

TOWN OF PATTERSON
PLANNING BOARD MEETING
April 28, 2005 WORK SESSION
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Planning Board
April 28, 2005 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 Dave Pierro, Board Member Shawn Rogan, Board, Board Member Maria Di Salvo, Rich Williams, Town Planner and Ted Kozlowski, Town ECI.

There was one member in the audience.

Rich Williams stated before we start, one of the comments in my Burdick Farm memo is there were two drawings done by Peder Scott showing the grading along Bullet Hole Road. There is now a third drawing that Kellard did showing different grading scenarios, OP-1, OP-2 done by Peder Scott were two alternatives. Do you want to me to get go those plans because the question is what improvements need to be done along Bullet Hole Road between Ice Pond and McManus. Are you going to want to see those plans.

Chairman Schech asked is it really necessary now.

Rich Williams replied I am fine.

Chairman Schech asked does anyone want to see them.

Board Member Pierro asked are we to determine what needs to be done on the road.

Rich Williams replied yes basically.

Board Member Pierro asked or is our Highway Super the one who is going to do the project. I mean we can make recommendations but there may be,

Board Member Rogan asked I am sorry what are we talking about.

Rich Williams replied Burdick Farms there are three alternatives right now for re-grading the frontage.

Board Member Rogan stated the main entrance absolutely I think we should take a look at it.

Chairman Schech stated not the main entrance right.

Rich Williams replied between Ice Pond Road and McManus Road.

Board Member Rogan stated that is integral

Rich Williams stated let me go get the plans.

1) BUDAKOWSKI SUBDIVISION – Public Hearing Continued

Chairman Schech stated Budakowski, we were all over there, we saw where the stakes were and all that nonsense. We know what we are going to do on that. We are following the existing right of way in and then we are going over to the edge.

Rich Williams stated essentially there were no new plans submitted on this application. This is on primarily because the one hundred twenty days that you can keep a public hearing open is expiring and the Planning Board has to close the public hearing.

Chairman Schech stated we will close the public hearing at this meeting.

Board Member Pierro seconded.

Chairman Schech stated not at this meeting at the next meeting.

Board Member Pierro asked we are not closing it. We will close it at the meeting.

Chairman Schech replied yes.

Board Member Pierro stated I thought you said at this time.

2) REILLY LOT 37 WETLANDS WATERCOURSE PERMIT – Public Hearing

Rich Williams stated the Board has taken look, a site walk on Reilly Lot 37. At the Planning Board Meeting that we had down at the Rec Center new plans were submitted. I did a memo you should have that memo on some of the changes that I am suggesting. Ted has also now done a memo outlining some conditions for the permit.

Chairman Schech asked do we have a map showing the location of the existing wells of the surrounding residences, distances.

Ted Kozlowski asked the night of that did he submit eleven copies.

Rich Williams replied I think he submitted nine copies. I don't recall I don't believe the wells were on there but I am not certain.

Board Member DiSalvo stated I think they were.

Board Member Pierro stated I think I may have a map for the other two lots with the wells designated. The main house has a wellhead right in front of the barn, Maguire's main house. I will check tomorrow. I have a map at home from Van Cleef.

Chairman Schech stated that is awfully close.

Rich Williams stated that would be awful close.

Chairman Schech stated because the site where they are putting their septic is higher than that area over there so you are talking two hundred feet.

Rich Williams stated it doesn't work like that. There is a specific way that you have to show the distance you have to have from a well it is kind of a tear drop but if you are in direct hydraulic gradient from a well to a septic.

Chairman Schech stated the type of soils that you have there you are directly gradient because it is all bank run over there.

Rich Williams stated I hear what you are saying there is probably good infiltration through the area but like I said, Health Department does all that. They are the ones that are going to look at the separation between the existing wells. I would have hoped that the DEP and the DEC would have done that also but.

Chairman Schech stated one would hope.

The Secretary stated I received a phone call from one of the property owners within the area who did not receive a notice on this. They did not get the notice from me I was not here, they did do a certified mailing but one neighbor did not receive a notice and called me and said they should have been notified and were not.

Ted Kozlowski asked where was this neighbor located.

The Secretary replied it happens to be the Bodor's.

Rich Williams stated directly across the street.

Board Member DiSalvo asked does she have a P.O. Box.

The Secretary replied no.

Ted Kozlowski stated directly across the street.

Rich Williams stated we have not seen a name list yet.

The Secretary stated and I did pull a list and of course they are on there.

The Secretary replied yes and a lot of the time we received the night of the meeting the cards.

Chairman Schech asked were they on the list.

The Secretary stated I don't do the list.

Rich Williams stated we have not seen the list normally they have got to submit the list.

Board Member Montesano stated if I got one they should have got one.

Rich Williams stated that was the night of the meeting, Melissa had a couple of vacation days, she was not in so he came in I said I didn't have time to do the notice for him right then and there he needed to wait for Melissa to come back in. He just went ahead and did it all himself because he was desperate to get it out.

Chairman Schech stated good now he can be desperate and do it over again.

Rich Williams stated but we have not seen the list of names yet.

Rich Williams stated we have not seen revised plans either. The memo that I did issue they have not addressed that.

Ted Kozlowski stated if you recall those new plans, this is why I really do not like plans at the eleventh hour.

Board Member Rogan stated none of us do.

Ted Kozlowski stated submitted to and then they are expecting you to act on it and I instructed Harry that night after the meeting adjourned in the parking lot and I told Joe Reilly get everything in, in time. I stressed that in the parking lot and Joe Reilly said I am going to be on Harry's butt the very next day, well we haven't seen anything.

Board Member Rogan asked what are our grounds for pulling something off the agenda.

Ted Kozlowski stated and that is where we are at.

Chairman Schech asked what.

Board Member Rogan asked what are our grounds for pulling something if there is nothing new.

Rich Williams replied we do that but we have actually scheduled a public hearing on it.

Ted Kozlowski stated I think it is also important to understand that when this subdivision was done it was a 1,350 square foot house. The applications that Reilly put in to DEP, DEC and the Health Department reflect a 1,350 square foot house. The septic is reflecting a 1,350 square foot house.

Board Member Rogan stated well that it may not be. The septic is reflecting a bedroom count.

Ted Kozlowski stated bedrooms right.

Board Member Rogan stated they do not really care what the square footage is but the impact is certainly associated to that.

Ted Kozlowski stated right everything was based on a 27 by 50 house and now what is appearing before us is a lot bigger than that.

Board Member Rogan stated actually the original was even less than 27 by 50 I believe. I do not think it was 27 by 50. I think it was 27 by 40 maybe.

Ted Kozlowski stated whatever I am just saying that now we have got whatever it is, it has increased in size. If there is going to be a permit issued it should be based what was submitted two years ago as a formal wetland applications to this Board not based on something that is twice the size and far more intrusive into the buffer of the wetland.

Board Member Rogan stated I agree with you and a valid point for when we are thinking about it here is that what was approved at the subdivision stage has changed considerably through no fault of really anyone through a wetland delineation change and you may take something that was a previously approved subdivision and say okay this lot now has some intrinsic value, it has some rights to it but those field changes you almost wonder whether those field changes they give you I will say documentation but it is not really documentation the proof in saying wait a minute these things have changed considerably since the time of the subdivision. Am I right with the wetland delineation and you are on a point there where I think you would be on solid ground to say based on this, you probably would have been on solid ground although, we did say go to DEC and get their permit first but two years ago we probably although it was not re-delineated two years ago was it. It was through that process.

Rich Williams stated it was re-delineated, Ted Kozlowski stated it was re-delineated two years ago, I was out there with DEC because what he came in with his plans didn't reflect the reality of the site and wetlands do change.

Board Member Rogan stated of course they do and I guess my point is that we are well within our right to have said at that time based on a significant field change in the existing conditions we can't guarantee that this is a building lot despite prior approval. We are where we are with the DEC approval we probably would be hard pressed to do that but we certainly can stick to what was the submission at that time in house size.

Ted Kozlowski stated and I have got to say if I can say anything good about Wyndham Homes Subdivision it is a classic example of building on top of wetlands and their buffers and the impacts are incredible and this is what I really personally feel has to stop because we are just creating these nightmares for us. Once the builder is done, has his money he is gone on to something else and now we are stuck and the homeowner is stuck and this particular lot as well the Woodward Subdivision as well as the future Reilly one in Steinbeck Hill it is the same thing.

Board Member Rogan asked what year was this Van Cleef approved.

Board Member Pierro replied 98 I believe.

Board Member Rogan stated it was that recent. Ted, if you don't mind me asking how long have you, Ted Kozlowski replied the early nineties.

Board Member Rogan asked I guess my question is you were the Wetlands Inspector when this was, Ted Kozlowski stated yes I was.

Board Member Rogan stated I am actually surprised I would have expected you to push harder to have that lot removed from the subdivision.

Ted Kozlowski stated to tell you the truth I don't know what happened there because,

Chairman Schech stated the only thing that I can remember, Ted stated with the other lots behind Maguire's old place, Chairman Schech stated there was a Bog Turtle site in there and they went in there and they couldn't find any Bog Turtles that was that site.

Board Member Pierro stated Ted sometimes things fall through the cracks.

Ted Kozlowski stated but then you know what I was there for Deerwood and the only one that saw the problems was Richie and we fought over Deerwood left and right for years and now look what we are dealing with. I have been hit in the head. I have been hit in the head and I am just,

Board Member Pierro stated but I think it is our responsibility as well. It is not just one person's responsibility.

Board Member Rogan stated I absolutely agree.

Board Member Pierro stated I think the Planning Board has got to assume some responsibility.

Ted Kozlowski stated we have to stop the bleeding.

Board Member Pierro stated absolutely.

Board Member Rogan stated we have to do the best we can with what we have now.

Ted Kozlowski stated right and we are just coming down to and Richie and I talk about this all the time. We are just coming down to marginal lots now. That is what is coming before this Board more and more.

Board Member Pierro stated and that is why it was important for me not only because I live down the street from this mess but it is important to me because I am in the real estate business and I see what people are trying to come forward with to do subdivisions with and it is a night mare and I don't want this to open up the flood gates for a whole slew of marginal lots to come through.

Ted Kozlowski stated I respect Rob Cameron here but this Woodward Subdivision is going to be the same thing. It is just all wetland. You know Rob and Planning Board I didn't put it there. It is what it is.

Board Member Rogan stated you know it gets me thinking though again about how we zoned properties for a certain use but then the question that we always struggle with is that the property owner has some kind of right to gain some monetary benefit from that property when it is zoned that way. I almost think that maybe we should consider looking at properties that are marginal like this and trying to, I mean Rich is there any thought out in the zoning and planning world of trying to take that kind of property and say you know what it isn't even properly zoned, this is residential it should be zoned as open space property. I mean some kind of,

Rich Williams replied I don't know that legally a level of sophistication where we can actually zone property as not buildable in some fashion.

Board Member Rogan stated maybe ten years from now.

Rich Williams stated the Bonnie Bryer decision that was done down in Westchester where the Town actually zoned an existing piece of property it was a golf course, as recreation, as golf course but it could never be changed and the property owner challenged that in court. Many people who followed that case were incredibly surprised that the court supported such a restrictive zoning designation for the property.

Board Member Rogan asked what was their basis, I mean the basis was that it could not be used for anything else or was it a basis of we want our community to go a certain way.

Rich Williams stated it was based on community character.

Board Member Rogan stated that I would not agree with. I would agree with the idea that the court would be pushing a little bit on that because they are taking away rights not based on environmental merits or lack of merits for that matter.

Rich Williams stated but the court found that community character was a valid issue. The town did it they did it in such a way that it was upheld. It was a very big step forward in regulating land use.

Ted Kozlowski stated I don't think this is really stepping out of bounds here with the agenda and all but you know there is something called the Forest Tax Law in New York State, which is for fifty acres or more you agree to keep it forested. You get a significant up to eighty percent reduction in your taxes so maybe somewhere down the line someone looks at well maybe we have a wetland law that okay look you are not going to develop this property anyway. You get a tax incentive to keep it wetland and protect it because ultimately, that is protecting our drinking water, ultimately that is protecting our natural resources and maybe that is what should be because you know what a house is never going to get built there.

Board Member Rogan stated and I see cases where people have those types of lots, individual lots from old subdivisions that are all under water and they are saying I am being taxed as a building lot on this is that fair, I can't do anything with it why not let it go for taxes. Let the County take ownership I am still keeping my privacy because no one can do anything with it. I am sorry to get side tracked to the rest of the Board on this but I think it is something that in the next you know five, ten years that we need to be maybe at least thinking about.

Rich Williams stated but understand something within the contents of our Code and why we structured it so that and most people do this so there is a regulatory requirement that you issue a permit and you take a hard

look at the impact to the wetland but not an out right prohibition against development within a wetland recognizing that there is always needs to be a balancing of interest; the community interest against the environmental interest and that all wetlands are not created equal.

Ted Kozlowski stated but also understand and this is what my friend here and I are arguing about all the time is that it is not just us there are other regulatory agencies, I say the Army Corp. of Engineer and perhaps DEC. DEC is considering lowering the boom on the 12.4 acres down to 1 acre or whatever it is that they are looking so there are a lot of hands in this. I still think those lots under the water are not going to get developed.

Board Member Rogan stated with a lot of hands being involved people tend to think that the other hands are going to do a better job then they will and that is not always the case. We see time and time again, where other agencies approve things that we said, wow we never thought they would.

Ted Kozlowski stated and DEC,

Rich Williams stated case in point the Cornwall Hill lot and this is why my argument has always been it is our community, we have the greatest interest in how this gets done and we should be looking at it first before it goes to anybody else.

Chairman Schech asked all right we have a public hearing set up on this right.

Ted Kozlowski replied we have a public hearing but,

Chairman Schech stated we can have the public hearing, we can deny the application because we have the improper information.

Ted Kozlowski stated well I don't know that you can have the public hearing if people are saying they haven't been notified.

Rich Williams stated no what I think the Board needs to do is the Board needs to leave this scheduled because people may be coming in, if we sit here and cancel the public hearing they are all going to be coming in anyway because they are not going to know and then at the meeting when we get the list, we will have a list here to compare it with and if the list does not match then you can make further inquiry.

Ted Kozlowski stated and plus we don't have revised information. Are you going to allow Harry to come in that night with nine, ten maps and all his stuff.

Board Member Rogan asked in lieu of the revised documents can we keep the public hearing opened not that I am fan of doing that but like we did with Budakowski. We could just leave it open through the next meeting.

Rich Williams replied you can either do that or reschedule it either one.

Ted Kozlowski stated let's play this scenario what if one of the neighbors tomorrow wants to come in and see the plans. I don't have plans to show them.

Chairman Schech stated which one do you want to show them let's put it that way.

Ted Kozlowski stated right I have got a folder of Harry plans but we don't have the plan,

Rich Williams stated we would show them the latest and greatest of what we do have.

Board Member Rogan stated not only in fairness to us but more I think in fairness to these gentlemen, to Gene, I agree with what Mike has been saying for a long time about this bringing plans in even a couple days early it is not fair for the review process. I mean we are looking at it admittedly from a bit of a layperson's perspective but as a technical review it is not fair to look at a set of plans the day before or an hour before.

Ted Kozlowski stated plus you know what the family was there I feel bad for them they are buying this house they don't know all that is going on and this is what happens a lot. They are standing there over your shoulder hoping that this is the night they get their approvals so who looks bad. I look bad we all look bad meanwhile it is the engineer and the builder who dropped the ball.

Chairman Schech stated they are busy blaming us.

Board Member Pierro stated I have got thick skin I can take the blame. We have to do the right thing for the rest of the community and that is it.

3) BEECHTREE CONSTRUCTION WETLAND WATERCOURSE PERMIT

Chairman Schech asked who is Beechtree.

Ted Kozlowski stated Doug Wallace. You have got my memo.

Chairman Schech asked that is Carolyn Way.

Board Member DiSalvo stated the one in the hole.

Ted Kozlowski stated this is Carolyn Way.

Rich Williams stated and on a side note he wants the other application resubmitted for the other one.

Ted Kozlowski stated guys and lady I have to say this okay, I have known Doug Wallace since I have been ECI. Doug Wallace has been well informed of the wetland laws. He has had violations with me, I have let him off the hook, and I have discussed this time and time again with him. The wetlands law was passed in 1989. Somebody else owned the property, Doug's mother bought in 1994 well after the wetlands law was passed. Doug's company, Beechtree then bought the property in 2001 all the while knowing there is a newer wetlands law in town, buyer beware nothing like that. They are just going to go forward. Now, they expect, here is a site with steep slopes and wetland there is nothing on this property for a house and a family to use.

Board Member Rogan stated I totally agree.

Ted Kozlowski stated and they are asking us to approve a septic system within fifty feet of the wetland. That is at the base of a slope,

Board Member Rogan asked how about within five feet.

Board Member Pierro stated how about in the wetland.

Board Member Rogan stated there is a corner of it that is virtually touching but remember the problem that we have on this more than anything it that it is an approved lot already. It was an approved subdivision. If this was an individual lot we would not be having this conversation.

Ted Kozlowski asked do you want to say something about that.

Rich Williams replied I will reiterate what I said there is clearly case law out there not that I am an attorney that says if you are an existing property owner and the regulations change while you own the property there is a greater burden on the Town to allow you a reasonable use of the property. If you bought it with the regulations in place you bought the regulations.

Board Member Pierro asked is that the case.

Rich Williams replied yes.

Ted Kozlowski stated and I still don't know what soils they are not submitted on the plans, nobody knows. Richie and I looked it up on the Putnam County Soil Survey and it is showing Chatfield, which is a rocky, dry soil. That isn't what is out there and we know that.

Board Member Rogan stated right maybe up where the driveway is going to be.

Ted Kozlowski stated the Health Department still has to approve the septic but I am saying this to approve this as is, is such a bad precedent setting thing because now and septic's is the one that I really that and roads through wetlands that is it. We are just asking for trouble.

Board Member Pierro asked can I make a suggestion not to cut you off Ted.

Ted Kozlowski replied go ahead.

Board Member Pierro stated but can we have Rich confer with our Counsel and let him see the minutes to this meeting so he is not caught off guard and he knows which way we are heading on this thing.

Ted Kozlowski stated sure.

Ted Kozlowski stated now I have to tell you the other lot that Doug owns is the same thing.

Board Member Rogan stated the only thing it doesn't have is slope.

Board Member Pierro stated right that is the one that was filled in.

Ted Kozlowski stated it is all wetlands and it is all altered wetland, altered and filled wetlands take your pick.

Rich Williams asked can I just for my clarification I assume you are going to make a reasonable review of all the information.

Board Member Rogan stated of course.

Rich Williams stated collect the facts and then go, Board Member Pierro stated we have gone through this, I mean how many times do we have to go through this Rich.

Ted Kozlowski stated well Dave we still don't have all the information because I did talk to Jack Karrell and I brought these issues up that I have outlined here.

Board Member Pierro stated Jack has said publicly he knows this is going to get canned.

Board Member Rogan asked really.

Board Member Pierro stated yes.

Ted Kozlowski stated look I would assume that there will be some sort of litigation involved here but I think there is so much against this lot. There is no redeeming values of this lot. You have all been on it.

Board Member Pierro stated we have seen it twice.

Ted Kozlowski stated where do you put a house and where does a family go.

Board Member Rogan stated I can't even imagine that what they are showing for grading is going to be a fifteen percent grade driveway. He hasn't showed you a grading plan or anything Rich has he for this.

Rich Williams replied to be honest with you I have been really jammed up I haven't gotten to this one yet.

Board Member Rogan stated I mean you wouldn't do it based on this plan there is nothing hear to figure it out with. He is only showing topo in the septic area. The only topo on this plan looks to be the septic area.

Rich Williams asked there is no soils on the plan at all.

Board Member Rogan replied no

Ted Kozlowski stated no the soils are not there.

Board Member Rogan stated and no deep test hole data to see what kind of,

Rich Williams stated because I had a very detailed conversation with him on the soils. He said he was going to put it on the plans right away and bring them over.

Board Member Pierro asked those trenches have all been filled in.

Ted Kozlowski stated yes he filled in the trenches but the plans they show the trench coming back but the trench just dead ends and what it is going to do is it is going to create now a seasonal stream channel so you have a wetland now a portion of that wetland is going to be robbed of all subsurface water flow. It is all going to be diverted to another part of the wetland in a seasonal stream channel. That is a direct impact, it is a change in stuff. The functional analysis doesn't really address that and quite honestly and publicly and Kyle Kaylor is the Consultant here and I have not been very happy with some of the stuff that has been before us. On Route 22 that four acre piece next to Bog Brook, the wetland flagging is off. Woodward is horrendous the flagging is completely off and this functional analysis report for Wallace meets the minimum requirements to get the wetlands application complete but it does not address all this stuff that is going on down there.

Board Member Montesano asked can you do me a favor, can you give us an outline on what you would expect to be on these plans.

Ted Kozlowski replied I did in this memo. It pretty much is spelling it out.

Board Member Montesano stated good because what I would like to do is keep that here and when he comes in if we are going to discuss it as a Board we don't have to keep pointing to you we could ask our own.

Ted Kozlowski stated you have got a bunch of memos from me they pretty much spell out a lot of stuff that is going on.

4) CAPASSO WETLANDS WATERCOURSE PERMIT

Chairman Schech asked Capasso,

Board Member Montesano asked who is that

Board Member DiSalvo stated that is me.

Chairman Schech asked is this the new kid that has been building now for two years.

Rich Williams asked Maria, do you want to say something.

Board Member DiSalvo replied the new kid that is my horse farm.

Chairman Schech stated I thought it was the place across the street.

The Secretary stated that is Montiero.

Ted Kozlowski stated Maria, you actually have to recuse yourself.

Board Member DiSalvo replied yes but I wanted to explain the pictures.

Rich Williams stated actually what you want is that I received some pictures today from the property owner and would like to show the Board.

Board Member DiSalvo recused herself and stepped down.

Ted Kozlowski stated there is a little problem with the application apparently Jack Karrell because I spoke with Maria in the parking lot before the meeting, and just to give you guys a little bit of history here, Maria had asked me awhile ago to review what she wanted to do.

Board Member Pierro stated which is basically a pipe repair.

Ted Kozlowski stated well there is a couple of things; the one is there is a stream that comes across 311 on to her property and it flows into the Great Swamp. Maria initially wanted to and she got a DEC Permit to do this was to pipe that entire stream length. I told Maria that is a major disturbance, it is an alteration of a stream and it is defeating a functional value to the Great Swamp and that is something that we really wouldn't want to do. Maria agreed and said she was concerned about the current aesthetics there and I told her that riprap, rock, landscaping there is stuff that you can do to make it even a better functional stream, more a protected stream and add value to the aesthetics so she agreed to that. There is also some things; there is a bridge replacement and there is another small pipe replacement and those are maintenance issues, which are not a problem. Maria agreed to that and she told me she was going to tell Jack Karrell that. The plans before you though do not reflect that.

Ted Kozlowski reviewed the plans with Board Member Pierro and Board Member Rogan, unable to transcribe the conversations between them.

Ted Kozlowski stated if they want to go with the pipe that is a considerable fee and all sorts of things so Jack really has to change that.

Board Member Pierro asked so you are talking about digging it out.

Ted Kozlowski replied no, no digging out just basically riprap and doing,

Board Member Pierro asked it is not a pipe now in that section.

Ted Kozlowski replied right.

Maria DiSalvo stated it is the streams that come under where Nancy's house is under that drain.

Ted Kozlowski stated Jack needs a telephone call.

Board Member Pierro stated so it is heading from 311 to the west or to the east.

Ted Kozlowski stated it is going east.

Rich Williams asked Ted do you want riprap or do you want natural stream rock.

Ted Kozlowski replied when I am saying riprap I am saying natural rock. I don't want to see white quartz there. One of Maria's concerns was aesthetics so if it is going to be a natural stream it has to look like a natural stream and not some D.P.W. project off of 84.

Chairman Schech stated the white stuff turns gray after awhile and it doesn't move because it is crooked. It is not rounded.

Rich Williams stated but you can actually get river rock, fieldstone that you can line streams with so it creates a more natural feel for it.

Maria DiSalvo stated there is one up on 22 where Harlem Valley Hospital is just past up to the right. They re-did that stream.

Board Member Rogan stated I heard it is bad luck to take river rock and put it on dry land. What about the reverse if you take fieldstone and put it in the river is that bad karma.

Maria DiSalvo stated and the broken pipe has been there for years according to Bob Johnson and basically, it is all broken I have to put plywood over it so we can access the track in the back fields.

Ted Kozlowski stated basically, in the wetland law there is a provision for maintenance and repairs. It is really the stream that she needs a permit for from us. The bridge replacement and the pipe under the road that is a replacement that is a maintenance issue as long as you has got the erosion controls in that is fine.

Board Member Pierro asked is Jack going to be able to revise the plan for the upcoming meeting.

Ted Kozlowski stated well you have to set a public hearing so you have got to set the public hearing at the meeting, Jack has got to have the revised plans for next month's meeting.

Board Member Pierro stated okay get a hold of Jack.

Board Member Rogan stated being what I have seen of the Capasso farm on 311 I have no doubt that it will be aesthetically pleasing because there isn't a speck of trash or anything to be picked out there. It looks very nice.

5) DEERWOOD LOT 6 WETLANDS WATERCOURSE PERMIT

Ted Kozlowski stated Richie is calling it Deerwood but that is Wyndham Homes. The wetlands application guys and ladies it is a technicality but Wyndham Homes has to come into the fold if you will. They are assuming, they come in and assuming the wetlands permit, Chairman Schech stated with every single house they are coming in for a wetlands permit.

Ted Kozlowski stated this is another one where my understanding is that this extension has already been done. This is an after the fact deal. Am I correct.

Rich Williams replied I don't know. I haven't actually looked at the plans. I know there was some back and forth.

Ted Kozlowski stated I went to all the houses they all have decks on them.

Board Member Pierro asked did we look at this.

Rich Williams stated I understand but we did grant a wetlands permit,

Ted Kozlowski stated right but he wants a extension to the deck that is what the plan,

Rich Williams asked I thought this was the stairs and the fact that not only does he have stairs but he has a set of sliding doors at the base that he has a pad.

Ted Kozlowski stated if you read the wetlands application it says deck extension that is all it says.

Rich Williams stated again I apologize I have not had a chance to go through this.

Board Member DiSalvo stated it says small extension to the deck and stairs to ground.

Ted Kozlowski stated see this is the problem with Wyndham Homes, if you look at the site plan there is no wetlands on it, there is no wetland buffer, there is no soils. They are not even showing what they are doing. They are just showing the house. So, yes they are going to get their permit but they have got to clean this stuff up.

Chairman Schech stated we told them the same thing last time.

Ted Kozlowski stated it is very presumptuous of them to come in and say okay here it is, I did the minimal give me my permit.

Board Member DiSalvo asked people are living in this house Lot 6.

Ted Kozlowski replied yes.

Board Member Montesano asked do we have to give them the permit no.

Board Member Rogan stated well honestly what I believe is we should review as if it is not there and if we don't like it then they rip it out if it is something that you are not going to approve.

Board Member Montesano stated I would say you are not getting any approval until we see what you are going to do and you have to get an engineer to do the job properly. If we proceed to let them do it and then we come back and we reject it then we are opening up Pandora's Box because then the Judge would say why didn't you tell them prior to that. This way we are trying to get the application done properly to begin with.

Board Member Rogan stated it says small extension to deck and stairs to grade as per the drawings and obviously, Board Member Montesano stated there is no drawings to show me where the deck is.

Rich Williams stated before the next meeting I will pull the original wetlands permit and I will compare this and I will see,

Board Member Montesano stated yes but we are doing their job aren't we.

Rich Williams stated we always do their job but he is still going to have to revise the plans.

Ted Kozlowski stated is Lot 6 when you go up the hill you make a right it is the first or second house on the right.

Board Member DiSalvo asked it is not the one they built that looks like a Swiss Chalet.

Ted Kozlowski stated all those houses already have decks on them. The decks are built.

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

Board Member Rogan stated that house when we were out there they were just building the retaining walls when we were out there.

Board Member DiSalvo asked and that is a pretty high deck isn't it.

Rich Williams replied well you are overlooking the crater.

Board Member Rogan stated that has got to be high. So, the deck wasn't approved there was no deck at all on the original plans.

Rich Williams stated we were out there because of a wetlands permit for the deck.

Ted Kozlowski stated no the wetlands permit was for the stonewall.

Rich Williams stated it included the deck.

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

Ted Kozlowski stated the wall and part of the mitigation Rich was to, Rich Williams stated it was the deck because the deck goes into the buffer. Ted stated no you are confusing that with another permit they came in for.

Rich Williams stated I will pull the old permit I will take a look.

Ted Kozlowski stated the bottom line is it is incomplete and they should be like everybody else come in with a complete application.

Board Member Rogan stated we agree.

6) CORNWALL HILL ESTATES LOT LINE ADJUSTMENT

Rich Williams stated they are requesting a lot line adjustment between two parcels down near the old subdivision. The houses have been constructed on both of them. The lot area is not changing there is a number of additional changes that they need to make to the application form and,

Chairman Schech stated somebody was drunk when they put the pool in.

Board Member Rogan stated it looks like it or the fence.

Board Member Pierro stated I think it was the fence.

Board Member Rogan stated the pool looks like it had the proper offset to the old property line, ten feet.

Chairman Schech stated just about.

Board Member Pierro stated it was the fence.

Rich Williams stated I did do a memo.

Chairman Schech asked could they have moved, could the pool have gone over away from the line a little bit or there is a problem with putting it over a little bit.

Rich Williams replied I don't know. I don't know the site that well to know. I don't know how we got to where we are. I just reviewed it in the context of what they are proposing and is it reasonable.

Chairman Schech stated it is sort of a moot point right now but the thing is I just want to know if they put it there intentionally to get out of an area where they couldn't put it.

Board Member Pierro stated I think it was more of the wife's input as far how the fence would look once it got put up.

Chairman Schech stated I would like to take a look at it just for the hell of it.

Board Member Rogan stated I agree with that.

Board Member DiSalvo stated sounds good to me.

Rich Williams stated the lot line adjustment in Putnam Lake is staked and I have got the plans in and I think there is another application that may be ready for a site walk.

Board Member Rogan stated unfortunately I have to go to PepsiCo for a terrorism training this Saturday.

Board Member Pierro asked does this require us to go there at one time I mean it is fairly straight forward.

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

7) PATTERSON GARDEN CENTER & SUPPLY (a.k.a. Poppy's Place)

Rich Williams stated they have not submitted anything new. I did do a memo on the site walk you should review that and make sure that I have accurately reflected your concerns you expressed in the field.

Board Member Pierro stated it looks like it is getting pretty busy over there Rich. I have been watching as I have been driving by they are filling it up with material pretty quickly.

Board Member DiSalvo stated and that shed is still there. It is leaning now.

Board Member Pierro asked didn't we limit Patterson Garden to having just two pieces of equipment; the front end loader and a small backhoe.

Rich Williams replied didn't I put that in the memo.

Board Member Pierro stated a forklift and a large truck would be kept on site that is,

Board Member Montesano stated he said that truck wouldn't be kept on site. He said the truck was going to be used back and forth I thought to go back and forth to Brewster.

Board Member Pierro stated now they have got two pieces of equipment; the front end loader and a small backhoe behind the Cuckoo's Nest and I was not able to see in the back if they had anything else.

Rich Williams stated number three, what I did was I listed the pieces of equipment that Mark Perenti said he was going to keep on site.

Board Member DiSalvo stated he did say that about the truck.

Rich Williams stated the forklift actually fits into the truck.

Board Member Montesano stated I thought he said that was going back and forth.

Chairman Schech stated technically that has got to be delivering his supplies.

Chairman Schech asked what are we waiting for Burdick Farms or Ted.

8) BURDICK FARMS SUBDIVISION

Rich Williams stated Burdick Farms I did a memo for you they are at the point where they are looking for preliminary subdivision approval, which usually gets done in conjunction with adopting a Findings Statement. I haven't really finished the review of the preliminary subdivision plans and there were some other issues so I intentionally held off on preliminary, the Board didn't ask me to do otherwise but I did do a reso at this point. I did review the plans there are a number of comments but they are really most of them are things that are going to get addressed as they are preparing the final plat.

Board Member Rogan asked for my edification what involvement do we as a Planning Board on this project between preliminary approval and final plat, once we approve preliminary are they only coming back to us for the final signing.

Chairman Schech stated no that is just the start.

Board Member Rogan stated sometimes I have a habit of thinking that after preliminary they go to the other agencies, get their approvals and then come back for,

Rich Williams stated they do to some extent. The way the process is set up for larger projects it is a two step process. They do it that way so that they are not designing, and they get an approval so that they know that they have some rights vested so that they are not expending all this money before they get all the way through. They are still going to coming back after they preliminary approval to talk to the Board about other issues and look at design issues but for the most part they are going to go to other agencies and start working with them to get their approvals.

Board Member Rogan stated this brings up the conversations that we have had in that the environmental process the way it is now it seems like we are forcing people to design the whole project before we even have given them preliminary approval if I am not mistaken.

Rich Williams stated yes at this point this project is designed well past where other projects would be.

Board Member Rogan stated and probably what the intent of SEQRA may be because SEQRA is a reasonable look at the impacts.

Rich Williams stated the process, the environmental review is supposed to be done very early on in the process at that point you are not going to know what your final stormwater product is going to be but here we are and we are not doing it other agencies are you have got to do a full blown Stormwater Pollution Prevention Plan.

Board Member Rogan stated right and how do you do that when you haven't confirmed your plans yet. It is a hit and miss.

Board Member Pierro asked does the widths of the roads alter the stormwater quantities.

Board Member Rogan replied absolutely.

Rich Williams stated that was one of the issues that came up, it was my understanding that the Board was looking for two, sixteen foot wide lanes. Kellard did not feel that way. They thought that the Board has been saying right along fifty foot.

Board Member Rogan stated we said thirty feet to the point of the loop and then we said twenty-four foot I believe.

Rich Williams stated but as I recall you were also saying two, sixteen foot wide lanes initially with a ten foot wide boulevard.

Board Member Rogan stated initially.

Board Member Pierro stated yes initially.

Rich Williams stated and then you decided you were just going to get rid of the boulevard and keep the lanes.

Board Member Pierro stated I thought we had discussed a twenty-four foot road to further reduce the impervious surface.

Board Member Rogan stated no we kept it at thirty and in fact you were looking for even more at one point with the sides.

Board Member Pierro stated with the right of way. We are talking fifty foot with the right of way, with the un-improved grass swale on either side we are still going to have that amount of space to use.

Rich Williams stated you know my opinion on the excessive length of the road I don't have to go down there but if you are going to go down this road again, my opinion is you are not really gaining a lot with a thirty foot wide road as opposed to the twenty-four. If you wanted to have some pull-off's or something.

Board Member Rogan stated the only reason I am going to respectfully disagree with you is because of all the concerns that Paul and Dave had about this whole jamming that the extra six feet I think gives us our, here is what I think it does Rich is I think it gives us our out for not having the secondary access. We have improved beyond what is normally required.

Rich Williams asked okay six feet.

Board Member Rogan replied yes from twenty-four to thirty. That is what I thought we were talking increasing to thirty.

Chairman Schech stated that is what we did say.

Board Member Rogan stated yes we did that is what I remember.

Rich Williams asked so you do want to go to thirty.

Board Member Rogan replied thirty from the entrance to the beginning of the loop and twenty-four for the loop.

The Secretary stated I think that was what you guys did the motion on. I think there was an actual motion.

Board Member Pierro stated yes and I recall wanting to go to twenty-four and thinking that we could use those swales on the side for emergency use but that was blown out I was only one vote.

Board Member Rogan stated well I think as a Board we have to be able to express or explain why we have altered standards that for years were requiring a secondary access. The implications to the environment,

Chairman Schech stated I think we explained that.

Board Member Rogan stated I think we planned pretty well.

Board Member Pierro stated I still think we just didn't have the right to have that secondary access there. We didn't have the right to push it.

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

Rich Williams stated here is where we are initially within the Environmental Impact Statement, Peder Scott had prepared these two drawings, OP-1 and OP-2 and they are pretty close. There really is just some difference in the elevation grade down near the Ice Pond Road intersection down in here. There is a bigger cut in Op-1, which is going to have more of an affect on the adjacent property owners, but it brought it down to a much softer grade. This is a six percent grade and this is much, much less. This is what was included in the set of preliminary plans,

(TAPE ENDED)

Rich Williams stated the grading for Ice Pond Road on both plans almost to the wetland, Wetland #6 within the preliminary drawings done by Kellard he did a site analysis at the intersection to show that he could get pretty much good site distance, not safe stopping distance but good site distance.

Board Member Rogan stated right the difference in grade good point.

Rich Williams stated and he shows some minor re-grading to the west of the proposed Burdick Farms entrance, nothing to the east, nothing down by Ice Pond, not looking to make a decision tonight but what I did knowing that they were really alternatives and had to have some fun, Kellard carried over both alternatives saying we are committing to two alternatives in their Environmental Impact so in the Findings Statement I said okay do both alternatives.

Board Member Pierro stated yes but they are not building the road, correct.

Rich Williams asked whose not building the road. Whoever gets approval for this is obligated to build the road.

Board Member Rogan stated they are going to have to the area directly in front of the main entrance,

Board Member Pierro stated in front of the main entrance yes.

Board Member Rogan stated the grade on that Bullet Hole Road,

Board Member Pierro asked but anything beyond that are they going to have to build.

Rich Williams replied we are talking about now from Ice Pond that section, that segment of road between Ice Pond and McManus.

Board Member Pierro stated towards McManus yes the grading to improve site distance.

Board Member Rogan stated any grading that we have required they are responsible for because that is the primary site of their main entrance.

Board Member Pierro asked but anything further than that.

Board Member Rogan stated it sounds like we have said explore options.

Board Member Pierro stated you supply the land.

Rich Williams stated there is that one alternative that is on the table that says you have to re-align this corner you supply the land we will supply the improvements at some point in time when we can do it.

Board Member Rogan stated so at least we have the option. We fought so hard again for the corner up on McManus through Noblet and here we have a more significant concern. We have to do the same thing.

Rich Williams stated the reality is if say God forbid something happened to Claire Burdick she wanted to sell the property, she just wanted to move on and he wanted to buy that property re-align it through her,

Board Member Rogan stated knock the house down.

Rich Williams stated yes I am sure the Board would be fine with going along with that as long as the plan was reasonable but he might be obligated at that point to do it at his expense.

Rich Williams stated I just wanted to bring this to your attention. When I did the preliminary subdivision resolution just so you know I included all the drawings that were included in the preliminary plat so you are basically approving all of them except for this drawing.

Board Member Rogan stated a good point though about the safe stopping distance because of the current slope of that road and this plan safe stopping distance probably has not been provided. You are coming around a blind curve to a down hill.

Rich Williams stated and as far as the improvements to this road and the traffic studies and everything within the context of the SFEIS and SEIS we basically were just referring back to the original studies, the original plans done by Collins.

Board Member Rogan asked Rich if I remember right we no longer have the improvements that originally were going to be required to the property directly across from the intersection of McManus and Bullet Hole hill remember at one point that was going to be cut down and we don't have that now because they are not really I mean that is one of the balancing affects.

Rich Williams replied when they went to the forty-nine lots.

Board Member Rogan stated that is certainly fair you reduce the lots at some point you have to give some credit for that.

Board Member Pierro asked in our last conversations with the Applicant at a work session he was pretty adamant that he wasn't going to provide for further road improvements or the acquisition of further properties.

Board Member Rogan stated well I don't think, you know what he said though he said the negotiations are open but what he was trying to say what if they fail am I now locked into this and we were saying we felt as a Board yes.

Board Member DiSalvo stated that is right.

Board Member Rogan stated this is something that has been on the record as you have said from day one.

Board Member DiSalvo stated and then he said he wanted to challenge that.

Board Member Pierro stated right and he said he would challenge that.

Board Member Pierro asked at what time though do I mean he was being a little vague saying well there wasn't anything on the record at what time do we get an acknowledgement. At one time or place do we get an acknowledgement, a stipulation or an agreement that we have consistently brought about the acquisition of the property where the barn sits now to do improvements.

Rich Williams replied you really don't need that until you go to issue final, before you sign the plat if that is a condition and you can make it a condition that is when you really need it. Certainly it is probably more prudent to press him to get it sooner rather later.

Board Member Pierro stated absolutely or as we had spoken privately to get it from whatever sources that we can.

Rich Williams stated right and I will let the Board know I did meet with Insite Engineering this week and the Brown's who own the property that the barn is on, on the other side and they are also exploring the possibility of doing a subdivision. I did let Mr. Brown know that he was looking for two common drives one of them would come out right by the barn that the Planning Board might be reluctant to approve any increase in traffic on that road since there has been a really identified deficiency within the geometry of the road at that intersection whether that reflects the Board's opinion.

Board Member Pierro stated it does but I think we are walking a very fine line on okay we pressed Mr. Condito and couldn't get it and now we are going to press this guy.

Rich Williams stated Dave the reality is if this guy comes in our Code says he has to give twenty-five feet from centerline anyway.

Board Member Rogan stated and one of our primary steps on a new subdivision application is go out and look at site line distance and if we said hey, there is no way we are going to allow any driveways which we would do in that case then they are looking at the only feasible area down by Hyatt's to access a driveway.

Board Member Pierro stated I sort of understand where Condito is coming from but this guy has to be hemorrhaging money trying to pull this stunt off.

Board Member Rogan stated our concern is, Board Member Pierro stated I know it is not our concern but he is going to want to get this,

Board Member Montesano stated what is that favorite saying you always use my esteemed colleague what is that let the buyer beware.

Board Member Pierro stated right Caveat Emptor. We have to be able to get this thing in the right place where we can.

Chairman Schech stated he understands what we want and we know what we want so there is no problem there.

Board Member Montesano stated we have been this way since the eighties when this project first got a seed planted in the ground.

Board Member Pierro stated I don't feel bad for the guy because I figure Toll Brothers or one of these big companies are going to come in and build this thing out and he still is going to make a ton of money on it.

Board Member Rogan stated that is not our concern.

Rich Williams stated one of the other issues that I have raised in my memo that might be good to just get out tonight is something that is going (unable to hear) typically at new intersections the Board wants to see a street light.

Board Member DiSalvo stated like Louie Pescatore's I don't see any street light there.

The Secretary stated because it is not finished.

Rich Williams stated there was an issue with the Board that from now on they want to see the lights go on early on.

Board Member Rogan stated it is what it is. It is a safety issue got to have it.

Board Member Pierro stated it is a safety issue we can't hang the Town out to dry by not.

Board Member Montesano stated that used to be a standard thing that any time you put a development in at the intersection of the main road there had to be a street light.

Board Member Rogan stated think of what we did with Laura Parker, a minor subdivision.

Board Member Pierro stated that is still not completed by the way.

Rich Williams stated no but she is working on it.

Board Member Rogan stated we have to do it.

Rich Williams stated I just wanted you guys to think about it early on.

Chairman Schech stated okay moving right along.

9) **BEAR HILL ESTATES SUBDIVISION**

Board Member Rogan stated Bear Hill wants to divide up the application.

Board Member Pierro asked a new memo on that Ted.

Ted Kozlowski replied yes you have a memo. I think Rob Cameron is here from Putnam Engineering and he wanted to runs something by the Board.

Mr. Rob Cameron, Putnam Engineering asked could I make a brief presentation about why I am here with this and what I am trying to do because I don't know if it is exactly clear in my memo to you why I am trying to chop this project up into an east and west parcel.

Board Member Rogan stated I don't think it would have been fair of us to let you sit here for all that time patiently and not let you speak. You do need to use the mic.

Mr. Cameron stated you are kind of familiar with this site and what we are trying to do here and one of the reason I asked to be before this Board tonight is the Applicant has recently come to me with this large parcel, this Lot 2 which is about sixteen acres in size and he wants to put more lots on this. That creates a problem for me because,

Ted Kozlowski stated it is a problem for us.

Mr. Cameron stated I don't want to get involved in segmentation and that is why I am asking should this or can this be divided up into two separate applications. If he wants to come back in and subdivide, I am going out there next week to test this area. There is fifteen percent or less slope all through the middle and what he is proposing to do is create three lots and a common driveway.

Board Member Pierro asked where is this larger lot.

Ted Kozlowski stated along 311.

Mr. Cameron stated he has control over this whole area, this is 311.

Board Member DiSalvo asked where is Bear Hill.

Mr. Cameron showed her on the map.

Board Member DiSalvo asked isn't the State going to widen that section eventually going up the hill.

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

Mr. Cameron stated we have an area through here where we can get septic and houses and so we are going to come in through here and bring a road, a common driveway in through here. This is the concept of what he wants to do.

Board Member Rogan stated how about one really nice house.

Mr. Cameron stated it might be one it might be two I don't know.

Ted Kozlowski stated Rob right where your hand was if you go back, flip the plan back over, LCB, Licaster is a wetland hydric soil your road is going through that. That is the same soil that is on the Woodward site. I would venture to say,

Mr. Cameron stated that is why I am going out there.

Ted Kozlowski stated I would venture to say that you have got a wetland sitting right there.

Mr. Cameron stated I know that there are areas over here where it is wet so that is why I am staying away from here. Again, I will find out but I am here because he does want to try and do something with this site and if I go ahead with the subdivision as it originally was proposed and then I come back in a couple months to try and subdivide this lot I am in trouble.

Board Member Rogan stated I think what you are approaching though is the maximum already with what is proposed regardless of Lot 2 you are approaching the build out on what this intersection can handle is my first instinct because I have never liked it. I mean we have to deal with the property owners up there and some feasible use of that property but that intersection of Bear Hill and 311 is a difficult intersection. Is there any place on Lot 2 further to the right up the plan there that you can access 311.

Mr. Cameron replied realistically no. This is very steep. This is actually a rock cliff.

Board Member Rogan stated the reason I am asking is based on the topo about two thirds of the way up the lot where your soil boundary says C I can't read it from here, CSC or CRC way up high.

Ted Kozlowski stated CRC.

Board Member Rogan stated down 311 further on the plan we have the contours come real close to the road it does not look.

Mr. Cameron stated yes but I can't get up this. It is almost a cliff through here. I would have to make a tunnel through there.

Board Member Pierro stated some sites are not buildable.

Board Member Rogan stated I will tell you Rob based on what you find out there with the wetland soils if that works out personally I am only speaking for myself you might have a shot at getting one lot approved with a driveway coming through but I can't imagine getting more than one lot out of this. I know the area bulk dimension wise looks great but like you said look at the topo and what you just were showing. I haven't walked the site so it is not fair.

Mr. Cameron stated I was hoping to get this testing done before I got to the Board but because of the weather and then all of a sudden the weather broke and now it is almost impossible to get an excavator.

Board Member Rogan stated I will be the first to admit that especially us as a lay Board looking at topo on a map and seeing it in real life are two different things clearly so I would want to look at it first but based on what you showed us in topo it seems a bit exaggerated to want to try and get three lots out there. I am willing to go walk it.

Board Member Pierro stated Rob maybe you ought to communicate to your client that the adjoining property is also Woodward and there is an in contract sign up there you don't know if that means anything and that may add some value to your lot if they can access it for some reason from the other side.

Mr. Cameron stated I took a look at that over there and there is a big hill to come up to get up there you would have to build a very steep roadway to get up on the other side. It slopes up steeply from Woodward.

Board Member Rogan stated this is difficult this whole site is a difficult site.

Board Member Pierro stated it is a stretch but let's look at it.

Mr. Cameron stated I didn't want to box myself out if I continue with the application as it is making this Lot 2, go ahead with the subdivision.

Board Member Rogan asked Rich, let me ask you a question can we not review these as two separate because the impact other than I mean realistically the only impact that is associated between these two proposals is the entrance and that last little bit of road because the access would be proposed there so can we not look at it as two separate proposals.

Rich Williams replied as far as the Town is concerned I mean they are different lots and so procedurally with the Town there is no,

Board Member Rogan asked are they different tax parcels.

Rich Williams replied yes they are different tax parcels so procedurally within the context of the subdivision code there is no real issue but as Rob knows the SEQRA regulations frown on segmentation.

Mr. Cameron stated he controls all the property but,

Board Member Rogan asked if they were two different property owners that wouldn't be segmentation would it.

Rich Williams replied no but it might trigger a cumulative review between the two. The issue here is they are the same owner, they are the same type of development coming in at about the same time. I don't know how you would really justify segmenting the review of these two projects. It would be very difficult.

Board Member Rogan asked is the concern the gap in time frame between knowing what you want to do with one half and not being sure with the other and that gap in time in planning.

Mr. Cameron replied yes it is because technically if I can do something out here this site has all been tested the DEP has been out there, the Health Department has been out there I have all the perc tests, the deep tests it could be months and months before I am able to get the DEP and Health Department out here and figure out what I can do with this if anything.

Board Member Rogan stated I may be completely wrong on this but my gut feeling looking at the way these lots are laid out as that I would not have a problem if we could swing it segmenting these two proposals.

Rich Williams stated hold it if that is your concern you could do the SEQRA review on the whole project and then do it as two separate phases, complete one and then worry about completing the other.

Board Member Rogan asked how could we do the environmental process without knowing what is proposed.

Rich Williams replied he would have to come in with a relatively well developed concept plan and at that point we throw them both together as two separate phases, finish the SEQRA review then you could go wrap one up.

Board Member Rogan stated boy I will tell you what if the owner wants to do the right thing he comes in with a very nice plan for one house on that lot and be a home run provided that what we see out there isn't the scenario that we are afraid it is. I know that they don't like to always hear that.

Mr. Cameron stated unfortunately I don't know that yet obviously any developer does not want to give up lots.

Board Member Rogan stated of course not.

Mr. Cameron stated if there is a possibly of three lots he does not want to lose two to go for one and as it is right now this Lot 3 per Ted's memo with the vernal pool which is actually where that bay comes through that is going to impact Lot 3.

Board Member Rogan stated imagine though you have been listening from the sidelines here and us talk about these old subdivisions that were approved and we are sitting here saying how did we maybe not all of us but how did the Planning Board approve these things. We are looking at the same thing here we have got a piece of land that really is difficult. It has a lot of constraints on it and we are trying to do our best to put a subdivision that makes some use of the property where there is a lot of areas that should not be touched at all and we are trying to be very reasonable in allowing a use of the property. We walked a lot of that site and a lot of that project is not readily useable or should be used. It is not your fault and it is not ours it is the property.

Mr. Cameron stated I understand the concern about this wetland and I am going to take care of that I am just going to move the house a bit up here.

Ted Kozlowski stated just the driveway is really the problem. The driveway going in is going right through the wetland.

Board Member Rogan stated the way it was shown.

Ted Kozlowski stated unless you moved it. Now, Rob again look at the soils Sun Loam, Sun soil it is a bonified, absolute, positive wetland soil. You have your driveway right in it.

Mr. Cameron stated like you said before you can't always depend on the soil maps. Does it extend all the way up here, does it just extend down here it is not indicated.

Ted Kozlowski stated but Rob I have been to that site several times this winter and spring I have been monitoring the vernal pool as I said to you previously there are three vernal pools in this Town I have been monitoring this spring and summer, Rich has come with me to one of them and we really have been doing our homework on it. You have got a bonified, one hundred percent positive productive vernal pond there. You have got a wetland that is larger than it is flagged and you have to scratch your head and say how come those two lots have not been developed yet. The reason is you have got a vernal pool and you have got a wetland and nobody wanted to touch it years ago and now we are the cusp of marginal properties and let's see if we can squeeze something in. It is not your fault but there is a reason why those two lots were

not developed yet. It was accessible from the road but they have got a wetland there and now let's see what imagination we can employ to get the house and septic in there but unfortunately you have got constraints that you have got to deal with it. You saw my recommendation to the Board I oppose any filling in or draining of a vernal pond.

Board Member Rogan stated Rob I am actually sitting here and listening to what Ted is saying and I am thinking about your position as the engineer for this project and you have a tougher job. We are bound to do what is best for the Town and the environment. You have to do what the Project Sponsor wants or the Applicant wants and then you have to struggle with what you must certainly know as an Engineer and as a responsible person knowing what should and should not be done and that is balancing act that you obviously got to work through. It is not you.

Mr. Cameron stated the vernal pool we did realize that it could be an issue and that is why I had asked is there anything that we can do with the vernal pool. Could we create an additional area over here, could we do a mitigation here, increase something over here and that is what the Applicant asked me to come before the Board and ask and now Ted wrote the letter (unable to hear). It is obviously my obligation on behalf of my client to come here.

Board Member Rogan stated it is not personal.

Board Member Rogan stated slightly off subject but I do want to walk Lot 2 before we even think about.

Rich Williams stated following the process he could come in with a concept, we will walk it, then we do intent for Lead Agency.

Board Member Rogan stated but I am saying I would even be willing to walk it without that just to walk the property and getting a sense sometimes it is probably this might be good for the Board and us to walk a piece of property without having a set proposal. It might be a good exercise, now we can look at a piece of property.

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

Mr. Cameron stated I don't have a problem if you want to go in there.

Board Member Rogan stated what I am saying is I think that might give the Board a chance to look at a piece of property without having a preconceived idea of what is being proposed and to look at the restrictions.

Rich Williams stated we can spend some time go out there try to lay something out in the field.

Board Member Rogan stated not that I want because this is Mike's big thing not that we are thinking about saying hey, we have come up an idea for you just that we have in our mind hey, this is what the property really feels like.

Ted Kozlowski stated plus when you are sitting here now you have it in your head of what it looked like.

Rich Williams stated then you can see what he comes in with.

Board Member Rogan stated then we would not have to walk it again based on your proposal we would have already been on the property. I mean it is obvious what you are going to be proposing for access so that is not a big deal. We all know where that is.

Chairman Schech stated driving by that every day I often wondered what they were going to do with that mess.

Mr. Cameron stated it is all steep slopes along here (too many talking at the same time unable to transcribe).

The Board agreed to do a site walk.

10) WOODWARD SUBDIVISION

Rich Williams stated I did a memo on this and that is all I am going to say.

Board Member Rogan asked I didn't get it is there stuff in the boxes tonight that is why I am missing everything.

Chairman Schech stated I didn't bring my dictionary with me facultative or obligate.

Rich Williams stated that is Ted not me.

Ted Kozlowski stated obligate means ninety percent of the time it is wetland and facultative means that seventy-five percent of the time. In other words it is facultative and above means it is,

Rich Williams stated here is the way I do it obligate they are obligated to be in a wetland seriously, facultative it is like a teacher they only show up part of the time.

Ted Kozlowski stated look you guys can't review anymore until the wetlands issue is resolved. There is major wetlands on that site.

Board Member Pierro stated and whether the wetlands issue are going to be resolved.

Ted Kozlowski stated I would venture to think that the wetlands were probably flagged during the middle of the winter some time not this year but I think it was done last year and winter is not a good time to be flagging wetlands. This site shows all three major indicators of wetlands; the soils, the vegetation, hydrologic indicators. They are all there. There is no question quite honestly I don't know how the Field Delineator missed it. I think he went by topography. The site has been altered a little bit. Somebody was in there a long time ago and moved the stuff around. It is pretty much following the stream corridor or a drainage corridor but especially Lot 1 that whole driveway and house is located right smack in the middle of the wetlands plus you have to think about driveways coming out on that hill.

11) EUROSTYLE MARBLE SITE PLAN

Rich Williams stated from here on out I have not had a chance to do memos on the projects and Gene has not either so we are flying on the seat of our pants here.

Ted Kozlowski stated I have a comment about that, I inspected the site there is wetlands on there. The reason I didn't write a memo I don't want to get this bad but the flagging is off about ten feet are we going to make it an issue or not. The only thing is I think with that ten extra feet it does throw it into the buffer zone but it is off slightly.

Board Member Rogan stated then we need maybe a slight modification.

Ted Kozlowski asked do you have a site plan.

The Board opened a plan.

Ted Kozlowski stated Flag A-1 ends right here, it actually extends this is like a drainage corridor it actually goes about ten feet and when you turn the page I think it triggers a wetlands permit. It is really minor.

Ted Kozlowski stated Richie said there is going to be a lot of grading that is probably,

Rich Williams stated I said there may be a trigger when we see the grading on the stormwater pond.

Board Member Rogan stated the slope behind the corner of the building between there and the wetland is pretty steep. There is forty foot of grade change from the corner of the building in a one hundred twenty feet.

Rich Williams stated they are raising front and dropping the back, (hard to hear his statement).

Rich Williams stated I haven't taken a look at the plans there are some other issues.

(Hard to hear too many talking at the same time unable to transcribe).

Rich Williams stated the biggest issue I think is they are showing a metal building.

Board Member Pierro asked it is not permitted any longer.

Chairman Schech stated no.

Chairman Schech stated okay so building style.

12) FRYER SITE PLAN

Chairman Schech stated we are okay with Fryer right.

The Board replied yes.

Rich Williams stated Jack Karrell has submitted engineered plans. They have gone out they have now shot the parking area, they show it as spot elevations not topo. We could live with that I think. They show the elevations of all the drainage systems. I have not had a chance to go through the detail. There are some minor revisions for remediation for the stormwater pond. The architectures submitted by the Architect have not changed. We have got what we were looking for I think at this point to move this forward.

13) FRANTELL SITE PLAN

Rich Williams stated they submitted a little sketch showing an architectural standard of a barn. They have made some minor modifications to the plans again, I haven't gone through them in any real detail.

Board Member Rogan stated it is better than Lego Land.

Chairman Schech stated and they said they were moving the ponds out of the buffer.

Board Member Rogan asked Rich, the architecture rendering doesn't the scale, the whole lower level throw off honestly from here, and the picture it looks like the whole thing is built on stilts.

Ted Kozlowski stated it looks like it belongs on the coast somewhere in New Jersey.

Board Member Rogan stated it almost looks like he took the building and raised it up one story and built the building he wanted up here as opposed to down.

Board Member Rogan stated what I am trying to avoid on this is I don't want to end up with a building, Frantell that we settle on and I am thinking in terms of the building I can never remember the name on the corner of 164 and 22 honestly when they built it I went oh, my God I approved that meaning we all did when that went up I did not for whatever reason see it on the plans for what it is going to look like and to me that building unfortunately doesn't do anything. When the wall went up I said,

Ted Kozlowski stated we tried to do with the A & P that colonial look and that Dunkin Donuts just ruins it.

Rich Williams stated I think the barn look is a good direction it is just we need to make sure we may need to tweak it a little.

Board Member Montesano stated the only problem is we have to find someone who is willing to spend a dollar and not two cents.

Board Member Rogan stated none of us are Architects so we don't know how to take a plan and turn it into something that we say wow really that is what it comes down to none of us have that I don't anyway.

Chairman Schech stated so we just tell them to come back with something that we like.

Board Member Rogan stated no but I think it is one of those things where it would probably be I hate to always put the burden on Rich but it probably would be a nice idea to have like an Architect whose on a retainer that we could say here is what we kind of want.

Rich Williams stated we are going to be using one for Putnam County National Bank as soon as I get it squared away.

Board Member Rogan stated it is like anything else you are always getting someone's interpretation of what you want and then interpreting what they want.

Rich Williams stated you have to find an Architect that understands what you want because I have dealt with a lot of Architectures.

(Hard to hear too many talking at same time unable to transcribe).

Rich Williams stated it has been suggested that I use this person who did the old Town Hall.

Board Member Rogan stated I will tell you what everybody is talking about how nice that came out. That looks fabulous.

(Hard to hear too many talking at the same time unable to transcribe)

14) KESSMAN SUBDIVISION

Rich Williams stated Kessman is back in.

Board Member Rogan stated so they must have cleared up the whole family issue.

Rich Williams replied I actually got letters back in that supposedly the brothers are okay proceeding with the application. They have made some changes based on the last review and the site walk comments. They submitted (unable to hear) the electric company and they said that the Tree Service is no longer occupying the building. They are still saying that the five acre parcel, Parcel A is going to be used for agricultural purposes therefore it is exempt from zoning but they haven't explained how it is going to be used for agricultural purpose. They are also claiming that the back parcel the larger parcel is going to be used for agricultural purposes. Again, I have not done a detailed memo but I know that I am still going to be requesting that they provide detail information on the agricultural activities that are going to occur and why they feel it is an agricultural parcel so that we have something that we can hang our hat on.

Board Member DiSalvo asked are those the parcels that are for sale or nothing is for sale.

Rich Williams replied I think the larger open parcel is for sale but I certainly don't have any first hand information about the sale going on out there.

Chairman Schech asked didn't we do something the 4.2 acres for frontage to give them a hundred foot frontage.

Board Member Rogan stated from what I recall we told them to clean up the lines which is what they have done I know they were not going to have the number but they had the number cumulatively which was kind of silly in the sense that it was split. It wasn't a contiguous piece which really is the intent of the requirement not,

Rich Williams stated it is not just the intent it is the actual requirement. It says that your lot frontage has to be contiguous area.

Board Member Rogan stated so the reality there if you are going to have an issue that would have required a variance anyway.

Rich Williams stated they still need to get a variance.

Chairman Schech stated leave it at fifty-three.

Rich Williams replied it is up to the ZBA.

15) FOREST VIEW APARTMENTS SITE PLAN

Board Member Rogan stated the thing with Forest View that I noticed right off the bat was Jay Hogan said they were going to do everything they could,

Board Member Pierro stated to move that septic.

Board Member Rogan stated to relocate it and nothing has been done on it.

Ted Kozlowski stated that is Harry.

Rich Williams stated nothing has changed. It is basically minor modifications but for the most part (unable to hear)

Board Member Pierro stated we spoke to Jay directly.

Ted Kozlowski stated Jay said he was going to move it I believe Jay I just believe Harry didn't do it. Jay understood and acknowledged the importance of keeping that buffer.

Board Member Rogan stated he seemed very willing to do whatever they could to move it.

16) D'OTTAVIO SITE PLAN

Board Member Rogan asked how is Mr. D'Ottavio doing.

Rich Williams stated I think he is getting closed to being wrapped up.

Board Member Montesano asked is this what he wants to put up referring to a photo.

Rich Williams stated that is him.

Board Member Rogan stated what he did is if I remember right he said to the Board can I give you photos of what I have seen that I want to duplicate or claim to duplicate and not spend all the money on the architectures.

17) STEINBECK HILL LOT #35

Chairman Schech stated Steinbeck Hill site walk.

Ted Kozlowski stated we have got to go on a site walk this is another Joe Reilly site just like Doug Wallace has two beauties this is Joe Reilly's.

Ted Kozlowski stated this is a Harry Nichol's thing the wetlands application is completely incomplete.

Board Member DiSalvo asked where is the driveway going to be.

Ted Kozlowski stated he wants to put the driveway on Farm to Market Road and that is at the base of a hill down from Brewster Schools.

Board Member DiSalvo stated but he can't do it on the other side because there is a stream there right.

Ted Kozlowski stated and Brewster if you just noticed just on the other side of the town line is putting a new road into their athletic field, which is going to dump out right there.

Board Member DiSalvo asked there is no other way of getting into this property.

Ted Kozlowski replied Maria it is not so much getting in it is again use and location of septic.

18) OTHER BUSINESS

a. Eastern Jungle Gym

Chairman Schech stated we got the letter from them.

Board Member Rogan stated they are nice people but the funny thing is the letter, he was in some of the meetings not him, Honningsberg but Paul Lynch early on when we said this is what is going on, we explained it and he said I am new to the project.

Ciotola Subdivision

Ted Kozlowski stated I relayed the message to Harry that there is ponds in there that are not shown on the plans, Richie had asked me to go take a look. The guy has issues. That is the one I went to, I got a phone call about a machine being out by the wetland, I went out to the site, the guy was all over me blaming me for all his Town woes, no offense the guy from Yonkers who bought the property and thinks he can develop it. He is mad at the Town, mad at Mike Griffin, mad at everyone he took it out on me and that is when I told him I would have him arrested if he didn't shut up because he was in violation. He put a pipe in the pond,

which drains into the Great Swamp no permit. I told him to go to Town Hall and see Richie, which I guess he has yet to do.

The Secretary stated he came in for the application Rich was not here.

Board Member Rogan made a motion to adjourn the meeting. Board Member Montesano seconded the motion. All in favor and meeting adjourned at 9:30 p.m.