member Pierro asked let me see do you have the old plan.

Board Member Montesano stated yes you should have one right there.

Board Member Rogan asked Rich is DEC in the habit of making recommendations by that I mean will the DEC make recommendations and say okay this may work but here is a better way to do it. I know that a lot of times agencies don't do that.

Rich Williams replied that I have no idea.

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

The Secretary stated you know what I am sorry to have to interrupt but they are having a conversation, you are having conversation and let me tell you it is just not going to work on the tape.

Board Member Montesano stated then everybody is quiet until we raise our hands and one person at a time.

Board Member Pierro asked Rich can you come up here for a minute. Wouldn't it be better to move this over into this area.

Rich Williams stated as I showed you before it is possible to fit a house in and meet our zoning requirements and put something in here. The problem is you cannot put this style house in this location. You end up with just as much disturbance so what it would require is an entirely different style house. I don't know if you gentlemen want to jump in here at all whether you have looked at that or not.

Board Member Pierro asked what style house are we talking about.

Mr. Reilly stated the house that we are proposing is a raised ranch.

Rich Williams stated it has got a basement, it has got a garage under the first floor.

Board Member Pierro asked in this style house the second plan coming in.

Rich Williams replied same thing.

Board Member Rogan asked is it a true raised ranch.

Mr. Reilly replied yes.

Rich Williams stated that is what this really should look like.

Board Member Rogan asked enter mid way and half to go up or down.

Mr. Reilly replied yes.

Board Member Rogan stated I am surprised they would look at that kind of a house for older people that you have to come in and go up or down a set of stairs.

(Unable to hear Ms. Russo) (Too many conversations going on at the same time).

Board Member Rogan stated well we are going to have to penalize Harry a bit,

Rich Williams stated it would be nice if you could.

Board Member Pierro stated for the record if we throw him out of a meeting it will get his attention quick.

Rich Williams asked Joe do you want to talk about the issue of the house style.

Mr. Reilly replied okay well way back when, like I said when we bought the lot I thought the lot was approved not knowing that the wetland line was going to change and it was time to re-flag the wetland, so we did have the DEP at that time give updated approval and the Board of Health, Ted Kozlowski stepped in and said the wetland line has moved, he informed us, we stopped construction and he sent us then to the DEC and back to the DEP. How he informed us he said listen this is how it is going to work you are going to go these entities and basically I am going to follow them. This is out of my league. It is above me now so we followed his directions. We went back to the engineer and we hired Terry Hahn, a Planner to work with the DEP variance because we needed a variance to now build in the new buffer being that the wetlands has encroached closer to the road. What we had done was just basically follow Ted's orders on what to do, we have done it, we submitted to Ted our new plan and then now we informed the Town the exact house we are putting on there. Generally, you know up to a few years ago, you submit a house this is the block and the house gets moved around a little bit, you have flexibility well now it has got to a point where it has got to be right down to the last inch of what is going to be built on this piece of property and from my understanding was to have everything correct tonight for the Planning Board so you could see the house but after tonight if it does get approved that is it. There is no other approvals, no other changes on this lot and it stays the way it is approved tonight.

Board Member Pierro asked is there any other way to get this house over to the south a little bit more.

Joe Reilly replied by doing that Dave, by moving up closer to the center of the lot let's say over to the right you would have to have like a two story colonial.

Board Member Pierro asked why.

Joe Reilly stated with the grade the driveway coming into the house we would have to have the driveway level or bring it up rather than a raised ranch it would have to go underneath so we would have to fill it, the basement so we are going to be bringing in fill so we could have the driveway level with the first floor and then we are taking away from the raised ranch style. What the problem is can it be done yes but I am trying to hold our contract with the people that I went into contract with two years ago.

Board Member Rogan asked Joe, my question the reason I asked about the raised ranch is because to me when I think of people and I have been talking to my parents, my own parents who are getting ready to retire about what kind of house, they own a raised ranch now in Mahopac and I said for the future what would you like to do and I am trying to talk them into a ranch with no basement on a slab, everything so that there is no stairs at all because they are saying I come into my house, I can't even get into their house without going up or down a flight of stairs and to me that is the worse design for people that are getting up in age because now maybe okay but five years from now or seven years from now as people get older those stairs are a killer so that is why I am very concerned for you that this is probably the wrong style house for what you saying.

Ms. Russo stated and we have thought it out, coming from a large colonial going to it is a step down for them for the ranch and again, that is if they enter through the garage. My mother typically if they come through the front door it is only six steps up.

Board Member Rogan stated it is a half of flight.

Ms. Russo stated a half of flight right versus the downstairs and my mother is a person who is typically in the kitchen or out in the yard. She is not running up and down the stairs.

Board Member Rogan asked the kitchen is up stairs,

Ms. Russo replied right and Dad is in the bedroom watching TV. or in the living room watching TV. so really we have thought it and compared it. They are staying with me in a colonial right now and I see it more for him with the stairs than my mom. We did examine that.

Board Member Pierro asked they are restricted on how much cut they can do on the southerly side of this lot.

Board Member Rogan stated they are restricted on the amount of disturbance. The disturbance is directly proportional to what kind of cut and fill they are doing for this house.

Rich Williams stated the issue is Dave even if you move the house farther up the hill and you keep the same style house a raised ranch is a particular style house and it is going to require a certain grading plan you end up with the same amount disturbance. It does not matter where you put a raised ranch on the site. If you change the style of the house to a ranch or a colonial something like that then you could work with the grading to pull the house up, again you put some retaining walls in, some wing walls to deal with the grade issues and that works but a raised ranch comes up with the same disturbance no matter where you put it on the site.

Board Member Pierro stated and I am aware of the level of disturbance we have to put in but my concern is this current house location is in probably the lower portion of this lot correct.

Rich Williams replied it is about as low as you can go before you are in the wetlands all together.

Board Member Pierro stated that is what concerns me that it is really in a low elevation we may be creating a monster here.

Board Member Rogan stated the only saving grace Dave is that it is a flatter area, it is lower but it is flatter.

Rich Williams stated and they have got all the runoff they have pitched it, Board Member Rogan stated so at least from a standpoint of runoff, erosion, being able to use the little bit of the property that they do have around the house. None of us obviously are happy about this and I know you are not either and I know you want to get this over with but I think our concern also with the size of the deck proposed I would be willing to approve the location of the house probably a slightly smaller deck but it would have to be contingent upon Ted

approving it because he has not seen this plan and also some demarcation of that wetland permanent demarcation, signs. There is obviously some restrictions that would need to be placed on this so that the next owner, not that we want you going anywhere but the next owner would be fully notified and we are going to put it into the record here that we don't grant variances the Zoning Board does we would make a negative recommendation against any variance to this property in the future if it ever came up because I don't think it is appropriate.

Ms. Russo asked when you say reducing the width of the deck versus the length.

Board Member Rogan asked the width is sixteen so if it was like twelve that would be a potential.

Ms. Russo asked can we split the difference like fourteen.

Board Member Rogan stated you didn't have any on the last plan but I don't blame you for asking.

Ms. Russo stated my mother that is her one saving grace is to sit out on the deck. The width you are looking for so if we took it and made it longer.

Board Member Rogan stated well here is the thing it really has to do with how our Wetlands Inspector, Ted Kozlowski feels about it because to me the deck is not as much of an impact as let's say if that was a patio. A patio you are covering there is no permeability there. I personally don't have a problem with the deck the size that it is because sixteen foot is a nice deck. I am trying to coming up with some thing here that we can get this through because I understand what you have been through and if it was a different situation if this was not a previously approved lot we wouldn't be having this discussion because Joe wouldn't even have looked at it. I don't know what, our job here is to try and balance everything and do the best that we can with it reasonably speaking because the best sometimes is building extreme situations. I am willing to support this pending what I said because of the situation because I think the situation warrants some balancing. I don't like it but I can appreciate your situation but I am only one person on the Board also.

Ms. Russo thanked him.

Chairman Schech asked Rich where did you suggest this other style house.

Rich Williams pointed it out on the plans and explained it to the Board.

Board Member Pierro stated they are asking for a raised ranch and Joe is in a contract for a raised ranch but if we tell him look he is only going to put a ranch up there, he can put a driveway correct.

Chairman Schech stated you could put a small colonial.

Rich Williams replied yes but the problem with a colonial as I understand it it is going to significantly raise the price.

Chairman Schech stated because then you put a guest room upstairs, the main bedroom downstairs you don't have to worry about the stairs.

Board Member Pierro stated right very good Herb.

Ms. Russo stated they don't have the money I mean they are in contract for two years now.

Board Member Montesano stated I have got to wait for Ted. I am not going to bend, and squeak and play games with it until Ted gets his word in.

Chairman Schech stated a colonial with no finish upstairs you could probably bring that in for the same amount as a high ranch.

Mr. Reilly asked I am sorry,

Chairman Schech stated a colonial with no finish upstairs on the second floor.

Mr. Clark stated we will have a problem with the Health Department on that.

Board Member Pierro stated anything over the second floor is a bedroom regardless.

Mr. Clark stated it depends on the size it could be two or three bedrooms. A raised ranch is a finished product, they have got three bedrooms and they can't argue the point. You cannot have unfinished.

Board Member DiSalvo asked this is a raised ranch is it going to have a finished basement or are you going to leave it unfinished.

Board Member Montesano it is your raised ranch.

Board Member DiSalvo stated well I am saying people put a separate bedroom down there. I know I had a raised ranch.

Mr. Clark stated well this has been approved for the bedrooms.

Board Member DiSalvo asked so there will be three bedrooms upstairs on the first floor.

Mr. Clark stated yes.

Board Member Montesano asked the downstairs is going to have a basement correct.

Mr. Clark replied right.

Board Member Rogan asked so where are we at ladies and gentlemen.

Chairman Schech stated it has been approved as a three bedroom residence not a three bedroom high ranch.

Mr. Reilly stated a raised ranch.

Chairman Schech asked in other words you have a john downstairs.

Mr. Reilly replied there is no john downstairs.

Chairman Schech stated I don't believe that.

Mr. Clark stated believe it or not it does not make a difference. You could have a two bedroom house and have eight bathrooms it is all right.

Board Member Rogan stated you can have as many bathrooms.

Board Member Montesano asked what do we do with the raised ranch with the basement downstairs like some people I know that go ahead and made it into an apartment.

Rich Williams stated the Health Department has issued new guidelines on what they will and will not consider a bedroom and they are pretty, (too many talking unable to transcribe).

Board Member Rogan stated I missed a little bit about Rich's conversation or point about the change but the changes have been fairly stringent in terms of potential bedrooms that is why I wondered if you had a set of plans that just showed the basic floor plan layout because the new law and don't quote me on this because I am not directly involved with but the requirements do take into account that they allow certain rooms in the house. They allow dining rooms, they allow living rooms, they allow an office on the first floor but any room on the second floor unless it is a sitting area off the back of the bedroom in other words you have to walk through a bedroom to get to it is considered a potential bedroom. I would make sure that you get those plans approved just for bedroom count.

Mr. Reilly stated all plans have to be approved by the Health Department.

Board Member Rogan stated what I mean is to make sure that you don't end up now with a set of house plans that they are viewing as a four bedroom house. In the last three years, the Health Department has change their regulations so often on bedrooms because this has been a hot issue not because of six bedroom houses but because of the two bedroom houses and lots that are very difficult to build on, it becomes a problem because everybody wants to build a four bedroom house or greater. Over the course of the last three years I could have taken my own set of house plans and called it anything from a one to a five bedroom house based on the way the plans have changed. It is the nature of trying to do the right thing and it sometimes is not very clear cut because every time you think you have it right somebody brings in a new set of plans that defy all odds so just be caution that you want to make sure your set of plans will be approved as a three bedroom not a four or five because that would really hurt you.

Ms. Russo stated actually if it wasn't for resale I would have told them to get a two.

Board Member Rogan stated the two would have helped you on your septic system.

Mr. Clark stated two's don't move.

Chairman Schech stated I would rather talk to Ted about this porch and stuff because according to him he does not want anything else.

Board Member Pierro asked we can't get a hold of Ted right now, is he out of the County or something.

Rich Williams replied he was at a function for his daughter.

Board Member Rogan stated I would say I already did say it but I would not have a problem approving it contingent that Ted, and that is a big contingency I don't know if you want that.

Mr. Reilly stated the location is okay, Mr. Clark stated with Ted.

Board Member Rogan stated it is the deck so you may end up with a house approval with no deck that would be terrible for a raised ranch.

Mr. Clark stated I don't know why Ted would look at it that way because, Board Member Rogan stated I don't know either but he wrote that in a memo. Mr. Clark stated all we are doing is taking away the use of what is underneath the deck and making it more useable.

Chairman Schech stated we don't want any intrusion in the buffer area.

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

Mr. Clark stated the deck did not go any further than the line where the lawn was going to be.

Board Member Rogan stated I think the problem here is that it doesn't go any further than the disturbance line but it is still a disturbance in the ground in a buffer, in a wetland buffer and I am sure that is what Ted's thinking is no other, it would be different if you were putting a child's play set it isn't a disturbance to the buffer, in an ideal world we would not want it but it is not going to hurt anything probably but five six footings into a buffer.

Mr. Reilly stated it would be three footings, oh thirty I am sorry, I am thinking sixteen you are right it would be five.

Mr. Clark stated okay but once they are in they are static.

Board Member Rogan stated right so in other words you are saying that area is going to be disturbed anyway because of the excavation. Again, I am not the objecting party here it is Ted and he does have a lot say in this.

Board Member Pierro stated Rich went to call Ted.

Board Member Rogan stated so maybe we can take five here.

Board Member DiSalvo stated see if we can make a decision on this.

Board Member Pierro stated he is not a voting member he can give us his opinion.

Board Member Montesano stated he hasn't seen the plans as much as we have. We are going over the plans now.

Board Member Pierro stated it is the same plan that he looked at last week.

Board Member Montesano stated no it is not.

Board Member DiSalvo stated no the house is bigger.

Board Member Pierro stated the house is no bigger.

Mr. Clark stated the house is longer.

Chairman Schech stated this has got a porch on it. The last one didn't have a porch on it.

Board Member Pierro stated the house is no bigger ladies and gentlemen. It is still the same square footage that was on the first plan that we looked at now it has a deck on it.

Board Member Montesano stated he just explained how it got bigger.

Board Member DiSalvo stated longer.

Board Member Pierro stated no, no Mike.

Mr. Clark stated it was wider, it was deeper, it came in this way,

Board Member Pierro stated the picture was different. That house is the same size as the plan that was given to us last week. The picture was different.

Mr. Clark stated then the only thing we did was add the deck on it.

Board Member Pierro asked do you want to look at last week's.

Rich Williams stated Ted didn't pick his phone up.

Chairman Schech stated I want to hear from him.

Board Member Pierro asked a motion,

Mr. Clark asked can I respond to some of these other comments first.

Board Member Pierro stated let's get it done.

Board Member Montesano asked what are we,

Board Member Pierro stated we can vote on it contingent on Ted's approval.

Mr. Clark stated and subject to these comments.

Board Member Rogan asked you probably said it and I will apologize up front but how did we end up with such a small house on last week's plan to what we have today.

Board Member Pierro stated it is Harryism.

Board Member Rogan asked it is Harry's fault.

Board Member Pierro stated no it is Harry's game.

Board Member Rogan stated I am asking I am not trying to offend anyone but how did we end up from a house that was 35,

Mr. Reilly stated that is kind of what I was explaining going back eighteen months or two years ago when we started when we had the flexibility of moving the house around and it was just like an oversight since we sent it off to the DEC, the DEP we never really paid attention to the house.

Board Member Rogan stated Maim I don't hold you responsible in this at all you are paying very good people here but this is the kind of stuff that drives us crazy because we approve something like this and then they build this and we say now it is built are we going to make these poor people move a house or cut pieces off and it has happened in situations. I feel bad for you because this is a misrepresentation of obviously what you have been wanting to build for two years, twenty-seven wide that is such the weird, twenty-eight wide, oh, one third over hang on the upper floor is that what you are doing.

Mr. Reilly shook his head yes.

Board Member Rogan stated hopefully on the front half right.

Mr. Reilly stated yes.

Board Member Rogan stated well I don't like it but I will agree with it based on Ted's approval I will, I think Dave will also but.

Board Member Rogan asked and Joe you didn't draw these plans but I will have a conversation with Harry tomorrow morning. ( Hard to hear the train, people talking).

Rich Williams stated Joe, just so you are clear as to why the ZBA got tired of approving variances so we make people show what they are actually going to do.

Mr. Reilly stated and I understand that what I am saying is that two years ago there was some flexibility of having the house plan but if you met your zoning requirements you didn't have to go back to the Town Board and now since then I mean things have gotten a lot tighter,

Board Member Rogan stated but certainly two years ago with your experience you would even acknowledge that this house, this lot is really tight that we are going to have to squeak this one in.

Mr. Reilly stated I know but we had the room when we measured it out we had plenty of room and it wasn't like a targeted lot as it is now where all eyes are on it.

Board Member Rogan stated understood.

Mr. Reilly stated so listen this is a learning experience for me at the same time. I mean we have never gone into something this close to wetlands.

Rich Williams asked so now that you have learned what are we going to do about Steinbeck Hill.

Board Member Pierro stated I have one thing to say we have a special meeting, Rich on April 14<sup>th</sup> for Patterson Crossing,

Rich Williams stated yes we do.

Board Member Pierro asked is it possible we could lay this over until the end of that meeting or put it on the agenda and then react to it.

Rich Williams replied it is an advertised Planning Board meeting, I can talk to the Anthony but I think the Board is entitled to consider, Chairman Schech stated anything we want.

Board Member Pierro asked can we consider this application at that time so we don't hold these people over for another,

Board Member Rogan stated that is a reasonable idea because it is one week from tonight then we will have either gotten, Board Member Pierro stated consulted with Ted.

Board Member Rogan stated we should be finished with this by then either that or it would not have been approved anyway.

Mr. Clark stated we have items to address here also can we do that in that time period.

Board Member Pierro stated that is up to you.

Board Member Rogan stated yeah sure.

Mr. Clark stated some of them are minor except for one thing, which I would really like to discuss with Rich.

Board Member Montesano stated do me a favor then if you are going to work on that and ask us, we are going to have this meeting what,

Board Member Rogan replied next week.

Board Member Montesano stated April 14<sup>th</sup> which is next Thursday, can you give us an answer like not the night we are having this meeting but maybe at least Tuesday.

Mr. Clark stated we are going to respond, as a matter of fact I caught myself.

Board Member Montesano stated what I am asking you is can we get an answer from you at least on Tuesday so we have a day or two to read it. That meeting is going to be a headache as it is and I really don't want to sit there and start going over this.

Mr. Clark stated some of these are already done like the roof and footing drains should be shown discharging on a gravel path, it is there it is just not labeled gravel path.

Board Member Rogan stated Mike, we don't need a new set,

Board Member Montesano replied I don't want, I want the questions answered so that I can pick it up and read the answers.

Board Member Rogan stated we can do it right now and just give you something in writing by Tuesday.

Board Member Montesano replied right.

Board Member Rogan asked you are not looking for a new set of plans.

Board Member Montesano replied no I am not looking for a new set of plans. We are talking about the questions.

Rich Williams stated if there is anything that needs to be answered he wants the answers by Tuesday.

Board Member Montesano stated thank you I thought maybe I was talking,

Board Member Rogan stated you were speaking another language.

Board Member Pierro asked okay what was the big issue on that list that you wanted to speak with Rich about.

Mr. Clark replied item 2, regarding the silt fence parallel in the contours. That is absolutely right except if you look at where the contour is that we would parallel, so the only place to put the silt fence without any further disturbance was right around where the bushes were going and that is why it is there. It means going into the wetland another twenty or thirty feet to parallel the contours.

Rich Williams asked what was the rest of that comment.

Mr. Clark replied other than the silt fence, detail but that has nothing to do with the location.

Rich Williams stated the rest of the comment was that if you run silt fence like that it tends to focus (unable to transcribe people shuffling papers, talking).

Board Member Rogan stated one way or another next Thursday it is down the street at the Rec Center.

Chairman Schech stated we will see you next Thursday, 7:30 on the 14<sup>th</sup>.

**c. Deerwood Bond Reduction**

Board Member Rogan made a motion in the matter of Deerwood Subdivision that the Planning Board recommends to the Town Board that they reduce the performance bond to \$396,000.00 at this time. Board Member DiSalvo seconded the motion. All in favor and motion carried by a vote of 5 to 0.

**d. Thomas Subdivision**

Board Member Pierro made a motion in the matter of Thomas Subdivision that the Planning Board grants two, ninety day extensions. Board Member DiSalvo seconded the motion.

All in favor and motion carried by a vote of 5 to 0.

**14) MINUTES**

Board Member Rogan made a motion to approve the December 2, 2004 minutes, December 30, 2004 minutes, January 6, 2005 minutes, January 27, 2005, January 31, 2005, February 3, 2005, February 14, 2005, February 24, 2005 and March 3, 2005 minutes. Board Member Pierro seconded the motion. All in favor and motion carried by a vote of 5 to 0.

Board Member Pierro stated real quick for Patterson Crossing we had discussed a brief description to be read at the meeting to calm these people, Rich asked about where they are and, Board Member Pierro stated where we are in the process.

Board Member Rogan stated and that could be read verbatim it is nothing that has to be, Board Member Pierro asked can we put something together for Thursday night.

Rich Williams replied I have not forgotten. I just, Board Member Pierro stated you have just been inundated with stuff so I understand.

Board Member Rogan made a motion to adjourn the meeting. Board Member Pierro seconded the motion and meeting adjourned at 10:05 p.m.