

**APPROVED**  
4/15/03 MAB

**TOWN OF PATTERSON**  
**PLANNING BOARD MEETING**  
*April 24, 2003 WORK SESSION*  
**AGENDA & MINUTES**

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**APPROVED**  
6/15/03 MAB

## **April 24, 2003 Work Session Meeting Minutes**

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

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

Meeting called to order at 7:35 p.m.

### **1) SCHOEN SITE PLAN – Request for an extension**

Chairman Schech stated Schoen Site Plan I don't see any reason why we can't grant them an extension. The only reason I can see that we shouldn't grant them an extension because they are always in such a big rush and we are holding them up.

Board Member Shay stated I agree that we should grant them an extension because they gave reasons for it and they were viable. For once we get reasons.

Chairman Schech asked how long are they asking for anyway.

Rich Williams replied sixty days.

### **2) SHKRELI SUBDIVISION**

Board Member Pierro asked there was finally a meeting with Ron Gainer over this.

Rich Williams replied I have not heard back from Ron yet.

Chairman Schech stated well we have a lot of notes on this plan.

Rich Williams stated I talked to Jack Karell today Jack said he ran into Ron while walking his dog and Ron says it's okay.

Board Member Rogan asked Rich how did they end up with the drainage analysis. Ron did not require it.

Rich Williams replied Ron finally gave up told him to put some notes on the plan (unable to transcribe other people talking at the same time).

Chairman Schech asked where are the other sheets that he never showed what we are looking for, the turn around and all that.

Rich Williams replied I have to go through it all. I have been leaving it to Ron. I hear what you are saying and I am waiting for Ron to get back to me.

Board Member Rogan stated you were very clear as to what you wanted on the plans. It is on the record.

Rich Williams stated I was hoping that Ron would have by now said to me everything has been placed on the plans we are good to go. I have not gotten that from Ron.

Board Member Rogan stated that would have been nice for tonight.

Chairman Schech stated so we put a question mark on this. They should be in our hands now that is why we have these meetings.

Chairman Schech asked Rich would you find out if Ron has the plans as of now.

Rich Williams replied yes.

Board Member Rogan stated well we know he has what did the cover letter say SP-3 and 4.

Board Member Montesano stated as long as they cover the items that were requested.

Board Member Rogan stated we have SP-3 and SP-4 so according to their letter what we have here is all that he submitted.

Rich Williams stated right there are two additional sheets with the notes and the design details that were requested which go along with the previous SP-1 and 2 that he submitted. There were things that were supposed to have been changed on SP-1 and SP-2.

Board Member Montesano stated the thing here is if Ron's office has it and they are lax then we swallow if they are not tell them you are tabled until the next meeting. We have got the proper God darn procedure to go through, end of meeting next.

Rich Williams stated we will have it squared away by then.

Chairman Schech stated it says SP-3 and SP-4 so in other words he never submitted the other.

Rich Williams replied no he has and we have reviewed SP-1 and 2. After reviewing SP-1 and 2 there were additional comments things that we felt that should be put on those plans rather than put them on the plans

he put them on to additional plans which now would go along with SP-1 and SP-2 for a complete set of construction plans for the project.

Chairman Schech stated but we don't have them.

Rich Williams stated SP-1 and SP-2 yes we do. They had been previously submitted.

Board Member Rogan stated in other words the additional stuff you want Herb, Jack is going to throw on to a separate plan as part of the package as an SP, Rich Williams stated SP-3 and SP-4.

Board Member Montesano stated but we don't have it as of tonight.

Board Member Rogan stated so it does not have what we want in terms of the cul-de-sac.

Chairman Schech stated as far as I can see. It does not have what we were asking for.

Board Member Montesano stated then why are we wasting time with it.

Rich Williams stated I have not seen it yet. I have not heard back from Ron.

Board Member Montesano stated if Ron has it then it is fine. If Ron doesn't have it then Thursday we are just wasting time and if he comes in tell him your client can pay you, you are here you are tabled.

### **3) SYPKO DRIVEWAY VARIANCE**

Board Member Montesano stated I still like the idea of having the crane with the magnet on top of the car.

Board Member Rogan stated I was told on Sypko this afternoon that the Health Department approval is just pending wetlands permits for the stream crossing because the septic area apparently was pretty good. Septic and well are pretty easy it is the driveway that we are obviously looking at which I said to Harry when I saw him today it is pretty steep Harry. Harry is great, he said they have driveways like that in San Francisco all over the place and I said yes and San Francisco does not have the winters that we have. I would not want a driveway that steep.

Board Member Pierro stated I could see somebody coming off that road right into the brook.

Board Member Rogan stated he also said that the hunting camp property behind the hundred or so acres there they are looking to divvy that up and he has looked at that. There is some nice land up there he says.

Rich Williams stated he has been considering subdividing that for a while now.

Board Member Shay asked how are they getting to that land.

The Secretary stated a chair lift.

Chairman Schech stated that is what he is building up on top of the hill it is a sales office on top of Birch Hill.

Chairman Schech asked did Paul ever go look at this thing.

Rich Williams replied I don't know if ever did a final no I think it is all tabled because a hunting lodge within our Code is not a permitted use.

Chairman Schech asked no up on Birch Hill on the ski area.

Rich Williams replied right. That is what I am saying.

Chairman Schech stated that is not a hunting cabin.

Board Member Rogan stated he is talking about the one right on Birch Hill.

Rich Williams stated on Sypko you have three decisions. One is the grade of the driveway whether you want to grant a waiver. The other is the issue of the stream crossing and how he is going to do it and what improvements he is going to need and the third issue is stormwater and what are appropriate measures for addressing stormwater. Whether you just want to bring it down to a level spreader and capture a little bit of it and release the rest of it into the stream.

Board Member Montesano stated that is a trout stream and I will be damned if he is going to get away without being perfect.

Rich Williams stated okay well that is the question,

Board Member Montesano stated that is my feeling on it.

Rich Williams asked what type of stormwater treatment is everybody looking for.

Board Member Montesano stated I want top of the line. That is a breeding trout stream.

Board Member Rogan stated which honestly remains to be proven. I believe you that is a trout-spawning stream but I don't,

Rich Williams stated yes they don't breed they spawn.

Board Member Pierro stated the bigger issue I think is the crossing itself. I am going to want that whole thing to be rebuilt.

Rich Williams replied that is a given if he is going to cross that stream he is going to have to put head walls in. The question is right now they have got a forty-eight inch c.m.p in there whether that is going to stay, whether it has to come out and be set properly or replaced.

Chairman Schech stated it should be a concrete pipe.

Rich Williams stated or whether you want boxed culverts and keep a natural stream channel bed going through there.

Board Member Montesano asked what does Ted, Rich Williams replied you want to know whether Ted should be here or not yes this is one of the things that probably Ted is going to have quite a bit of,

Board Member Rogan stated it seems like an engineering thing the velocity of the stream at high level, the weight of whatever is going to be going over it. Honestly, what do we really care about the thing except that it is built appropriately to support the weight and that it does not restrict the flow of the stream. That is really the main issue.

Rich Williams replied okay but either way the concrete boxed culverts or the metal c.m.p they will both do it engineering wise.

Board Member Rogan replied I don't have a problem with either.

Rich Williams stated the issue is one has less of an impact to the organisms within that stream channel, the boxed culvert. They do less disturbance to stream channels.

Board Member Pierro asked what about cost.

(unable to hear Rich's response)

Board Member Montesano stated I would rather do a boxed because to me it is more natural than a hunk of steel pipe galvanized or otherwise.

Chairman Schech asked how about the site of the house do we want it up on the top on the ridge or do we want it down.

Board Member Montesano stated I would like to see it in the hill a little more. I would like to see it below the ridgeline if possible.

Board Member Rogan stated I think when we looked at the plan well it is below the ridge line even at the highest extent of the property it is below the ridge line because the ridge continues up further. I think that based on what we saw on the topo the only place they can pull it down to doesn't really save much. The bigger issue just seems to be the driveway whether or not we are going to give the variance for the slope which it seemed like we all pretty much said we weren't.

Board Member Pierro stated no matter where he places the house he is still going to need the height of the driveway, Board Member Montesano stated what I am looking at if we don't allow the seventeen percent then basically the site would be utterly useless.

Rich Williams stated not necessarily he has the option then of coming back and proving a driveway at fifteen percent.

Board Member Rogan stated which will take it outside of the existing driveway area however that might prove the point to them that maybe we can mention you know maybe you would want to look at relocating

the house further down the hill, lessen construction costs on the roadway. They can do a pump up system to that area.

Board Member Montesano stated my feeling would be if we are allowing fifteen percent only why can't we get it at fifteen percent, do all the plans, and see what it looks like.

Rich Williams replied he has done that and he submitted both plans, Board Member Rogan stated we have them. Rich Williams stated one with fifteen and one with seventeen showing the difference in disturbance. Now I question the gradient that he is showing out there on the topography once I got out there. I don't think the fifteen percent is buildable because the topography is so steep going down that bank that you are going to be chasing the grade and never catching it.

Board Member Pierro stated Rich estimates that it is forty to forty-five percent right.

Rich Williams replied well based on his plans it is forty to forty-five percent and that you can eventually chase the grade but you are going to disturb a hell of a lot of vegetation to do it but I think once you get out there it is probably sixty, sixty-five percent.

Board Member Pierro asked so back to the other issue the other alternative for stormwater management, the first one we mentioned was the linear, Board Member Rogan stated level spreader.

Rich Williams stated yes.

Board Member Pierro asked and what is the other alternative, a pond ,a retention basin.

Chairman Schech stated a retention pond you put it right in that same area.

Rich Williams replied yes some sort of wet pond heavily vegetated to mitigate the impacts. Possibly taking a look at doing something with infiltration.

Board Member Pierro stated there really is not a lot of room there.

Rich Williams replied that is the problem the steepness of the bank jumps right off to the stream so I am not sure what you would be able to do.

Board Member Rogan asked can they pick up the drainage and do it in a series of some type of diffusion where they work them up into the hill, where they take say the top third water bring it over to maybe not a level spreader but some type of a diffuser, take the second and third in other words bring it down.

Rich Williams replied and I started working with him right now he is already showing on the plans at my suggestion he is diverting everything above the disturbance area away and around to the side. The problem is based on the design of the driveway it is not so easy to stop the water from flowing but one of the things that we are going to look at is a series of he is going to have that swale but that swale is so steep he is going to have to do check dams to mitigate the velocity and in doing that we can design that to start holding some of the water back and mitigating the stormwater runoff issues. I am going to have him come up with some other creative things like maybe some bio-filters up close to the house.

Board Member Montesano stated it seems this property is going to be a lot of money.

Board Member Rogan stated it is not our, Board Member Montesano stated I realize that it is not ours but we have Rich designing the damn thing, he is collecting the money for it (referring to Harry Nichols) and when you get down to it is the land owner actually going to do this to put a house up there or is he going to put a house up there and the hell with it. We cover our rear ends but what is the gain going to be.

Rich Williams stated if we do this this is going to be part of the permits that he is going to receive and he is going to have to comply with putting all the improvements in and in fact maintain them.

Board Member Rogan asked can you do the permit process in a series of steps so they don't get a permit to start construction of a house until they have done certain parts of the driveway construction.

The Secretary stated they have to get a driveway permit.

Rich Williams stated you can set the permits up so that the construction activities are phased.

Board Member Rogan stated right even if they could not get a C of O on the house until that was done that would prevent them well that does not mean it prevents anyone from living in the house.

Rich Williams stated well again we can set especially under the erosion control permit which he needs on this we can set the erosion control permit up so that it is a phased approach. I mean that is one of the things you want to do with construction activities anyway so we actually define what they are and he does (a) and he can't start (b) until he finishes (a).

Board Member Rogan asked what is Rill erosion.

Rich Williams replied Rill erosion is channelized stormwater flow where it really starts cutting in you will see the big gauges in the surface. Sometimes if it gets really extensive it is almost like a series of fingers running down a slope.

Board Member Rogan replied like what we saw washing out at Shkreli on that fill section that was not stabilized properly. The channels cut down in towards the wetland.

Rich Williams stated yes.

Chairman Schech stated actually Sypko if he wants the variance he is at the wrong agency also right. Doesn't he have to go to the ZBA.

Rich Williams replied not for driveway grading.

Board Member Montesano stated we are driveways. We have to have it blacktopped. That is the next thing that I am expecting to come in.

Chairman Schech asked and what are we going to do near the stream we can't have it blacktopped right.

Rich Williams replied again, we have to work this out between us and the DEP about how he is going to cross the stream. He clearly has Rill erosion coming down there so you know that is going to be a continual chronic problem.

Ted Kozlowski arrived at this time.

Rich Williams stated so to have some sort of gravel driveway with the amount of stormwater coming off we are going to have a problem. There is going to be some sort of hard surface.

Chairman Schech stated concrete pavers, we have to specify now concrete not plastic.

Rich Williams stated this it would be a given.

Board Member Rogan stated considering the amount of ledge that we saw running along that left side as you go up bringing it back to fifteen percent grade may benefit them in the sense that it might be easier to fill then to blast because they had all that ledge coming out on the left side as we walked up more towards the top. Do you remember that. For any kind of drainage through there they would be blasting whereas here they are going to kick over to the right as they fill and fill is probably better than blasting.

Rich Williams stated I think they are going to get stuck with that ledge whether it is fifteen or seventeen.

Chairman Schech stated there is no way to get around the ledge.

Rich Williams replied no not when you need a reasonably good-sized channel.

Board Member Montesano stated well it comes to a point where we are trying to give him ways out rather than him proving that it is a viable thing and after awhile it is getting a little annoying. We are wasting day after day with this guy coming in with these songs and dances to discuss this. You are doing half of his work we are doing the other half and he is sitting there collecting the money.

Rich Williams replied I really would not go that far. He is submitting a plan and I am saying it works, it does not work, and these are some options maybe you want to look at to make it work trying to explore ultimately whether it is doable or not doable at all.

The Secretary stated and we will bill him out.

Rich Williams stated yes we will bill him back.

Ted Kozlowski asked there is no way that you can move that house down further like we talked about right because of the septic.

Rich Williams replied well I put it in the memo that the Board feels it might be something they should look at me personally I don't think it is feasible.

Board Member Rogan replied I agree.

Rich Williams stated but the Board wanted him to look at it let him look at it.

Rich Williams stated maybe this is a good time now that Ted is here to talk about it.

Ted Kozlowski stated I agree boxed culvert.

Rich Williams asked okay why boxed culvert rather than the metal c.m.p.

Ted Kozlowski replied well one is I think that stream varies in intensity. I think sometimes it is a piddle sometimes it is a roaring river and I don't think a standard metal culvert put in on that angle on that stream, you see all that ledge there and I think it is going to move over time. I think a boxed culvert is much more sturdy, stronger.

Board Member Rogan asked does a boxed culvert basically mean it has head walls. It is something that diverts the water towards the pipe towards the flow as opposed to just a pipe.

Rich Williams replied there is different types of boxed culverts. The one that I was referring to basically has sidewalls as well as head walls and it actually sits, straddles the stream. You can actually get boxed culverts where it has a solid bottom underneath too.

Ted Kozlowski stated I just think it is stronger and then over time that whole hillside is going to get developed and more water is going to get diverted to that Stephen's Brook. I think it is probably the smarter thing to do.

Board Member Rogan asked and what is the impact to the stream that you were talking about earlier the difference between the box and the.

Rich Williams replied the boxed culverts basically allow you to keep a much more natural stream channel.

Ted Kozlowski stated yes it is going to be wider. It is not going to be a round funnel and it is going to allow a streambed to formulate.

Chairman Schech asked are we talking about a bottomless boxed culvert.

Rich Williams replied yes.

Chairman Schech stated I never saw one of those.

Ted Kozlowski stated even if it has a bottom it is going to allow it to have a more natural and I think the longevity of it is far greater than the metal.

Board Member Pierro stated we put one in on our road up in the Catskills, Rockefeller paid for it because he needed access. It was deep with a bottom but they had the State come in I mean it was like three foot deeper than it normally should have been but they had the State come in and put bank run and gravel and rock and made it natural even though it had a concrete base.

Ted Kozlowski stated to tell you the truth if he is going to use that existing road he has to put a lot of diversions in or else, Board Member Pierro stated we were discussing that. Ted Kozlowski stated or else whatever runs down there is going to eat away at that culvert. There is a lot of site work to be done there no matter which way you go with the slope.

Board Member Pierro stated we talked about doing some diversion in steps from the top.

Ted Kozlowski stated you can't let that build up steep.

Rich Williams stated I said I think we might be better off running a swale along the side of the driveway because we are basically just talking about the driveway we can divert, Ted Kozlowski stated right but Rich you have got to divert that in spots. Rich Williams replied well bringing it all the way down to the bottom with a series of check dams.

Ted Kozlowski stated you are going to have to because if you let that go, Board Member Rogan stated it is too much velocity.

Chairman Schech stated yes but who the hell is going to maintain the check dams.

Rich Williams stated my problem with diverting it along is two fold; one, is you need a slope in the driveway to divert it and two, you are going to be discharging it on a very steep bank which is going to allow the stormwater velocities to become increasingly higher as you they do down the bank.

Ted Kozlowski stated but if you divert it on the east side of the driveway I mean if you have the swale on the east side of the driveway you could have a series of culverts going under the driveway.

Rich Williams replied that is what I am saying if we have that in order to do that you have a driveway that is going like this up and down and then you have this culvert diverting to this very steep bank now velocity dissipaters and level spreaders you need less than a ten percent slope.

Ted Kozlowski stated yes but if you put them at series of locations you are not going to have blasts of water.

Rich Williams replied you are going to be channelizing water on a very steep bank.

Ted Kozlowski replied you are but if you space it out and I am sure there is a formula somewhere. I know there is for forestry handbooks but Harry should be doing this.

Rich Williams stated but why not keep it in a channel with a series of check dams so it is like a waterfall coming down the side that you can reinforce with some sort of turf reinforcement mat and you are not going to ever have to worry about stormwater eroding down the hill.

Ted Kozlowski stated Rich, to tell you the truth I don't care how it is done as long as it is done but why are we designing that shouldn't his engineer being doing this for our comment.

Rich Williams replied and this is the way that I have always done it. We come up with a concept that we find acceptable and in doing that we know whether the site is developable or not and then we throw it back to them to actually design it or prove that it can't be design that way.

Ted Kozlowski stated well the bottom line is that he has to come up with a way that you are not going to have water coming down to what ever crossing that he has.

Rich Williams stated and it can't go directly into the stream.

Ted Kozlowski stated and it can't go directly into the stream and whatever goes into the stream has to be clean and not sediment laden and I don't know that is a tough site.

Chairman Schech stated that is up to him to make it work.

Ted Kozlowski replied that is up to him Herb I agree but have we seen anything that he has offered to mitigate this no.

Rich Williams replied well I have gone through two or three plans that have been revised and certainly we are going to need to do more but at this point we were stopped in designing this project until the Planning Board comes to a decision about whether they would allow a seventeen percent driveway or not and that is where we are. We really can't move forward until we know what the development impacts are going to be regarding the grading of the driveway.

Ted Kozlowski stated well with regard to that and I can see the point about the trade off here but is there a precedent that this Board is going to set that now what happens when the next Sypko comes in and he wants eighteen percent.

Board Member Rogan stated it sounds like currently the Board seems to be leaning towards not granting it. It seems like everybody felt pretty strongly about that.

Board Member Pierro stated I know Herb wants fifteen, that is what the Town Code says right Herb.

Chairman Schech stated fifteen is fine except we just allowed what do you call, the ex-chief.

Board Member Rogan stated Adam Stiebeling.

Chairman Schech stated yes what is his.

Rich Williams replied fifteen.

Board Member Montesano stated they moved it because if I remember right the first time they came in we dickered then they swung it around the other way.

Rich Williams stated to the best of my knowledge we have only ran into wavering grade twice and they were both roads. One was Phillard Lane and that went to twelve percent and the other was the Quaker Manor Subdivision that went to twelve percent. We have never actually granted a driveway.

Chairman Schech stated well the driveway the first one on the right as you go into Adam's house if that is fifteen, Board Member Rogan stated there are some steep ones. I was going to say that it does not mean they were built to fifteen but they were approved at fifteen.

Board Member Montesano stated how about we go down 311 and see what some of them are like.

Rich Williams replied absolutely.

Board Member Montesano stated they were stated fifteen percent and there is no way in hell they are fifteen.

Board Member Rogan stated just like this one we can approve it at fifteen and they could build it at seventeen and it probably would not be picked up.

Chairman Schech stated you can't really hold the man to seventeen percent if it is seventeen percent and he then he goes to twenty percent.

Ted Kozlowski asked Shawn what did you get for that existing road.

Board Member Rogan replied fourteen to eighteen. Some areas were fourteen.

Board Member Montesano stated the object is you say fifteen percent we approve it at fifteen percent and he builds it and it is not shot at fifteen and it comes out to seventeen or whatever and it goes through that you have no control over but if you tell the guy now that he can start at seventeen percent and it comes in at twenty-one then you have problems. So, why give him that. The Code says fifteen make it fifteen.

Board Member Pierro asked do we all agree on that.

The Board replied yes.

Board Member Rogan stated I agree with that after seeing the site on paper it looked a little different.

Rich Williams stated then once he does that he is going to revise the drawings and we are going to have to start getting into that wetlands issue, the stream crossing.

Board Member Rogan stated I could rationalize staying at the existing grade because of the already existing area, less disturbance but honestly if they came and said look we are going to shorten the driveway it was originally going to be a thousand feet now we are going to be two fifty and we want to do the seventeen I would consider it if we were going to shorten it down to about twenty-five percent of what it was but that is the low end anyway they would be able to keep fifteen. We shot fourteen to fifteen and a half percent down there.

Rich Williams stated down at the lower end yes.

Board Member Rogan stated there are ways we are not making them do anything there are ways to do things.

#### 4) BELL SITE PLAN

Ted Kozlowski stated Zarecki called me a while ago and offered two scenarios with the layout of that septic to try and stay out of the wetlands as much as possible. One scenario was to stay further out of the wetland but he had to move two very large I think they were Silver Maples I may be mistaken maybe they were red and the other was to be further in towards the buffer but save the Maples. Just so the Board knows I looked at those Maples and there is nothing of value to me by saving those Maples. Those are Silver

Maples they are crappy trees to begin with so I would rather he be further away from the wetland. I tried getting back to Zarecki I called him several times and he never returned the call so I don't know which layout he has got here.

Rich Williams stated basically where we stand right now is the DEC has been out, Ted Kozlowski stated I think he went with the wrong one because he has to take that tree out.

Board Member Pierro stated he is going to dig the roots up anyway.

Rich Williams stated Ted you are going to need to take a look at this plan that the wetland boundary,

Ted Kozlowski stated the wetland line is I went out there.

Rich Williams replied I understand but is that how it is shown on the plan. The other thing is he made a mistake on this if you look at seven and eight according to seven and eight he actually put the line on the plans almost a year before they surveyed it according to the notes on the plan.

Board Member Rogan stated the limits of the wetland are this Christmas. Limits of wetland as field determined by Soil Scientist, Paul whatever on or before this coming Christmas.

Board Member Pierro asked so what action do we need on this.

Board Member Shay asked what do you think about this plan Ted.

Ted Kozlowski replied well I think it is the best he can do. We can't deny him.

Board Member Shay asked this is the one with the two trees.

Ted Kozlowski stated yes the one that is further away. He has another scenario where he worked around the trees but it was closer to the wetland line. Shawn is he going to get what he needs out of this septic do you think.

Chairman Schech asked does he have an approval from the County yet.

Board Member Rogan replied yes I think he already had it. He had it when he started coming to us. It is for a two bedroom house so yes Ted.

Rich Williams stated I think where we stand now is Ted if you are ready to sign off on this he has to make some minor changes to the plan the question then becomes what process is he going to go through. He has to deal with DEC and whatever they require and he does not even have signature blocks on from the DEC at this point. I don't know what DEC is going to make him do but then the question becomes what process does he have to go through for us. He now has pulled pretty much everything out of the wetland and buffer except for the septic system.

Ted Kozlowski stated he is going to have to get a wetlands permit from us correct.

Rich Williams asked why.

Ted Kozlowski replied he is creating a disturbance within the buffer zone.

Rich Williams replied right but we have certain exemptions within our Code.

Ted Kozlowski asked what septic.

Rich Williams replied for anything that is occurring as a result of Putnam County Health Department regulations.

Board Member Rogan asked but isn't the intent of that for something that we require for a public health emergency.

Ted Kozlowski asked where is that in the Code.

Board Member Rogan stated this isn't a health emergency.

The Secretary stated you allowed a well in the buffer.

Ted Kozlowski replied but there is a big difference between a well and poopies going in the swamp.

Board Member Rogan stated actually with all the drillings and stuff the well is,

Ted Kozlowski read from the Code; under Public health activities under order and regulations of the New York State Department of Health and/or the Putnam County Department of Health or orders and regulations of any duly authorized agency, provided that copies of such orders and regulations have been filed with the Town Clerk of the Town of Patterson and that the E.C.C. may request modifications of such orders if they deem it necessary to implement the policy of this section.

Board Member Rogan asked did you say ordered regulations this isn't ordered. This is requested.

Rich Williams stated public health activities under order and regulations of the New York State Health Department and or Putnam County.

Ted Kozlowski asked what order and regulations are we talking about.

Rich Williams replied Putnam County Health Department regulations.

Board Member Rogan stated well if that is the case then can't Sypko build all their stuff because they are going to have to get to their house by Order of the Health Department over the stream. They don't have to meet any of our wetland codes then.

Chairman Schech stated since there was a structure there before this is a vast improvement over what was there before.

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

Ted Kozlowski stated let's change the Code.

Rich Williams stated this is the issue that I am raising with you is based on that language in there I think it falls in a gray area where we can use our discretion.

Ted Kozlowski stated my question is what does that language really mean. I think it is for emergency things.

Rich Williams replied I agree with you that I think the original intent was for emergency activities but based on that language you almost think it exempts any Health Department requirements.

Ted Kozlowski stated I think he has to get a permit because he has to put that septic in he is going to disturb the site. We have to make sure he has the right erosion controls and blah, blah, blah.

Board Member Rogan stated it isn't going to hurt to have him get the permit.

Rich Williams asked has he got one filed yet.

The Secretary replied no.

Ted Kozlowski replied no.

Rich Williams asked so everybody wants him to get a wetlands permit.

Board Member Rogan stated yes I don't think it hurts anything.

The Secretary stated so that won't happen until June.

Rich Williams replied right that is what I,

Ted Kozlowski stated I feel he has to get a permit because this is the only way we are going to make sure that when he puts that septic in it is done with right erosion controls because if you let him go on the permit he could just sit in the machine and do whatever he wants.

Board Member Rogan stated the erosion control is covered under the Health Department Permit.

Rich Williams replied not only that but this is a Site Plan not a subdivision so it is also covered under this.

Ted Kozlowski stated but you see if it is under us, Shawn then we have the right to enforce it and inspect if it is under the Health Department what are the chances,

Board Member Rogan stated they are calling them in for hearings all the time on silt fence lately. They have been real tight on it.

Rich Williams replied yes I was really surprised they really tightened up on silt fences.

Board Member Shay asked so should we even bother then.

Ted Kozlowski stated I still think you should have a wetlands permit because that is a bad precedent to set; allowing someone to put a septic system in the buffer zone without a wetlands permit.

The Board agreed then he needs a wetlands permit.

Board Member Rogan stated not to mention Ted that you will be able to monitor that the limits of disturbance for what is required on the plan does not encroach because they might say well let's just fill a little extra here not that this plan requires fill it does not it is going to be put in the existing soil. There is no fill out there right.

Board Member Pierro asked there is no way we can speed this process up.

Rich Williams replied well that is what I was trying to do.

Board Member Pierro replied I know but other than that.

Rich Williams replied I was giving you guys an out if you don't like it you don't use it.

Chairman Schech asked how does he abandoning that well.

Board Member Rogan replied they usually fill it with concrete.

Chairman Schech asked is it a drilled well or dug well.

Board Member Rogan replied this one is a drilled well the one they have to abandon. I saw it sticking up in the back yard.

Ted Kozlowski asked why is he abandoning the well because of the septic.

Board Member Rogan replied because it is right next to the septic. They drilled a new one up in the front corner. That has to be done they will do the permit to abandon the well as part of this application it will be checked because a lot of times these abandon wells don't get abandoned. They say well we will use it for water in our garden.

Ted Kozlowski asked isn't he obligated to get something in writing from the DEC.

Rich Williams asked for what.

Ted Kozlowski replied because he is disturbing within the buffer zone of a State Wetland.

Rich Williams replied they have to put a signature block on the plans and sign the plans the DEC because what is occurring, Ted Kozlowski stated the DEC has to verify the flagging and they have to sign off on it.

Rich Williams stated do you want to hear a funny story; Dave Johnson has Rory Jacobsen down to verify this flagging the day that you (Ted) were over with the other DEC guy over here on Cornwall Hill Road.

Ted Kozlowski stated Jacobsen does not do Putnam anymore.

Rich Williams replied Jacobsen came down because the other guy was tied up with you.

Board Member Rogan stated Rich my guess is the reason that the DEC does not get involved in this is because we are talking about a replacement of an existing disturbance. If we issue a repair permit, Ted Kozlowski stated that is a new disturbance Shawn, though. Board Member Rogan stated it is a new disturbance but if we issue a repair permit for a house that just has a failing septic and they are going to replace their septic and it is this situation the DEC does not come in.

Rich Williams stated the DEC because they have been out there, there is an issue with the buffer they have to put a signature block on and sign off on verifying the wetland boundary at a minimum but (TAPE ENDED)

Rich Williams stated the last time I talked to Zarecki the DEC had not made a final determination about whether they were going to require a permit so we don't know what they are going to do.

## 5) HUDSON VALLEY DATANET

Chairman Schech stated Hudson Valley Datanet site walk.

Ted Kozlowski asked where is this.

Rich Williams replied the Clancy site. It is a fiber optic, it is a small building they are going to put up to boost their signal right along the road.

Board Member Shay asked signal for what.

Rich Williams replied fiber optics.

The Secretary stated hospitals.

Board Member Montesano asked is that considered commercial or an industrial site.

Rich Williams replied what is the difference.

Board Member Montesano replied I don't know I am asking you because one of the things that I was reading in here says it is an industrial site and I am wondering if that is industrial or commercial.

Rich Williams replied they are both. It is zoned in the I-Zoning District right now.

Board Member Pierro asked how far off the road is this.

Rich Williams replied seventy-two feet.

Board Member Montesano asked they are putting up the building is it going to be visible from the road

Rich Williams replied I would expect that it would be. It is only ten and a half feet high.

Board Member Montesano asked then do we want to see some architectural on what this building looks like.

Rich Williams replied they have submitted architectural. It is basically a twelve by thirty-six building with a flat top roof and a exposed masonry finished.

Board Member Montesano stated if I can see that from the road I can't see why we can't have them put a pitched roof.

Board Member Pierro asked cement blocks or.

Rich Williams replied it is what they call exposed gravel. It is, Chairman Schech stated aggregate, Board Member Shay asked stucco.

Rich Williams stated well yes exposed aggregate. They are proposing a cocoa finish with sandy brown trim on it.

Board Member Montesano stated no I want to see a nice colonial type building. We have the A&P, we have the bank and this is a new building. It should have some kind of design to it.

Ted Kozlowski asked can't they do something a little bit more attractive.

Rich Williams replied there is a couple of other issues here; one is generally these facilities have fencing and exterior lighting and they are not at this point proposing any vegetated screening which is probably going to be integral to whatever goes on out there.

Board Member Montesano stated well I would like to see a different architectural.

Chairman Schech stated I thought it was going to be buried all the way back into the site.

Board Member Montesano stated I would not care if it was in the back but if it is going to be right off the road then it has to fit in to like what the bank looks like and what A&P looks like and what we are trying to set up.

Rich Williams replied I don't disagree but I am trying to get all the issues out here and I think based on what I saw on the plans this is like a pre-fab building that they literally pull in and set down.

Board Member Montesano stated but they can also when they pre-fab it can put a pitch roof on it etc. The lighting we can concern ourselves with, the vegetation.

Board Member Shay stated I don't like a flat roof building and the weather conditions that we have around here anyway. It is a bunker.

Chairman Schech asked so when are we going to do the site walk, Saturday is no good for anybody.

Board Member Rogan replied Saturday is not good for me but I can do it anytime tomorrow.

Rich Williams stated what ever you guys want to do but it is not staked. You would have to trust me that I can locate it or unless one of you want to locate it.

Board Member Shay stated let's do it next Saturday then.

Board Member Rogan replied I won't be back.

Rich Williams stated I don't know that it will be staked next Saturday either.

Chairman Schech stated suppose we just tell him at the meeting to stake it and then we will go do a site walk.

**6) ANNA' AIRPORT & LIMOUSINE SERVICE – 6 month extension request**

Rich Williams stated Anna's is in for a six month for the carport. I have contacted both Anna's and Penwest and notified them that they have to be at the meeting.

Board Member Shay stated and explain why they want it.

**7) PENWEST PHARMACEUTICALS – 6 month extension request**

Chairman Schech asked how did they make out for the sign application, Penwest.

Rich Williams replied they got a variance.

The Secretary stated I will forward a memo to you guys that they were granted the variance. Rich is the sign on here because she said she submitted it.

Rich Williams replied to who.

The Secretary stated she said that she submitted to be on the agenda for the sign application and said she needed to be here for the six month extension.

Rich Williams replied she did not bring in any new materials so I don't know if she is expecting to go in under the old one. Remind me tomorrow and I will call her.

**8) BUDAKOWSKI SUBDIVISION**

Chairman Schech stated Budakowski they are not coming in right. Do you want to explain Rich.

Rich Williams stated just so everybody knows, Budakowski was at the Town Board Meeting last night, they got a variance from the moratorium so they can proceed forward. There is one issue that I just want to

bring to your attention at the last meeting the Town Attorney and their Attorney came in and both of them sat there and said they absolutely have an insurable right to access the property, there is a fifty foot right of way which he can use. We have nothing in our files which demonstrates there has ever been a separate fifty foot right of way parcel that has ever existed. I talked to Craig, I asked Craig to show me what he saw so I could understand it. I was not questioning what he said but I just want to understand it so I know what the parameters are. The only thing that I have ever seen which shows a fifty foot wide strip of property coming out to 311 was when O'Hara did the Phase II subdivision and that fifty foot strip was attached to Peter O'Hara's property so that could raise some other interesting issues. They would still have the right to use, they still would have the right to access it but it would not meet the frontage requirements and there may be some other limitations on it. I am trying not to be the dead horse here but we need to know exactly what exists.

Board Member Rogan stated otherwise we are perpetuating a big problem.

Rich Williams stated at the meeting I kept my mouth shut because the two attorneys were up there they were infatuated that it exists, we saw it and there it is but I still have not seen it and we don't have anything and I did ask them to give us the documentation for our files and nothing has been forthcoming.

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Board Member Montesano stated well then we should either ask him at the meeting to produce it or send Craig a notification we want to see it.

Rich Williams replied I have already contacted Craig like I said, he said he has it he is going to bring it over so that I can look at it.

Board Member Montesano stated well he is going to be here Thursday, Rich Williams stated he is going to be away next week on vacation. Board Member Montesano stated so we are not having an Attorney. Rich Williams stated Budakowski is not on the agenda.

Rich Williams stated but they did contact me today, Jack Karell and said well we are set to go what do we need.

Board Member Montesano stated you need proof given to us.

## 9) OTHER BUSINESS

### a. Downey

Rich Williams stated the other one that got the variance from the moratorium last night was Downey just so you are all aware, Joe Downey, everybody knows where Joe Downey's garage is.

The Board replied yes.

Rich Williams stated Joe Downey is looking to move his operation, clean it up and move it to the Noletti's Bakery.

Board Member Montesano stated I can't see how. He is going to have to put up an awful big garage.

Rich Williams stated that is going to be issues for the Board. I did talk to him today he would very much like to come before the Board next Thursday. He does not have anything prepared or ready.

Ted Kozlowski stated and Richie has been helping him, guiding him and he called me too to ask me what should he do. I think he wants to come before the Board,

Chairman Schech stated I said no.

Ted Kozlowski replied oh, you did say no okay.

Chairman Schech stated he can come before the Board next time.

Board Member Montesano asked does he realize what he is opening his mouth into.

Rich Williams stated I do want to throw one thing out to the Board here; I have expressed extreme reservation to Joe about whether he can actually fit his business on that site. We also have to recognize that he is currently in an illegal operation that can't be made legal. It looks like hell and it has no enforceable requirements on it and by allowing him to move up we can put all sorts of stipulations and requirements if he can make it work.

Board Member Montesano stated you are sitting in a toilet bowl right now and nobody cares if you flush or not because he has been there this long and now he is going to come in and sink a lot of money.

Chairman Schech stated listen we had Flood we finally got him in with a site plan right well does the place look any better.

Board Member Montesano stated if he comes in he is never going to be able to open a business here.

Chairman Schech stated he puts more trucks and sh- - for sale.

Rich Williams stated well he does not have an enforceable site plan. We have not signed it yet.

**b. Zoning Code Meeting**

Chairman Schech stated we all know about the Zoning Code Meeting right. We are all going to take the minutes home and read them.

Rich Williams stated we are having an all Boards meeting May 7<sup>th</sup> at 5:30.

Board Member Shay made a motion to adjourn the meeting. Board Member Pierro seconded the motion. All in favor and meeting adjourned at 8:34 p.m.