

**APPROVED**  
6/7/07 MKK

**TOWN OF PATTERSON**  
**PLANNING BOARD MEETING**  
*April 26, 2007 Work Session*

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

**Planning Board**  
**April 26, 2007 Work Session Meeting Minutes**

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

**APPROVED**  
6/7/07 MKR

Present were: Chairman Rogan, Board Member Dave Pierro, Board Member Mike Montesano, Board Member DiSalvo, Board Member Cook, Rich Williams, Town Planner, and Ted Kozlowski, Town of Patterson Environmental Conservation Inspector.

The Meeting was called to order at 7:32 p.m.

Michelle Russo was the Secretary and transcribed the following minutes.

**1) TELECOM SITE PLAN- Public Hearing**

Chairman Rogan stated so Telecom is first on the agenda, the Board has one copy of the different photo simulations so we can just pass that around the table and look at it. Charlie you haven't seen this yet have you.

Rich Williams stated Telecom is the wetlands permit application up on 22.

Chairman Rogan stated oh, I'm sorry, I keep thinking that Telecom, it sounds like a cell tower, Telecom.

Board Member DiSalvo stated I don't even think that this on the agenda.

Rich Williams stated it is not on the agenda.

Chairman Rogan stated I'm sorry. Anyway, to back up a minute, Telecom is the site walk that we did on Saturday, the wetlands application to put a parking lot in over on the other side of the wetlands. Dave, actually you had idea when we were out there about asking them to put a split rail fence at the property line.

Board Member Pierro stated well, I thought that it would be prudent to, if we are going to let them do this, I thought that it would be prudent to have a split rail fence along the property line so that trucks don't bypass

the driveway when things get jammed up. I mean if they are going to use the driveway, fine, they have to use it, I don't want them cutting over that pipe.

Board Member DiSalvo stated cutting into the Flood property.

Board Member Pierro stated going over Flood's and going out, I don't want the arguments, I don't want the.

Board Member DiSalvo stated or vice a versa.

Board Member Pierro stated I don't want Flood doing the same thing.

Board Member Montesano stated question on that split rail fence.

Board Member Pierro stated yes.

Board Member Montesano stated can we make it at least a metal object, if you want to do it, if it is wood, I know I used to just take the rails down and drive through.

Chairman Rogan stated we could also have them secure the rails so that they are screwed into place.

Board Member Pierro stated right, we can ask them for what they would like to put up, but we want something, the intent is.

Board Member Montesano stated the Great Wall of China is busy, I don't want it here.

Board Member Pierro stated the intent is to not have cars crossing the property line.

Chairman Rogan stated you know what we could also do, if we don't want to do a, a fence is fine with me but looking at the plan, there really is only the center of the parking lot closest to the adjacent property, the grade based on the plan we have would be able with the existing grade matching in. They could even put a couple of these curbs, those bumper blocks, you know the concrete, that is what they are proposing on the plan, the wheel stops.

Board Member Pierro stated yes.

Chairman Rogan stated in that area if they wanted, they could be right on the edge.

Board Member Montesano stated as long as we are not using a four-wheel drive truck that has a driver who likes to step on the gas just a little bit.

Chairman Rogan stated I thought that the split rail fence was a good idea.

Board Member DiSalvo stated aesthetically too.

Board Member Pierro stated my intent is not to bust their chops, my intent is to (unable to hear, too many speaking).

Board Member Montesano stated but if we put the blocks, the blocks give them the opportunity to dump, and unfortunately maybe some gravel from next door gets dumps over and now we have our, and then kids come by with their skateboards.

Chairman Rogan stated we are glad that you are here, we were just talking about wetlands and wet things.

Board Member Montesano stated we were just talking about you.

Chairman Rogan stated the one thing that we were talking about when we were on the site and then looking at the plan, the proposed loading space that they show, I wasn't comfortable with it where it is shown on site because after they pull into the spot, they have to back out onto 22 in order to utilize the spot. There is not enough turning radius for them to turn internally.

Board Member Pierro stated I have been thinking about this all week, although the loading space is not required, I think that the first space closest to the building, if that were elongated, it would not be a really terrible loss, if an employee were to park there and a truck that needed unloading came, the employee could move it and it would be usable, they could mark it as a loading space and it would solve the problem of the traffic nightmare of having a larger truck back out on to 22. Also, that space has some side walk connected to it, so if it really a wide truck, we could probably make the space a little bit wider but because of the side walks there it might be beneficial where a guy could off load boxes and leave his hand truck and move stuff into the building there. As opposed to not having a space and as opposed to having a space where a truck is going to have to back out onto 22, at least we could provide for it and it is only a little bit of blacktop or concrete, it is not a terrible inconvenience, that is only my opinion.

Chairman Rogan stated I think any alternative that is safe, to the one that they are showing. Also the space that they are showing Rich, looks like it is longer then what would be needed say for a UPS or FedEx truck, which is more typically the size truck for loading and unloading in an office, correct.

Rich Williams stated our Code has specific requirements for a loading area and I think they were trying to match that.

Chairman Rogan stated but the reality of the application is that the application doesn't require a loading spot, so if we.

Rich Williams stated let me back up on that, I double checked the Code, when we made the last change, offices do now require a loading space.

Chairman Rogan stated okay, then we need to find a safe loading space.

Rich Williams stated it didn't used to but.

Board Member Pierro stated alright then.

Chairman Rogan stated I hate to be, if they can't fit it in that area, it certainly is not appropriate to try and put a loading space in the back because they would never use it and it is not feasible. Maybe they have to look at moving the loading space.

Board Member DiSalvo stated moving the dumpster.

Chairman Rogan stated even if they move it forward and then remove that tree that is blocking part of the parking lot on the left hand side, it still leaves them no place to turn around, so they have to address it.

Rich Williams stated no, they are in for a wetlands/watercourse and they are in for a site plan to go in the back, the parking up front is a pre-existing non-conforming condition, certainly it would in everybody's best interest, the Town to try to address the issue with having delivery trucks coming on to the site. If it couldn't be done, that would not negate the whole use of the property.

Board Member Pierro stated right but if we can fix this with a minor repair of some sort.

Rich Williams stated which is what I just said.

Board Member Pierro stated we are still going to go at it.

Chairman Rogan stated Rich, is this Insite doing this plan. Didn't you say to Theresa though that we were going to overlay what little bit we have on file with what is here because some of the parking that is shown up front isn't on that old plan. Didn't we discuss that.

Rich Williams stated I don't think that we did discuss that.

Chairman Rogan stated maybe it is a different project, if it is I apologize.

Rich Williams stated alright, way back when, I overlaid our aerials on to this and it seemed like it had gotten a little bit bigger.

Board Member DiSalvo stated I like Dave's idea the best about the parking along side the building.

Chairman Rogan stated yes because that allows them to pull in and back out towards the road they are going to put in, that works fine if they can put it in.

Board Member DiSalvo stated we can suggest it right.

Board Member Pierro stated right.

Chairman Rogan stated even if they can fit a, a standard spot if twenty foot long, 10 by 18, 10 by 20.

Rich Williams stated loading.

Chairman Rogan stated no, parking.

Rich William stated 10 by 20.

Chairman Rogan stated they have 10 by 20, they would need, realistically they could put 12 by 40, or 14 by 40 or something to that degree.

Board Member DiSalvo stated UPS truck size or something.

Chairman Rogan stated that would give us a lot more then what is currently delineated on site.

Board Member Pierro stated I think we needed to make it up.

Board Member Montesano stated yeah I could put the motor on it.

Board Member Pierro stated if we think we need to make it, we could make it up on that little bit of that grass swale in the front that delineates the parking space closer to Route 22.

Chairman Rogan stated well, even if we needed to lose a spot up front, they are gaining how many spots in the back.

Board Member Pierro stated good point.

Chairman Rogan stated and Dave is saying to put this first spot along where the side walk is maybe try to extend it and make it a long spot right here.

Board Member DiSalvo stated we could even put a sign there, loading area.

Chairman Rogan stated loading only.

Board Member Pierro stated secretary and loading only, this way the secretary could run out and move it.

Board Member DiSalvo stated employees only.

Chairman Rogan stated this spot right here when they pull in, they have no alternative but to back out onto Route 22, which is a pretty fast road.

Board Member Pierro stated chauvinist, right.

Chairman Rogan stated I am not saying that it can't be done but I don't want to be approving something that makes them do that.

Board Member Montesano stated you are.

Board Member Pierro stated am I.

Board Member Montesano stated I have seen male secretaries, so you are trying (unable to hear).

Board Member Pierro stated okay, alright but I am not misogynistic, I may be chauvinistic but I am not misogynistic.

Chairman Rogan stated Ted, do you want to discuss anything else on this site. The memo talks about controlling phragmites on site.

Ted Kozlowski stated well, I have read Scott Blakely's letter and again to me this is precedent setting, you are allowing a roadway through a wetland, be it a minor impact and you know, in the big scheme of things it is not greatly significant. However, I do feel very strongly that there should be some sort of mitigation involved and I understand what he is saying about having to go back to DEC but that is not my problem. The Town clearly regulates this wetland, the Town clearly has the jurisdiction to require mitigation and asking for the phragmites to be controlled, if not something that the DEC is going to get upset about, in

fact they are going to, I can guarantee that they are going to approve that. I think that should be a condition of this permit, if you are going to issue this permit.

Chairman Rogan stated controlling phragmites is something that they have to go back to the DEC for.

Ted Kozlowski stated that is what Scott Blakley is claiming because it is not a condition of their permit with DEC and to me that shouldn't, I don't mean to sound harsh about this but it is not my problem. They should have addressed it in their permit to DEC if they were really being considerate here.

Chairman Rogan stated can we ask you as the wetlands inspector to call the liaison to the DEC and find out if in fact controlling phragmites will impact their application enough for them to have to re-submit or they might say just go ahead and do it.

Ted Kozlowski stated sure.

Board Member DiSalvo stated they may have assumed it.

Ted Kozlowski stated in light of what the DEC has worked with us before, with other issues involving Code jurisdiction, they have not once gone against what Rich and I wanted to do.

Chairman Rogan stated and in this case the (unable to hear).

Ted Kozlowski stated and this is not an unreasonable request, this is not brain surgery here.

Board Member DiSalvo stated I would think that they would want to do it too.

Ted Kozlowski stated this is pretty simple control.

Chairman Rogan stated if you could please do that that would be great.

## 11) OTHER BUSINESS

### a. Site Walks – 2B2J W/W Application

Mr. Bruce Major and Mr. John Boyle were present, representing the application.

If it is okay with the rest of the Board, since we only have two gentlemen here tonight, the application that they are here for is on, I guess it would be on under site walks because this is the Haviland, whatever we were going to discuss from site walks. If we could do that so that they don't have to hang around for the whole meeting, that would be appreciated right.

Rich Williams stated let me preface this by when we went out on the site, I didn't hear any Planning Board Member actually offering any opinions or comments.

Chairman Rogan stated just site characteristics and such.

Rich Williams stated about what they felt about the site, other than Ted, who certainly can do his own memo about the whole issue with the wetland.

Chairman Rogan stated the corner of Haviland.

Board Member Pierro stated East Branch.

Rich Williams stated Ted was concerned about the wetland boundaries and how they are delineated.

Board Member Pierro stated let the record reflect that I had no input except laying out the new lot lines with a map that I had. I am again recusing myself from this application.

Chairman Rogan stated we did note when we walked this site, we checked, if everybody remembers, we checked the septic area, or at least what was designated as the septic area, we saw a lot of water coming off the hill in that area. We were there just for the impact of the driveway and the impact to the hundred foot wetland buffer. The concern that we saw was the water going to the road, there was no piping from what I remember that goes under the road.

Ted Kozlowski stated I think there is but it is going to have to be improved.

Chairman Rogan stated so it is simply a matter of trying to determine what the appropriate mitigation would be for that water coming off the hill. Making sure that the wetlands are accurately flagged, which you probably want to have some input on.

Ted Kozlowski stated sure, do you want me to do it now.

Chairman Rogan stated sure.

Ted Kozlowski stated the wetlands on the site, for the most part are accurately depicted, however when we went out there, wetlands don't run perfect lines, they go with the topography, they go with whatever is flowing above and below ground, the hydrology of the site and if you take the existing driveway up, coming in off of East Branch Road, there is a culvert under the road which is taking drainage from the fields above. There is a sliver of wetland at the toe of the slope, it actually is a tiered slope, it comes down, kind of flattens off where there has been some existing thoroughfare up there and then I think it hits a stone wall and goes down to it and continues on as the traveled way. That second tier, I am butchering this description but that wetland actually is a finger that comes down and goes under the road and goes on into most of the site, that really has to be recognized and that could be a factor in the location of the septic, I'm not sure. It is not a killer, it is not something that is going to prevent a house from being built on the site.

Board Member DiSalvo stated just open up a window, I'm dying.

Ted Kozlowski stated you have to recognize that. Are you okay?

The Secretary stated I'm too short to open the window, I'm sorry.

Ted Kozlowski stated no, no, I didn't know whether you.

Chairman Rogan stated I am going to look for that comment in the minutes.

Board Member Montesano stated we have to get one of those old window poles.

Ted Kozlowski stated with regard to the wetland, the flagging has to be a little bit modified, it is not a big deal but also you are going to have to address that culvert under the road to the driveway and that you are going to have respect that immediate (unable to hear).

Chairman Rogan stated if I remember right when we first spoke about this Rich, this is Theresa Ryan, is the applicants engineer.

Rich Williams stated Insite is engineering for this.

Chairman Rogan stated we talked about how that property line comes down at the beginning of the roadway and wondered if as a result of this application, we can clean up, it comes down to basically a sliver of land, that triangular piece of property to the right of this property, you remember.

Rich Williams stated they are doing a lot line adjustment, we have not gotten that in yet.

Chairman Rogan stated but that will basically put those two parcels together.

Rich Williams stated it will clean it up the property boundary dispute.

Mr. Major stated the lot line will actually be the stone wall and the barbed wire fence, the barbed wire fence all the way up, the barbed wire fence ends about 20 to 30 feet short of the stone wall that runs north to south, so it will continue on an imaginary line following then extend past the barbed wire to that stone wall, it will bear south on the stone wall and then go east again. So there will be that back section of stone wall that becomes the property line, so we are using basically natural lines.

Chairman Rogan stated can you just state your name, sir.

Mr. Major stated Bruce Major.

Chairman Rogan stated okay, I think also when we were leaving someone had a question, comment, suggestion, I think that it was about the mail box and not that that is within our purview. It was a comment that they should be careful where they place the mail box for that lot because.

Board Member DiSalvo stated coming around that turn, we almost got.

Chairman Rogan stated that is a fast turn there and we were thinking to get the mail carrier far enough off of the road so it is not a hazardous situation.

Mr. Major stated only if you like him.

Chairman Rogan stated that is up to you.

Mr. Major stated we like all of our mail carriers.

Chairman Rogan stated of course.

Ted Kozlowski stated I think the other thing is the storm from two Sundays ago, was a clear example of why that area is considered a flood zone and it is considered wetland. I saw it that Monday and Tuesday afterwards and that field.

Mr. Major stated I saw it both days and I saw that Tuesday was a dramatic change from Monday, dramatic; I was actually surprised at how the water level went down as much as it did in just 24 hours.

Ted Kozlowski stated the point is that whoever takes on that property in the future will have to appreciate that. It is sometimes so inviting to see that open field like that and say alright and do this and that and then you get something like that event and it puts it all into perspective for you, so I just hope that whoever buys the property and whoever owns that there, understands that. That certainly will be taken into consideration in the future, should they want to subdivide, should they want to build something else.

Mr. Major stated first of all, part of our agreement with Flash, which is the neighbor to the south, is that it would be deed restricted for a single family residence. There will be no further subdivision, except for any Land Trust type of a situation. Open space situation but a second residence will not be placed on that property.

Chairman Rogan stated okay.

Mr. Major stated and it would be so deed restricted.

Chairman Rogan stated does anybody have anything else on this, okay thank you gentlemen.

Mr. Major stated I guess my only question is, did you actually flag that other wetland area.

Ted Kozlowski stated no, I did not. I generally don't do that, I will talk Theresa, she is still your representative.

Mr. Major stated oh yes, absolutely.

Ted Kozlowski stated I will talk to her.

Board Member Pierro stated Theresa didn't flag that right.

Board Member DiSalvo stated no.

Ted Kozlowski stated no but the consultant did the flagging.

Mr. Major stated that flagging was done by the consultant.

Chairman Rogan stated okay, thank you.

Mr. Major stated thank you.

Ted Kozlowski stated good night guys.

Rich Williams stated before they walk out just so that everybody is clear, the next step with this, just to move the process along is that the applications need to be complete, I would assume that would require the wetland to be flagged and shown on the plan and then we have to schedule a public hearing.

Ted Kozlowski stated and also, I think, does the current plan address that culvert.

Chairman Rogan stated I don't think that it does.

Ted Kozlowski stated I will talk to Theresa, you really should address that, get it done.

Mr. Major stated thanks.

Chairman Rogan stated thanks.

Board Member DiSalvo stated bring your own chair next time.

Board Member Cook stated Ted, I thought the (unable to hear).

Chairman Rogan stated Dave, wait until.

Board Member Pierro stated it is a matter of record not a matter of influence, it is a matter of record. I thought that the County's Health Department had addressed the swale on the back of the septic area and the culvert.

Ted Kozlowski stated I don't know Dave.

Chairman Rogan stated so then we need to get a copy of that, so it is shown in our plans, that is all.

Board Member DiSalvo stated there are those jaw breakers over there.

Chairman Rogan stated that would be better.

Board Member DiSalvo stated I'll have to get some candy on sale again.

Chairman Rogan stated if Ted is going to speak to Theresa, the only thing is based on site walks do we really need it on the agenda, we have already covered, except that Theresa wasn't here.

Rich Williams stated we just leave it on the agenda because everything we do at the work session, we do here.

Chairman Rogan stated my point is that if you speak to Theresa and you can relate to her what we were just talking about, there is no reason for her to come to the meeting next week, so she can make sure what that the plan shows what is going to occur with the drainage, you can work on the proper delineation of the wetlands, the next time they come in, they can bring in something that we would feel comfortable enough with to possible schedule a public hearing.

Ted Kozlowski stated I will call her tomorrow.

Rich Williams stated I expect her to be here for other things.

Chairman Rogan stated that is true enough.

Ted Kozlowski stated she is a regular.

Chairman Rogan stated we are going to challenge Michelle to see how good she is at getting minutes with the train.

Board Member Montesano stated choo-choo.

**2) KEASBEY SUBDIVISION – Public Hearing**

Board Member Pierro stated Keasbey.

Board Member DiSalvo stated is that four, I didn't see it, all I saw was the heading.

Board Member Pierro stated Keasbey.

Chairman Rogan stated number two Keasbey. We were basically ready to approve this last time but we didn't have a quorum for a vote, so we are just going to hopefully. Charlie you will be at the meeting next Thursday, and I will, so the three of us will be there to.

Rich Williams stated this is a public hearing.

Chairman Rogan stated public hearing and a resolution to approve final subdivision. Does anybody have an questions or comments on that.

Board Member Pierro stated none.

**3) DENNIS & TIWARY W/W PERMIT APPLICATION**

Chairman Rogan stated number three.

Board Member Pierro stated Rich is throwing stuff at us still.

Rich Williams stated this came in today.

Board Member Pierro stated White Hawk.

Rich Williams stated yes.

Board Member DiSalvo stated didn't we just have another one.

Rich Williams stated did everybody get one.

Ted Kozlowski asked how many did you make.

Rich Williams stated 8.

Chairman Rogan stated you have one.

Board Member DiSalvo stated I had one, I don't know where I put it.

Board Member Montesano stated that is a new one he is just handing out.

Board Member DiSalvo stated no, I have this somewhere.

Chairman Rogan stated Rich, this grading plan is in response to the letter that you had sent them.

Rich Williams stated yes, initially they came in with just a profile view that you see on the front. I said that that is all well and good but you are not showing us grades and contours, it really doesn't tell us a lot about the overall disturbance. There are still a lot of other details that were still missing and their response came in yesterday or today, I think it was yesterday showing the topo, showing what they are saying the topo is.

Chairman Rogan stated they are just taking a guess at them.

Rich Williams stated and I don't know that it really matches up.

Ted Kozlowski stated did Jack Karrell do this.

Board Member Montesano stated picky people around here.

Board Member Pierro stated I think that owner did it.

Board Member Cook stated what is the issue about the bridle path.

Board Member Pierro stated the owner did it.

Rich Williams stated that is the other thing I gave you gentlemen and ladies, a copy of the approve subdivision plat which shows that there is indeed a bridle path, I did overlay the house on it, the house is half in the bridle path. I don't know what you want to do about this, I don't know if you want at this point.

Ted Kozlowski stated the house is in the bridle path.

Rich Williams stated yes the house was constructed halfway in the bridle path.

Board Member Pierro stated there are other incumberances on the bridle path already, part of the riding rink.

Board Member DiSalvo stated paddock.

Board Member Pierro stated part of the paddock is in the bridle path already. So there are 3 or 4 land owners, Rich had said, right Rich.

Rich Williams stated yes.

Board Member DiSalvo stated they may have set that up so that the woman could walk her horse down, the original of that house, with the little corral.

Board Member Pierro stated yes but.

Rich Williams stated this was something that Laura Parker wanted as a feature.

Board Member DiSalvo stated oh yeah.

Board Member Pierro stated yes she wanted to ride.

Chairman Rogan stated I remember that being a big selling point.

Ted Kozlowski stated a big selling point.

Board Member DiSalvo stated it sounds good but it never.

Rich Williams stated so maybe the thing to do at this point is for that the property owners to get together and agree to make it go away but that is something that they are going to have to work on. I don't know that anybody can approve anything knowing that it is going to somehow effect this right of way.

Board Member Pierro stated Rich, at the site walk I had asked you to make an inquiry to see what their feeling was on this, were you able to.

Rich Williams stated to who, to Laura.

Board Member Pierro stated yes, to Laura and company.

Rich Williams stated (unable to hear).

Board Member Pierro stated okay.

Chairman Rogan stated in terms of the grading that they have shown on these plans to try to get a better sense of how this is going to fit into the landscape, what impacts are associated with it.

Board Member DiSalvo stated and putting it behind the house is a moot question, they don't want to do that.

Board Member Pierro stated they have a septic up in the back of the house, I thought.

Board Member DiSalvo stated no, where the bird bath was.

Chairman Rogan stated no the well was there.

Board Member Pierro stated the well was there right.

Chairman Rogan stated and the septic is up front. We walked across it.

Board Member DiSalvo stated that second tier where that bird bath was over there, they didn't want to put I there.

Board Member Pierro stated right, okay, right.

Board Member Montesano stated they eliminated the hundred foot set back for the bridle path, that should give them more then sufficient room if they want to put it back there.

Chairman Rogan stated they are not saying that they don't want to put it in the back yard because of the bridle path, they didn't mention that at all it sounds like.

Board Member Montesano stated they don't even know, I doubt that they even know if it exists.

Chairman Rogan stated their reasoning for not wanting to put it in the back was from what I remember from the site walk was that there was the well line there and they said that they couldn't, if I remember right. That is why they had the flagging up.

Board Member Pierro stated right at that line.

Board Member DiSalvo stated at that patio.

Chairman Rogan stated they want it where they want it for the view obviously, for the privacy it would probably be better to put it in the back but that is their business.

Board Member DiSalvo stated yeah, I know.

Board Member Montesano stated can I ask a question, Richie, this is cul-de-sac area, that is the driveway coming up.

Rich Williams stated that is not what got built.

Board Member Montesano stated that is what I figured.

Board Member DiSalvo stated a cabana back there like a whole area.

Board Member Montesano stated because I see the driveway ends here on the side and that is not where it is.

Rich Williams stated that is what got approved, that is not what got built.

Board Member Montesano stated they built.

Ted Kozlowski stated they still don't show the fence, they still don't show a shed or where the filtration system is going or anything like that.

Board Member Pierro stated well realize that this applicant is not the builder of this site.

Board Member Montesano stated I realize that but I am looking at the paper that is here because I am saying to myself that I thought that pool was going in over here.

Ted Kozlowski stated (unable to hear, too many talking).

Rich Williams stated the house isn't even in that location Mike.

Board Member Pierro stated right, nothing is as it.

Board Member Montesano stated I am looking maybe they put the garage in the house location.

Rich Williams stated it's funny because the driveway actually goes through the primary septic systems, they had to move it all.

Chairman Rogan stated Ted and Maria were just saying that they wondered where the filtration equipment for this pool was going to go.

Ted Kozlowski stated and the fence.

Chairman Rogan stated and, I mean the fence, I am more concerned about the filtration equipment because that can either be an eyesore.

Board Member Montesano stated the fence is required in Town.

Ted Kozlowski stated the only thing is that the fence is required and this is a wetlands permit and it is within a hundred feet of the wetland buffer.

Chairman Rogan stated I am not saying that, I understand what you are saying. If they end up trying to put the filtration equipment on the downhill side where it is in plain view from the subdivision, well that is not a really good idea.

Ted Kozlowski stated it is probably going to be within the wetland buffer.

Chairman Rogan stated so we've got a couple of issues that they need to resolve, they need to resolve the bridle path issue but we can also give them our concerns of what else they need to give us so that they can come back with an answer on the bridle path and a revised set of plans that show accurate grading, accurate slope, fencing.

Board Member DiSalvo stated a fence.

Chairman Rogan stated any other buildings associated with the pool and filtration location.

Board Member DiSalvo stated get everything done now.

Ted Kozlowski stated maybe it is a self filtering pool.

Board Member DiSalvo stated would they put it against the house where the back patio was.

Chairman Rogan stated they don't like to because it makes noise, people like to get that stuff a little bit away from the house.

Board Member Pierro stated they want to create a court yard, it appears to me that they want to create a court yard patio in the back of the house.

Chairman Rogan stated yes.

Ted Kozlowski stated I built a little containment shed to reduce the sound, its ugly, they need it, where are they going to put it.

Board Member DiSalvo stated right. Hopefully this builder is suggesting it.

Ted Kozlowski stated I don't know why it is a big deal.

[Woman entered building to use building.]

Chairman Rogan stated she had to go to the bathroom.

Rich Williams stated I don't think she is in the right place.

Board Member Pierro stated it sounds like a lady. Those were heels right.

Rich Williams stated that was all alright but a lady carrying a suit case.

Board Member Pierro stated oh, she's moving in.

Board Member DiSalvo stated someone else coming to the meeting.

Chairman Rogan stated I don't know, does anyone else have anything else on this pool application.

Board Member Montesano stated (unable to hear, too many talking).

Board Member Pierro stated no.

#### **4) UNSON W/W PERMIT APPLICATION**

Chairman Rogan stated okay, Unson wetlands/watercourse application.

Board Member DiSalvo stated that's new.

Chairman Rogan stated this is the one, isn't this the one right next to your house Ted.

Ted Kozlowski stated yes.

Chairman Rogan stated so it is a new application because of a change of owner.

Ted Kozlowski stated no, well yes, kind of.

Chairman Rogan stated and an addition of square footage.

Ted Kozlowski stated just so that everybody knows, this is my next door neighbor and you have met this couple when they came for the wetlands permit that the seller of the property applied for.

Board Member Pierro stated this is the yellow house.

Ted Kozlowski stated yes, when you are facing my house it is to the right.

Board Member DiSalvo stated didn't we do a site walk.

Ted Kozlowski stated yes you did do a site walk.

Board Member DiSalvo stated I don't remember anybody else being there.

Ted Kozlowski stated you did a site walk and then we retired back to my house.

Chairman Rogan stated it was up being sold or whatever.

Board Member DiSalvo stated and these people bought it.

Ted Kozlowski stated right, I met with Ron several weeks ago and he had some concerns about the garage because you know this house doesn't have a garage, he wants a 2 car garage, which the original wetlands permit showed but he also told me that he wants some room for his rider mower, a motorcycle and general storage. So he wanted to make the building a little bit bigger, I was the one that advised him to come in and revise the wetlands permit just because he has to go for a building permit, he has to do the whole thing so let's just make this all right.

Board Member DiSalvo stated do we actually have a size for the building, 2 ½ car.

Ted Kozlowski stated 36.

Chairman Rogan stated it said 24 and he is adding 12 feet.

Ted Kozlowski stated he is adding 12 feet.

Chairman Rogan stated it is going to 36 by 24.

Board Member Pierro stated is it going to be attached to the house.

Chairman Rogan stated no.

Board Member DiSalvo stated it is going to be that same spot.

Board Member Pierro stated I don't.

Ted Kozlowski stated it is going to be in the same spot, it is just going to be wider, I don't have an issue with it.

Board Member Pierro stated my recollection was that we didn't have, he didn't have the room.

Chairman Rogan stated he is going parallel to the water.

Ted Kozlowski stated he is going parallel with the stream, not going deeper.

Chairman Rogan stated we probably wouldn't allow him to go any deeper, this is the one where we wanted it survey located because we didn't. Remember that little drainage that came off from the road.

Board Member Pierro stated they put an addition on this house as well.

Ted Kozlowski stated no.

Chairman Rogan stated no.

Board Member Pierro stated then what is new.

Chairman Rogan stated that is the.

Board Member Pierro stated that is the garage.

Chairman Rogan stated yes, they are showing the section that is new is the addition to what we approved.

Board Member DiSalvo stated the half of.

Board Member Pierro stated so it is going back to the back yard.

Board Member DiSalvo stated and, I am trying to think of it, that is a little opening there like a walk way to go around the house and he had the deck on the back.

Ted Kozlowski stated right.

Board Member Pierro stated hello.

Board Member DiSalvo stated cleaning lady, cleaning lady.

Board Member Pierro stated that isn't a cleaning lady not in high heels, not in bumpers.

Board Member Montesano stated maybe she's modern.

The Secretary asked do you want me to stop it.

Board Member Pierro stated that's okay, we aren't saying anything out of, I don't know I just.

Ted Kozlowski stated a conductor from the train station.

Board Member Pierro stated oh.

Chairman Rogan stated Rich, there was a woman here that said she was desperate.

Ted Kozlowski stated that wasn't nice.

Chairman Rogan stated that is what she said.

Board Member DiSalvo stated the train is waiting for her.

Board Member Montesano stated put that in the minutes that Shawn thought Rich was desperate, I mean the lady was desperate.

Chairman Rogan stated I didn't say anything like that, I said she was desperate, I said we just wanted to make sure that she wasn't like leaving a bomb in the bathroom kind of thing, she had a suit case.

Board Member Montesano stated boom.

Board Member DiSalvo stated there are some weird things happening.

Board Member Montesano stated oh yeah.

Rich Williams stated and she was the conductor.

Board Member DiSalvo stated the train is waiting for her.

Chairman Rogan stated a traveler.

Ted Kozlowski stated oh she was a traveler.

Chairman Rogan states suit case in hand.

Board Member Montesano stated it sounds like a card.

Board Member DiSalvo stated (unable to hear, too many speaking).

Board Member Pierro stated have you reviewed the earlier plan that we had.

Ted Kozlowski stated Town Hall you can see it's open.

Rich Williams stated on this one, I really haven't touched this one yet.

Ted Kozlowski stated what's that.

Board Member Pierro stated I wanted to know.

Chairman Rogan stated your memory says something different.

Board Member Pierro stated Rich had looked at the earlier plan that we had approved, to see if.

Board Member DiSalvo stated did we ever approve it.

Chairman Rogan stated yes.

Board Member DiSalvo stated we did.

Board Member Pierro stated we approved the 2 car garage.

Chairman Rogan stated we approved it based on survey location because we didn't want it to get further back than what they were showing.

Board Member DiSalvo stated right.

Ted Kozlowski stated we didn't want another AntRock situation.

Chairman Rogan stated the size of this we have to confirm with them that there is not a second floor to it.

Board Member DiSalvo stated what are they doing about the apartment, are they ever going to legalize that or just finished space.

Rich Williams stated it is not legal to begin with.

Ted Kozlowski stated it was never legal, it's a finished basement.

Board Member DiSalvo stated and a garage is going to be like a dormer.

Chairman Rogan stated that is what we have to find out we don't have architectural.

Ted Kozlowski stated and I spoke with him, he is a little bit away from doing this, he just wants to get this.

Chairman Rogan stated get this out of the way.

Ted Kozlowski stated that it is contingent upon refinancing and other things.

Chairman Rogan stated a copy of the previous approval is in this packet, towards the end. Notify the E.C.I., this is standard but I know we did have clearly staked and marked.

Board Member DiSalvo stated are they from around here, did they just move up here from the city or.

Ted Kozlowski stated from White Plains.

Board Member DiSalvo stated not too bad.

Board Member Cook stated so they haven't done anything.

Ted Kozlowski stated no, they already got.

Board Member Cook stated they haven't received an approval.

Ted Kozlowski stated they already got the approval and he realized that he is going to need a bigger garage.

Chairman Rogan stated the only thing that I would maybe add as one of the special conditions is other than that, the approval that we have previously conditioned I think would probably be the same, marking the four corners and being verified by Ted, the garage being constructed on the existing lawn area and it still would be and I would add a number three that would see architectural renderings, I mean the Building

Department is going to need them anyway but I think that this office, even if it is not us. This office needs to see to make sure that there is not an apartment or something going up that we are not thinking about.

Ted Kozlowski stated isn't there some sort regulation on the size of a garage in relation to the house.

Rich Williams stated 50 percent the size of the house.

Board Member Montesano stated unless you go to the ZBA and get an approval.

Board Member DiSalvo stated yeah that would be.

Board Member Montesano stated have we changed that, having to go to the ZBA.

Chairman Rogan stated I am not opposed to someone having a hobby room in the upstairs but I want to know that they are going to put that in.

Board Member Montesano stated I don't know the size of the building, I know that mine is bigger.

Ted Kozlowski stated you know like on mine, I have storage, it's not an office.

Rich Williams stated (unable to hear, too many speaking).

Board Member DiSalvo stated they have these at Home Depot, these size garages.

Board Member Montesano stated I just wanted to make sure.

Board Member Pierro stated okay.

## **5) HUDSON VALLEY TRUST W/W PERMIT APPLICATION**

Chairman Rogan stated number five Hudson Valley Trust. This is a new application, this sounds kind of interesting, this is down at the old Town Hall. It looks like they are proposing a walking path to connect the old Town Hall with the other property that they own which would be the barns and stuff.

Board Member Montesano stated they have to cross the stream right.

Chairman Rogan stated they have to cross the stream.

Board Member DiSalvo stated you have to watch the snakes down there.

Ted Kozlowski stated didn't the nursery people own that property.

Board Member Pierro stated they bought it, Hudson Valley Trust acquired it.

Ted Kozlowski stated and then Hudson Valley, who is Hudson Valley Trust, what are they.

Board Member Pierro stated not for profit.

Rich Williams stated they are a not for profit agency in the area that does good deeds.

Board Member Pierro stated good deeds, Uncle Vinny and company.

Ted Kozlowski stated what kind of deeds.

Board Member Pierro stated good deeds.

Board Member Cook stated good.

Rich Williams stated well they pay for.

Ted Kozlowski stated well how good, what good.

Board Member Pierro stated I understand that you may see a center at the farm property in back.

Chairman Rogan stated they talked about, awhile ago they talked about doing an arboretum, you remember, with this property and if that is a potential for this site that would be great.

Board Member Montesano stated they have allowed the Red Cross to use the facilities that are located at the old Town Hall.

Chairman Rogan stated FRoGS.

Board Member Montesano stated they also have FRoGS using, they have FOP.

Ted Kozlowski stated what is FOP.

Board Member Pierro stated the Fraternal Order of Police.

Chairman Rogan stated Fraternal Order of Police. It's a fraternal order, it's a brotherhood.

Ted Kozlowski stated fraternally.

Board Member Pierro stated fraternally. Rich I make a motion that we ought to change our documentation here because we have an affidavit of ownership here and does May Green reside at 2 Route 164.

Board Member DiSalvo stated who is May Green.

Board Member Pierro stated the applicant. That is not a residential building. We ought to fix that and put that the applicant is a principal of the corporation, something there about.

Rich Williams stated part two they have to fill out if they are corporation, they have to fill that out and give us a list of the officers.

Board Member Pierro stated okay, that is fine but up here it says that May Green resides as the component residing at 2 Route 164, does she.

Board Member DiSalvo stated is it the house on the hill with the pool in the front of the house.

Rich Williams stated I will take a look at it.

Board Member Pierro stated no, she doesn't reside there, that is not a residential building it has to be fixed in some way and we ought to clean it up a little bit, it is not a big issue but.

Board Member DiSalvo stated does anybody know who May Green is.

Board Member Pierro stated haven't got a clue, probably on the board of Hudson Valley Trust, she is the applicant.

Board Member DiSalvo stated she is the treasurer.

Board Member Cook stated the application also shows that there is a pedestrian bridge.

Board Member Pierro stated that is the application in essence, they want a wetlands/watercourse.

Chairman Rogan stated covered bridge,

Board Member DiSalvo stated do like the one over with the horses.

Board Member Cook stated is it.

Ted Kozlowski stated is it a vehicle bridge.

Chairman Rogan stated no.

Board Member Pierro stated pedestrian bridge.

Chairman Rogan stated a pedestrian bridge.

Board Member DiSalvo stated like they have in Mount Vernon.

Chairman Rogan stated covered no less, a covered bridge.

Board Member Montesano stated we are going to bring the rope covered bridge and bring it in.

Chairman Rogan stated it is not going to touch the stream except to put the bulk heads in.

Board Member DiSalvo stated a bulls bridge, bring it down.

Chairman Rogan stated and concrete right. So let's talk to them a little bit about what is going to necessitate getting through the wetland, why they need this pedestrian path, and we will schedule a site walk and go out there and listen to the peepers.

Ted Kozlowski stated I can only assume that it is a safety issue.

Board Member Pierro stated knowing the property there is really no connectivity between the two large parcels and this main parcel. There is no connectivity without going through wetlands.

Chairman Rogan stated absolutely or without walking along the road.

Board Member Pierro stated yeah, so.

Board Member Montesano stated I don't know, I put my boots on and I walk into the stream, go down fishing and then I walk on the other side.

Board Member Pierro stated but we don't want people going down.

Board Member DiSalvo stated Richie, is there like a special contingency for them because it says list of property owners within 200 feet, don't we usually do 500 feet.

Rich Williams stated it is slightly different for the wetlands applications.

Ted Kozlowski stated you guys do realize that they are going to need a DEC determination.

Board Member Pierro stated I don't think they are going to have a problem getting that.

Chairman Rogan stated but that is (unable to hear, too many speaking).

Ted Kozlowski stated I am just telling you because it is involving a State wetland.

Chairman Rogan stated yes, that is a good size stream.

Board Member Pierro stated it was a good size stream last Monday too.

Board Member Montesano stated there used to be some beautiful trout coming through there.

Board Member Pierro stated yeah.

Board Member DiSalvo stated a little (unable to hear).

Board Member Montesano stated pass me that basket there.

Chairman Rogan stated this will be an interesting one.

Board Member Montesano stated grab a candy out of there and stick it in your throat.

Board Member DiSalvo stated and here is a 500 foot list.

Ted Kozlowski stated Bobby Boris Pickett died today.

Chairman Rogan stated who, what.

Ted Kozlowski stated the Monster Mash.

Board Member DiSalvo stated he does the grave yard smash.

Chairman Rogan stated he died today.

Ted Kozlowski stated one hit wonder.

Board Member DiSalvo stated I thought Sam McCann that did that.

Ted Kozlowski stated Bobby Boris Pickett.

Board Member DiSalvo stated how old was he.

Ted Kozlowski stated 69, that is not that old.

Board Member DiSalvo stated no, not by today's standards.

Chairman Rogan stated does anybody have anything else they would like to discuss before we move on.

Board Member Pierro stated nope.

**6) GREENLANDS LLC. – Change in Use**

Chairman Rogan stated Greenlands LLC, we are not going to have anything new or modified for the meeting.

Rich Williams stated they haven't submitted anything other then the resolution.

Board Member Pierro stated okay.

Chairman Rogan stated I think that we have been clear to say that so long as they are submitting new information we are happy to work with them but I think at this point they are looking for a vote and in fact it sounds like they wanted one or were looking for one a month ago. So we will put this one to a resolution and proceed.

**7) BEAR HILL ESTATES SUBDIVISION**

Chairman Rogan stated Bear Hill Estates subdivision.

Rich Williams stated actually there was a problem with that, Mike Ligouri, who is the attorney representing this, ended up in an accident and broke his leg, so they never got the submission in. So it is off the, there is nothing for anybody to review.

Chairman Rogan stated oh okay.

Board Member Cook stated what is the issue.

Rich Williams stated with Bear Hill.

Ted Kozlowski stated yes.

Rich Williams stated they are coming back in to basically just do a subdivision to subdivide out the existing road and we are going to abandon the former road just to clean it up.

Chairman Rogan stated okay.

Ted Kozlowski stated isn't Ligouri with Hogan & Rossi.

Rich Williams stated yes.

Board Member DiSalvo stated is he okay.

Rich Williams stated it's been two or three weeks now, he still working out of home and hobbling into work a little bit for a few hours.

Chairman Rogan stated I am a little worried about you, you are going to start bouncing off the walls here.

Board Member Pierro stated okay, what is next.

## **8) 17 COUCH ROAD CORP. SUBIDIVISON**

Chairman Rogan stated Couch Road, we have some things were dealing with tonight and we also have a large set of plans that we got.

Board Member DiSalvo stated this is Couch Road right.

Chairman Rogan stated what is the status on Couch Road, why are we getting this because I thought we, what did we approve preliminary.

Rich Williams stated approved preliminary, this is coming back in as the initial application, I believe for final.

Chairman Rogan stated oh okay.

Board Member Pierro stated Rich, were there some issues that had to be cleaned up relative to the storm water in the front of the lots.

Rich Williams stated we have to do the whole design on the storm water for the front of the lots certainly. I haven't had a chance to take a look at it but Gene has and he thought that it was fairly clean for the submission. We do have, we got today which I gave everybody tonight a copy of the basin planting plan.

Board Member Pierro stated okay. We can tear that apart.

Chairman Rogan stated okay, fair enough.

**9) BONIELLO SITE PLAN**

Board Member Pierro stated Boniello's are back.

Chairman Rogan stated Boniello.

Rich Williams stated Boniello.

Chairman Rogan stated back in.

Rich Williams stated Boniello is back in, I met with the Boniello's and talked about some of the issues, not the architect. They said that they were just going to re-submit the original plan and talk to the Board about some of the issues. They submitted a plan and an application with some changes in it. One of those [copies] is for Mike.

Board Member Pierro stated I don't have enough.

Chairman Rogan stated pass it around.

Rich Williams stated what I did.

Board Member Cook stated we are all set.

Chairman Rogan stated Ted.

Rich Williams stated so what I did was I took the last memo I did and just, I just crossed out what they did.

Chairman Rogan stated fair enough. You know, actually sometimes something like this is a useful tool. If you can take a, rather than re-writing and making a little smaller, just crossing out and that just says something to me. When you see issues that were raised and they address or don't address them, it is in front of you and it gives you a gage as to where they are going.

Board Member Pierro stated so they haven't changed the plan at all Rich, right.

Rich Williams stated they made some slight modifications, they moved the handicap parking out of the wetland buffer. They put the wetland buffer on but they didn't label it. The other thing I gave everybody was about the issue about whether there is an apartment above the building (unable to hear, papers shuffling over microphone). I went and I checked the Building Department records and the Assessors' records to see if I could get a better idea of what was going on and in the Assessors' records there was a letter from Craig Vogl and Anthony Boniello back in 1996, requesting an amendment to their assessment and to the taxes that they had paid because they were being charged a garbage unit for having a residential apartment there and they claimed there was no residential apartment there and they were asking for a reduction. So by their own admission, in 1996 it wasn't there.

Board Member Pierro stated did they get the reduction.

Rich Williams stated I believe that they did.

Board Member Pierro stated I could understand that because they had commercial garbage pick up there.

Rich Williams stated yeah.

Board Member Pierro stated so everything was one.

Board Member Montesano stated that is one thing when you make a mistake, it does come back and bite you right there.

Board Member Pierro stated it comes back and bites you right in ass, excuse my language.

Rich Williams stated so, we run across this more and more where we have an upstairs area in a commercial building, really it is not suitable for a commercial use and our Code doesn't allow rental apartments to go up there and maybe it is something in the future the Town wants to consider again. The concern always is that it goes to Section 8 housing and it goes to housing migrant workers.

Board Member Pierro stated thank you.

Rich Williams stated do I want this, what is this.

Chairman Rogan stated knock that off until the end.

Rich Williams stated he's bored.

Chairman Rogan stated he gets excited, he's eating that sugar.

Board Member Pierro stated so no changes were made, they want to come in and speak to the Board.

Board Member DiSalvo stated Joel wasn't at the last meeting, right.

Board Member Pierro stated they pulled it out.

Rich Williams stated Dave he really needs to come in because the Board needs to react about whether they are okay with being ten feet away from the buffer, whether they are okay with size of the building. I mean I can sit here and work on the technical issues with them as can Gene but some of the policy issues about is this appropriate for the site, we need clear direction from the Board at a meeting, you know so that we can move this thing forward. So it is important from time to time for the Applicants to come and meet with the Board, as well as meeting with Gene and I when they can, to move the process quicker.

Board Member Pierro stated well your direction at the previous meeting was that you had some issues that you wanted to take up with the engineer.

Rich Williams stated no what I was expressing was that the engineer, and again you can see from the memo I did I only crossed out a few items, the engineer is not reacting to the comments nor does he give us back for example a letter that says we just can't do it.

Chairman Rogan stated right.

Rich Williams stated these are things that we need to make clear to the engineer that if you want this to move you know (unable to hear, papers shuffling).

Chairman Rogan stated right.

Rich Williams stated you have to recognize what all the regulatory requirements are, you can't kind of go along with this.

Board Member Pierro stated that is for sure.

Board Member DiSalvo stated when all is said done on that project, if everything goes through, does the square footage of all the building get increased as opposed to what is there now or basically stay the same square footage with all the buildings totaled.

Rich Williams stated honestly, I haven't looked at that because it really isn't an issue, whether it is or it isn't, unless you want to make it one.

Board Member DiSalvo stated well we need to know how that is going impact the size of site. If you are going increase it by 3,000 square feet or whatever, that is a big impact.

Rich Williams stated the way I have been looking at it is, does the building fit on the site.

Chairman Rogan stated yes.

Board Member DiSalvo stated go down to the City, they make anything fit.

Board Member Pierro stated my main concern is pulling those parking spaces out of the buffer further.

Board Member DiSalvo stated I thought that they were doing that.

Board Member Pierro stated yes, but I think that there is plenty of room for the parking that they have.

Board Member DiSalvo stated is he still going to have the tenant in the building on the left pulling or.

Board Member Pierro stated which building on the left.

Board Member DiSalvo stated with the fence guy.

Board Member Pierro stated I'm sure they will.

Chairman Rogan stated you mean the showroom building. They are not changing that at all.

Board Member DiSalvo stated yes but are they still going to have a tenant in there.

Board Member Pierro stated I'm sure that they are going to have a tenant there.

Board Member DiSalvo stated but the tenant has the storage space outside, you take away.

Board Member Pierro stated they have shown that they can provide plenty of parking on the right hand side of the driveway going in along side of that house there, they can provide for it, it is up to us for him to get out of the buffer. The big question in my mind is because it is a pre-existing use and they are in the buffer already can we make them pull it out or can we get them to minimize it somewhat.

Chairman Rogan stated minimize it to a reasonable use.

Board Member Montesano stated do you know if they are still going to have that gravel.

Board Member Pierro stated he said he was not going to do that anymore, he said it to me.

Chairman Rogan stated bulk storage.

Board Member DiSalvo stated and that top soil machine back there, that is all gone.

Board Member Pierro stated that is what he said, he is not going to do anything.

Board Member DiSalvo stated there could be a lot of room back there once everything is cleaned up.

Board Member Pierro stated for sure but I have a feeling, I had mentioned, I called him, I ran into him just after the last meeting and I told him to get your engineer to get and sit down with Rich because there are a lot of things that have to be addressed. The engineer never came in and he never called.

Board Member Montesano stated maybe the benefit is that if they do show up we can explain it again and then we don't have to worry about it.

Board Member Pierro stated and then the other issue is that he is friends with Harry Nichols and you can't get a hold of Harry Nichols, Harry Nichols is working out of the house in Pawling.

Board Member Montesano stated let's put it this way there are certain things we have control over.

Board Member Pierro stated sure, right.

Board Member Montesano stated and there are some that we don't, if we explain that we need this and he doesn't pay attention he will just keep coming back and taking up space.

Chairman Rogan stated then we won't put him on the agenda.

Board Member Montesano stated that's how it has to be.

Chairman Rogan stated okay, fair enough.

Board Member Pierro stated okay, next issue.

## 10) POWE SUBDIVISION – Initial Application

Chairman Rogan stated new, look at these clean plans here.

Rich Williams stated what are we doing.

Chairman Rogan stated Powe.

Board Member DiSalvo stated Poe.

Chairman Rogan stated Poe, I'm sorry.

Board Member Montesano stated I think your (unable to hear).

The Secretary stated I would have said pow too.

Chairman Rogan stated thank you. Let the record show that Michelle saw Pow too, so Pow it is.

Board Member Montesano stated that the raven was on the table.

Chairman Rogan stated if it H-O-W-E how would you pronounce it.

Board Member DiSalvo stated how.

Chairman Rogan stated change the h to a p and it's pow.

Board Member Montesano stated I don't know how you would say it, I would (unable to hear, too many speaking).

Chairman Rogan stated How.

Board Member Montesano stated no you wouldn't you would say yes sir.

Board Member Pierro stated come on, the thing on the.

Board Member Montesano stated you are killing the microphone.

Board Member Pierro stated these are the lots that were part of.

Board Member DiSalvo stated the runway over there.

Board Member Pierro stated Cushman, the farm, the big farm.

Board Member DiSalvo stated no, way before that.

Rich Williams stated this is right on the intersection of the Cushman Road and 311.

Board Member DiSalvo stated it looks like a landing strip over there, make the turn on Cushman.

Board Member Pierro stated on the left side.

Board Member DiSalvo stated go in about 300 feet on the left there is a big open field there, there were miniature horses there.

Board Member Pierro stated the 3 lot subdivision or 2 lot subdivision; oh it's a 3 lot subdivision.

Chairman Rogan stated 2 new lots.

Board Member Pierro stated 2 new lots, yeah.

Board Member Montesano stated that is why they need mini horses.

Rich Williams stated there are wetlands in the back.

Board Member Pierro stated right.

Board Member DiSalvo stated (unable to hear).

Rich Williams stated it would be a good idea to get Ted out and take a look at the wetlands, pace that out. If you look at the 2 houses they are pushed back pretty far, there is not much rear yard, these are going to be big four acre lots you know that the property owners are going to come in, they are going to probably want a horse because they are being built in farm fields and that is going to be a selling point of the property.

Ted Kozlowski stated who flagged the wetlands.

Board Member Pierro stated this is existing (unable to hear).

Rich Williams stated I don't think anybody.

Ted Kozlowski stated you can identify the flags.

Board Member DiSalvo stated everything seems to be going wrong there.

Ted Kozlowski stated this is not the.

Board Member DiSalvo stated Steven D'Ottavio.

Chairman Rogan stated wetlands shown are flagged by Kayler Geoscience and Land Surveyors LLC, on October 26, 2006.

Board Member DiSalvo stated the house.

Chairman Rogan stated and as surveyed by Kayler on November 8, 2006.

Board Member Pierro stated is this contiguous to the park land.

Ted Kozlowski stated once again they flagged the survey without.

Chairman Rogan stated what was the question Dave.

Board Member Pierro stated is this contiguous to park land, does the park land come down that far.

Rich Williams stated no, I don't believe that it is. Behind it is.

Board Member Pierro stated Smith.

Rich Williams stated Smith and Hutton.

Board Member Pierro stated how does Smith access.

Rich Williams stated through the little road on the side right here.

Board Member DiSalvo stated yes, Red Shutters.

Board Member Pierro stated Red Shutters Farm.

Board Member Montesano stated now are we going to get permission so that we don't have interrupt the movies when we go up there.

Board Member DiSalvo stated he had a blow out in his driveway with that storm.

Board Member Pierro stated yeah, Timmy is going to come up with his girlfriend and pitch a bitch about the development.

Ted Kozlowski stated this is Tim Hutton's.

Board Member Pierro stated no, he borders it.

Board Member DiSalvo stated it would appear that he would border the second house.

Rich Williams stated yes.

Ted Kozlowski stated alright I will take a look at the wetlands.

Chairman Rogan stated on lot number 1, it would be nice if we could look at maybe relocating the house so that they have more usable back yard because there is a lot more area on that lot and it looks pretty flat, the whole from the 100 foot buffer forward, the whole property looks usable.

Board Member DiSalvo stated oh yes.

Chairman Rogan stated topographically right now they are showing maybe 50 feet from the back of the house is the 100 foot buffer, it would be nice if we could maximize that so that we don't end up with.

Board Member DiSalvo stated so you want to put the house closer to the road.

Chairman Rogan stated well, maybe the septic can slide closer to the road.

Ted Kozlowski stated or put the septic or move the house.

Chairman Rogan stated even if the septic can slide closer to the road to within ten or twenty foot of the road.

Rich Williams stated put the house on the side.

Chairman Rogan stated or put the house on the side, exactly. Because they are showing the 40 foot building envelope, so the septic is shown right now about 60 foot from road, they could put that within ten, fifteen, twenty foot of the road and keep everything the way it is and shift everything forward, if possible.

Board Member DiSalvo stated I'm sure that they are going to want a pool.

Board Member Pierro stated it depends on the topography if the road is higher.

Board Member DiSalvo stated because that is a State area over there.

Chairman Rogan stated the grade is very consistent right up to the, that is why we will have to talk to them about it and see but like Rich said.

Board Member Pierro stated 50 foot from the buffer certainly leaves you plenty of room for a deck.

Chairman Rogan stated it leaves you some room, is it adequate on a four acre lot to have 50 foot usable on behind the house for structures, I don't know.

Board Member Pierro stated what else do you put there.

Ted Kozlowski stated pools.

Rich Williams stated shed.

Board Member DiSalvo stated like what we are going through now with the pool on the side of the house.

Board Member Pierro stated there is plenty of room for a shed back there, let's take a look when we get it staked.

Ted Kozlowski stated Dave, once you get through with a deck and you want to put a pool in there, now we are pushing the envelope. You know you have four acres, why.

Chairman Rogan stated and you are getting down into the grade if you notice the topography, the buffer line is pretty much where it is really starting to get down.

Board Member DiSalvo stated it dips down there and then goes up.

Board Member Pierro stated to build a house on that road is to have it set back off the road.

Board Member Montesano stated if they want an estate let them buy the two lots.

Board Member DiSalvo stated the two lots together.

Board Member Montesano stated and put one house on it. If they want a 4 acre parcel, they put the house where it is sensible not where they can have a big front yard like they are king and queen.

Rich Williams stated there is another advantage to all this too, if you pull all the houses up right now they are just barely breaking the one acre of disturbance that is going to tip them into having to do all sorts of storm water controls on the property.

Chairman Rogan stated oh.

Rich Williams stated he pulls the houses up farther, they reduced the amount of disturbance and they are not going to have to put in all sorts of crazy detention ponds and everything else out there.

Board Member Pierro stated that may be the bigger issue at hand, that may induce them to pull them forward.

Chairman Rogan stated that is not a big issue, there is enough room for them to do that, that is for sure.

Ted Kozlowski stated let's see if the flagging is accurate too.

Chairman Rogan stated oh yes, that is going to, it follows the topography.

Ted Kozlowski stated I have had issues with this flag, it is unusual with who flagged before.

Rich Williams stated while you have the plan out, if you go down to the south west corner of the property, behind the existing house, the wetland buffer doesn't continue down and it doesn't pick up the pond. It is in an area that nothing has been flagged and the question is, do you want them to show the whole buffer, Ted.

Chairman Rogan stated in other words this buffer line just stops.

Ted Kozlowski stated sure, it should document, we are not all going to be here forever.

Board Member Pierro stated but they aren't doing anything with the big house here, right.

Chairman Rogan stated this is the scale and it's fine a piece of paper, it is not going to be tough to do and it is not going to change anything, it is just a matter of showing it. I'll tell you what, what is this existing building shown on the 5:30 elevation that is right up hill of the pond, do you know, could we find out if it is some kind of shed or out building, it is something.

Board Member DiSalvo stated on the Smith's property or on.

Chairman Rogan stated on the existing parcel.

Board Member DiSalvo stated I think he's got a barn back there.

Chairman Rogan stated he's got a lot of things back here, this is busy.

Board Member DiSalvo stated he has exotic animals.

Chairman Rogan stated he has 2 two story frame, a two story frame house, a two story frame barn, a cabana, a pool, this is very nice, a frame shelter.

Ted Kozlowski stated is this the.

Board Member DiSalvo stated no Red Shutters.

Board Member Pierro stated frame shelter it says.

Chairman Rogan stated what is that like a turn out building or something.

Board Member Pierro stated yes.

Chairman Rogan stated there are a lot of different.

Board Member DiSalvo stated (unable to hear, papers shuffling).

Ted Kozlowski stated oh really.

Board Member DiSalvo stated (unable to hear).

Chairman Rogan stated we'll have to take a look at it.

Board Member Pierro stated okay, let's wait until May.

**11) OTHER BUSINESS**  
**a. Site Walks - Papitto**

Rich Williams stated the only other thing I have for you are the site walk comments on Papitto.

Board Member Pierro stated Couch Road, that has to go back here.

Rich Williams stated I gave you 3 and you didn't keep one.

Board Member Pierro stated I'm sorry.

Board Member Montesano stated I didn't get to you.

Board Member Pierro stated I did the same thing to Charlie.

Chairman Rogan stated thank you.

Board Member Pierro stated I plopped it down without giving it to him. Tape.

Ted Kozlowski stated I don't need it.

Board Member Pierro stated it's not a wetlands issue.

Ted Kozlowski stated it is not a wetlands issue. I have enough paper.

Board Member Montesano stated make a tree get busted up and cut up and then you don't want it.

Chairman Rogan stated the biggest issue from what I recall from the site walk really was the existing driveway grade, trying to bring that as close, if they are going to tear it up, they are going to make 15 %, it is that easy.

Board Member Pierro stated yes.

Chairman Rogan stated there really isn't much else, you are not going to see it from probably anywhere.

Board Member DiSalvo stated we were just concerned about what type of material he is going to use.

Chairman Rogan stated architectural rendering.

Board Member Montesano stated that and the movement of the trees, that was the only.

Chairman Rogan stated you are talking about the smaller trees though right, not the big ash.

Board Member Montesano stated yes, the ones that they said they were going to move. Well you never can tell, maybe we can get them moved and we can get them moved next to the existing tower with the monopole.

## 12) MINUTES

Chairman Rogan stated then we have some minutes that we can review.

### **Steven D'Ottavio Wetland Violation Discussion**

Ted Kozlowski stated I have something too, not on the agenda.

Chairman Rogan stated okay.

Board Member DiSalvo stated about Steven.

Chairman Rogan stated okay, you're on.

Ted Kozlowski stated Steven D'Ottavio, unfortunately has a pretty serious wetland violation, at 444 Haviland Hollow Road, which is going towards the Chiola property. This is the property that Jack Karrell submitted last year for a possible subdivision. I went out there and verified that there was a Town regulated wetland and seasonal stream corridor. The ZBA was out on the site too, looking at it, it is unclear to me whether it was approved for a subdivision or not, well that is what Steven D'Ottavio told me. Well, anyways he went in there, well not him, but he hired a contractor and completely and totally cleared the wetland.

Board Member DiSalvo stated where is the wetland if you are looking at the lot from the road.

Ted Kozlowski stated you have to go up the driveway and the house sitting on ledge over looking the road, Haviland Hollow Road, right behind the house is a very steep slope and the wetland just sits there.

Board Member DiSalvo stated at the bottom of the hill.

Ted Kozlowski stated at the bottom of the hill, he cleared everything.

Board Member DiSalvo stated why would he do that.

Ted Kozlowski stated his answer to that because I asked him that question is that he wanted lawn.

Board Member DiSalvo stated I thought that he had it for sale.

Ted Kozlowski stated Maria, it's all over the place, I met with him yesterday, he is a very likeable individual, but what he did I don't understand.

Board member DiSalvo stated did he fill in instead of debris.

Ted Kozlowski stated there is a mound of wood chips from about 50 trees that he cut down, you could go skiing off this mound of chips and it is of course right in the wetland and the stream. There are stumps and debris, there is nothing left.

Board Member DiSalvo stated so he dug up the roots.

Ted Kozlowski stated except the skunk cabbage.

Board Member DiSalvo stated you can't get rid of that.

Ted Kozlowski stated I did not issue an appearance ticket because he is on the surface willing to totally cooperate. I met with him yesterday for about an hour on the site and I came up with this game plan, I certainly want him to come before you guys with a wetlands application and I fully want him to restore that wetland, like I said, this should have been, could have been totally unavoidable and I don't understand it, it is one of these that you scratch your head on.

Board Member Pierro stated I appreciate the olive branch that you extend in the spirit of cooperation but I have to be honest with you Ted, coming from a background in law enforcement, the more we extend the olive branch, the more you are going to have extend the olive branch. Eventually and I know that you don't get a lot of satisfaction out of the Courts but sometimes you have to slap handcuffs on people and to hell with the mediation, you'll get the mediation in a settlement in court. I know that it is time consuming for you but there has got to be better way that we can do this.

Ted Kozlowski stated I couldn't agree with you more but every time I have gone to court, I walk away.

Board Member Pierro stated shaking your head.

Ted Kozlowski stated I walk away being told to fix the problem, fix the problem, fix the problem.

Rich William stated I think the answer is that we have to amend our Code to allow for administrative fines and administrative hearings.

Board Member Pierro stated that is the key, that is the answer I was looking for.

Board Member Montesano stated a key.

Rich Williams stated I mean that is the way that the DEC does it and that is the way we should be doing it, we just have to do. We also have to have the political will to do that and no one has been receptive to doing it yet.

Board Member DiSalvo stated oh I did hear that.

Ted Kozlowski stated he has 2 neighbors on either side.

Board Member Pierro stated so do we have any other site walks scheduled, do we have anything else out there that we have to do, we are waiting for the flagging on Ice Pond.

Chairman Rogan stated nothing that is ready.

Board Member DiSalvo stated I go down that way to Sherman.

Ted Kozlowski stated there is a big piece of wood.

Rich Williams stated Putnam Lake.

Chairman Rogan stated I don't want to talk over them. Whatever happened to the Harry Nichols subdivision over on Mooney Hill, we were waiting for that be staked, we were going to walk it, nothing, we haven't heard anything. What is that called anyway, is it Mooney Hill Subdivision.

Board Member Pierro stated Chestnut Ridge.

Ted Kozlowski stated Chestnut Ridge, it used to be called Wimbledon.

Board Member Pierro stated right, when my people had it.

Ted Kozlowski stated Harry is not in business any more correct.

Rich Williams stated Harry is still in business but he has scaled back quite a bit.

Chairman Rogan stated he is just a one man operation right now.

Board Member Montesano stated he is doing the Randy.

Board Member Pierro stated Charlie.

Chairman Rogan stated motion to adjourn.

Board Member DiSalvo seconded the motion.

Board Member Pierro stated carry this to your car and I will beat you home and I will be waiting in my driveway.

Board Member Cook stated sure.

The meeting adjourned at 8:40 p.m.