

PLANNING DEPARTMENT

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

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**Planning Board
April 15, 2004 Meeting Minutes**
Held at the Patterson Town Hall
1142 Route 311
Patterson, NY 12563

APPROVED
SLOAN MAB

Present were: Chairman Herb Schech, Board Member Mike Montesano, Board Member Dave Pierro, Board Member Shawn Rogan, Board Member Maria Di Salvo, Rich Williams, Town Planner, Gene Richards, Town Engineer, Craig Bumgarner, Town Attorney and Ted Kozlowski, ECI .

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

There were approximately 9 audience members.

This meeting was a special meeting requested by the Applicant.

1) BURDICK FARMS SUBDIVISION

Mr. John Kellard, Kellard Engineering and Ms. Kristina Burbank were present representing the Applicant.

Chairman Schech asked Mr. Kellard did you have a chance to peruse the comments.

Mr. Kellard replied yes we have.

Mr. Kellard stated Kristina Burbank prepared the EIS. She is the one that has all the details. There is about a half of dozen comments from the Engineer's Memo that we think we would like to discuss but based on the issues that are included in the memo we don't see a major issue in addressing those and getting it back to you right away.

Chairman Schech asked what is right away.

Mr. Kellard replied the next two or three weeks.

Chairman Schech stated that is too late for the next meeting. It would have to be done in another week for us to take any action at the next meeting because it has to be ready for us to go over.

Board Member Pierro stated if he can do it in two or three weeks and that is comfortable with him let's,
Board Member Montesano stated why.

Chairman Schech stated but it won't be ready for the next meeting.

Board Member Pierro stated that is fine he is not looking to come on to the next meeting.

Mr. Kellard stated I would love to be on the agenda for the next meeting but I don't feel that I can address all the issues.

Board Member Rogan stated when it is done it is done. We don't want you to rush.

Board Member Pierro stated we don't want you to rush.

Mr. Kellard stated I won't be truthful if I said that we were going to get it here by the next meeting.

Board Member Pierro stated John, I am having a difficult time reading this document I had a couple of eye surgeries in the last few months and have a few more laser treatments going on if possible I understand your concerns about this document getting out before the proper time but if possible can I get it on a disc or e-mailed to me so that I can have a better time reading it. Do you see any reason why that can't be.

Mr. Kellard asked prior to acceptance or after. Our concern is having documents out there that are not the official accepted document and having confusion with those documents later on. Once it is accepted we have no problem with that.

Board Member Montesano stated if he can't read it he can't accept it.

Board Member Pierro stated listen, I will take an oath, sign a mortgage on my house, I will swear in court with my hand on the Bible that I will not release the document short of coming to your office and spending forty hours there I don't know if you want that.

Mr. Kellard stated if you can give us your e-mail address we will e-mail it.

Ms. Burbank asked you can enlarge it if I send it to you as a PDF and then you can magnify it.

Board Member Pierro replied sure. Thank you.

Ms. Burbank stated actually with respect to the Engineer's memo I had a brief conversation going over the issues this afternoon with Gene. We had pretty much resolved (unable to hear the rest of her statement).

Ms. Burbank stated there was a couple of points and information that needed to be clarified. I think at this point we are able to work with all of the items.

Edie Keasbey stated speak into the mic please.

Ms. Burbank stated the items of concern that we did discuss just for the record had to do with providing street trees, on page 2 item 6, we recognize it is a requirement of the subdivision ordinance which we are fully intending to do. The elaboration on page 3, item 4 with respect to providing additional information on the benefits of the action our discussion related to being consistent with the context of the original

document. Item 7, was the item for clarification on page 4 where we had some discrepancies in numbers which we can easily resolve.

Ms. Burbank stated with respect to item 9 also on page 4 we are agreeable to re-working that construction schedule. We will work together with respect to the format of the field testing for the septic areas which were provided in appendix "b". We are going to provide a cross-reference so it is easy to read and you can refer back. We will be consistent with respect to the information that we submitted to the Health Department originally. Our concern with respect to items on page 7 and others are relating to providing alternatives with respect to either roadway mitigation or access it is our desire to keep those items within the document and update accordingly if they are no longer viable so to speak.

Ms. Burbank asked Gene did we talk about anything else.

Gene Richards replied I think that is pretty much it. It was just a matter of going through and taking care of housekeeping items. The other is specific items that you and I talked about and they can be adjusted very easily.

Mr. Kellard asked did we clarify the architectural issue. That was something that was probably one of our toughest issues. There was a request that we provide a I guess the original DEIS included floor plans and elevations for the homes. The present owner is probably not going to build the project at this stage. It is probably going to be someone else who builds it. We can show you homes for the property but they may not eventually be the exact homes that are built out. Our concern at this point, we feel that rather than provide floor plans and elevations for homes maybe we can establish a design criteria like traditional homes, clapboard, not contemporaries. Establish criteria for what fits in the community rather than provide actual designs because they most likely will not be the homes that are built.

Chairman Schech stated I think the biggest concern we have with the homes is the coverage of the lot I believe, right.

Board Member Rogan stated right.

Chairman Schech stated we are getting very tight in case they want to put an accessory structure they have to go to ZBA.

Mr. Kellard stated I think your regulations are very clear. They restrict and limit what we can put, the size of the footprint of any structure on this property.

Chairman Schech stated yes but your footprint is taking up what you are allowed and then you can't put any accessory structures, pools or anything else on the site.

Mr. Kellard stated that is what these homeowners are going to be limited too.

Board Member Rogan stated they won't be though they will end up coming before the Zoning Board. We are going to be creating a situation that they don't have the ability to do without seeking relief. It would seem that it would be that you are over building that lot because everyone is going to have a shed out back or potentially a pool or a deck that they are going to extend off the back of the house and unless that is taken into account I think that you are over building that lot. Either the lot needs to be bigger or the house needs to be a little smaller.

Mr. Kellard replied well we can't make the lots any bigger because you are also limiting the size of the lots so you limit our house, you limit our development coverage. How about if we provide various scenarios for

you. If a lot did not have a pool how big the house would be, the driveway, the patio area and if it had a pool the house would have to be limited to a certain size and establish various criteria.

Board Member Rogan asked what if you took rather than even setting up scenarios what if you took the size of an average pool and a shed and you took that square footage and added that into your calculations for coverage to make sure that you allowed for things that every person is going to want to do on their property maybe not every person is going to have a pool but every person is going to want a shed to store their lawn mower. That just seems like it would be common sense. We don't want to create a situation where we are then sending people with brand new lots and they are going to Zoning that makes no sense at all. That is not what Zoning is all about.

Mr. Kellard stated if that is the issue can we address that specific issue in the plat rather than elevations and floor plans.

Chairman Schech asked Craig, can we state something on the plat that it has been taken into consideration that this house will not have a pool.

Craig Bumgarner replied correct me if I am wrong, I think you are suggesting taken something into account like a pool, shed and just stating that in the document rather than giving scenarios with floor plans and so forth so I don't think with what they are proposing we would have to do that Mr. Chairman because then we may be able to limit the size of them and put a pool, am I correct Shawn is that what you are looking for in the document.

Board Member Rogan replied we are talking about two issues; we are talking about coverage and then on a separate issue at a later date we are going to talk about setbacks and some of these houses are right on the building envelope line and they don't allow for any structures off the back of the house without reducing that distance from the setback. We were speaking specifically about the coverage on the lot and if the coverage is 12% max and we are already with a house and a driveway at 11% we have blown it. I think maybe with house and driveway it has got to only be 10% and that it allows for those accessories. I just think on a brand new subdivision for someone to already be maxed out on their ability of building on that lot is poor planning. It does not allow for any growth on that lot, any ability to put in extra structures.

Board Member Montesano stated you would be limited with no deck because that would be included in the larger footprint, there would be no pools, no storage.

Rich Williams stated understand something the latest revisions to the Code were very specific at this point we are now requiring site plan approval for each one of these lots as part of the subdivision process not at a later date so it is all incorporated into one planning process. So, now when we are showing a footprint we are showing the decks and the building and everything.

Board Member Rogan stated okay but the footprint on the current plan doesn't show decks off the back or anything if they do they are about six foot wide.

Rich Williams stated as we get into the details of the plans certainly those are going to be issues that need to be discussed similarly what you are suggesting though about the pools and the sheds when you are looking at the type and style of the house I am sure these are not going to be fifty thousand dollar homes the people are going to be looking to also have certain other amenities like a shed and a pool and it is smart planning to take that into consideration up front. Having said all of that the latest revisions to the Code while they require site plan approval for each lot they specifically exempt the architecture of the lots. So, we are not out there approving the building elevations and design of the buildings. It is specifically excluded within the Code.

Board Member Rogan stated I know one concern with the elevations in the document was in terms of the potential blasting that might need to be done on site and there was a mention of depending on site constraints and obviously the owner isn't going to build these lots an owner may want to do a crawl space or something like that personally I also think that is not a good way go because I have not seen a new house go in yet in Putnam County in the last ten years that has done a crawl space. If they can blast and put in a basement they are going to put it in.

Mr. Kellard stated absolutely.

Board Member Rogan stated so maybe the greater issue here is that when we are looking at the individual lots we just take into account an elevation considering where the house is being placed, a nine foot basement with a standard height of a house at least then we would get an idea looking at road front, we would get an idea of how those houses are going to correlate to one another.

Rich Williams stated when I said elevations I was referring to architectural elevations, what it is going to look like.

Board Member Rogan stated I don't personally need to see, we don't need architectural from the standpoint of what the house is going to look like but how it is going to set on the lot and what the elevation is going to be height out of the ground.

Rich Williams stated we always get basement floor finish.

Mr. Kellard stated our preliminary subdivision plan does have that detail. It has the first floor, the garage floor elevation, basement elevation. It has the grading of the driveway and the grading around the house on every lot based on a house footprint which we place on the property which we felt was a realistic footprint what people would be looking to build on the property and also what does conform with the Code. What we will do in the document to address this issue is provide a scenario with a shed, a pool, a proper deck or patio and show you what limitations we will have on the size of the homes based on those amenities being on the lots and I think that would satisfy this condition.

Board Member Rogan asked if there are limitations on the lot let's just say for the sake of argument that one of the lots is going to have a house that just by the very nature of where the septic and well need to go that it has to be set fifteen feet off the back of the setback can we then put something, a note on the plat or something that would appear when the person got their final approval on the individual that would notify someone that there are serious constraints as to what they can do with that back yard in terms of structures.

Rich Williams replied we also want to ask Craig that same question because he is probably more familiar but people generally don't see the subdivision plats when they are buying a house.

Board Member Rogan stated no but they generally see the individual approval,

Rich Williams stated not necessarily.

Board Member Rogan stated that is part of their closing documents. They get a copy.

Rich Williams stated somebody is looking at the deeds.

Craig Bumgarner stated if you want to make sure that it is going to be flagged it would have to be a deed restriction because as Rich points out I mean sometimes a title search is performed and they will look for

general notes on a subdivision plat but if you want to be absolutely certain that something comes up in the chain of title when it is searched it would have to be a deed issue.

Board Member Rogan stated it sounds like a great way to handle it. I think it would give better information to our Zoning Board when a variance comes in front of them and there is a deed restriction that someone had the chance to be notified and this is something that may be self-created. That is part of what we are trying to avoid.

Chairman Schech stated generally we could state that the coverage of the lot can't exceed the 12% right as a deed restriction.

Craig Bumgarner stated the only thing that I would note though Shawn is that if something is just merely close to the setback it might not be something we could end up getting into a deed. (unable to hear the rest of his statement too many talking at the same time). That is a situation where you are still going to run into a problem and I think it is something that obviously we want to make the Building Inspector aware of so he can make sure that everything is properly sited out there and so forth but if you have a particular lot where the structure is going to sit right at the setback unfortunately as long as it is within the setback I don't know how much you can do with it in a deed restriction. Perhaps when we get a little further into the process we will want to look to try and move some of those just to try and avoid the problem all together.

Board Member Rogan stated yes I would rather avoid it all together also.

Mr. Kellard stated yes I think we would also.

Board Member Rogan stated I noticed at least six lots just looking at the plat.

Mr. Kellard stated looking at the plan there are a few lots I see your point and maybe what we can do is look at modifying that arrangement so we can provide (unable to hear the rest of his statement).

Board Member Pierro made a motion in the matter of Burdick Farms Subdivision that the Planning Board deems the SEIS incomplete at this time.

Chairman Schech stated we will expect you will return in three or four weeks.

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 Di Salvo	-	aye
Chairman Schech	-	aye

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

Mr. Kellard asked to be on the next agenda which I believe is the May 6th agenda that would require a submission by.

The Secretary replied Tuesday.

Mr. Kellard stated so that would then put us on the meeting for June.

The Secretary stated which would be two weeks and two days before the first Thursday of the month to submit.

Mr. Kellard asked could we have the Board's permission figuring that we are going to have this prepared long before the submission date can we submit our revised, what we would like to do is submit the revised sheets highlighted on the text changes so that we don't have to re-draw the complete document but if we could have the Board's permission and if it is okay with your consultants and your planner to submit the changes to them early on so that if there is any additional comments we can make the changes.

Chairman Schech stated as long as they have enough time it is okay with me.

Gene Richards stated I am certainly fine with that John.

Mr. Kellard stated so we could get everything buttoned up so that at the June meeting we can hopefully get an accepted document.

Board Member Rogan stated I would rather have my copy that way also it makes it much easier to see the changes.

Board Member Pierro stated this way we can individually go through the change at a work session, we can place them in the book and review them.

Board Member Rogan stated I am thinking back to Rich when we did the Code and you gave us updated versions you left the information that was deleted only put it in parentheses and put a line through it so you could see what was taken out and maybe you can follow up on the other way.

Rich Williams stated I underlined the additions.

Ms. Burbank stated we usually use a slightly different format that will be easy to follow.

Mr. Kellard thanked the Board.

The Board thanked Mr. Kellard.

Board Member Rogan made a motion to adjourn the meeting. Board Member Montesano seconded the motion. All in favor and meeting adjourned at 7:55 p.m.