

**TOWN OF PATTERSON**  
**PLANNING BOARD MEETING**

*April 29, 2004 WORK SESSION*

**AGENDA & MINUTES**

APPROVED

- |  |              |
|--|--------------|
| 1) Thomas Subdivision                            | Page 1       |
| 2) Ryder Site Plan                               | Page 1       |
| 3) D.E.W. Site Plan                              | Page 1       |
| 4) Bodies in Motion Sign Application             | Page 2       |
| 5) Ling Nail Salon (Ally Nails) Sign Application | Page 2 – 5   |
| 6) Wunner Lot Line Adjustment                    | Page 5       |
| 7) Verizon Site Plan                             | Page 5 – 6   |
| 8) South Patterson Business Park                 | Page 6 – 7   |
| 9) Alpine Restaurant Site Plan                   | Page 7 – 8   |
| 10) JCG Associates Subdivision                   | Page 8 – 9   |
| 11) Fox Run Condominiums Phase II                | Page 9 – 12  |
| 12) Scrivani Lot Line Adjustment                 | Page 12 – 13 |
| 13) New England Equine Practice Site Plan        | Page 13 – 21 |
| 14) Ralph Burdick Site Plan                      | Page 21      |
| 15) Other Business                               |              |
| a. Ant Rock Wetlands Application                 | Page 21 – 23 |
| b. Jaffe Wetlands                                | Page 23 – 24 |
| c. Werlau Wetlands                               | Page 24 – 26 |
| d. Triple J Subdivision                          | Page 26 - 28 |

**PLANNING DEPARTMENT**

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

Melissa Brichta  
*Secretary*

Richard Williams  
*Town Planner*

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



**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**ZONING BOARD OF APPEALS**

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

**PLANNING BOARD**

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

**Planning Board  
April 29, 2004 Work Session Meeting Minutes**

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

APPROVED

Present were: Chairman Herb Schech, Board Member Mike Montesano, Board Member Dave Pierro, Board Member Shawn Rogan, Board Member Maria Di Salvo, Rich Williams, Town Planner and Ted Kozlowski, ECL.

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

**1) THOMAS SUBDIVISION – Public Hearing**

Rich stated no new materials have been submitted for this meeting. I would like to inform the Board that I have met with Mr. Thomas now twice concerning the issues with the conservation easement and I believe that we have a substantial agreement on the issue of the easement. The next step is I am going to produce a draft easement agreement outlining the issues that we discussed and get it to the Attorney and once he finds it acceptable we will get it over to the Applicant and their Attorney.

Chairman Schech asked is it going to be in time for the next meeting.

Rich Williams replied we are having a public hearing on the preliminary plat.

**2) RYDER SITE PLAN – Public Hearing**

Rich Williams stated Ryder is a wetlands application. Ted has given you a memo on it.

**3) DEW SITE PLAN – Public Hearing**

Rich Williams stated there are materials submitted to the Board on that addressing the previous comments by myself and Gene.

**4) BODIES IN MOTION – Sign Application**

Rich Williams stated the site formerly known as Sneakers has vacated and Bodies in Motion which is an identical retail operation has moved in. They are in for a sign application.

Chairman Schech asked twenty inch by thirty feet.

Rich Williams replied yes the long skinny sign, Chairman Schech asked on the building.

Rich Williams replied yes right going along the front of the building.

Chairman Schech asked what about this one referring to the photograph.

Rich Williams replied this is the free-standing sign that he is proposing to do. He is going to get a new sign made up similar to that one.

Board Member Montesano asked this is the old store.

Rich Williams replied yes.

Board Member Rogan asked is the bicycle going to be there as well.

Rich Williams handed out his review memo to the Board at this time.

Chairman Schech stated basically he is conforming with everything. Chairman Schech asked any other comments.

Board Member Rogan asked is the bike going to be located on top of the sign. You would think it is almost going to be part of the sign.

Rich Williams replied that is something you are going to have to talk about with him.

Chairman Schech stated okay we can ask him how many square feet the bike takes up.

**5) LING NAIL SALON – Sign Application**

The Secretary stated this is Ally Nails in the A&P Shopping Center. They are already there.

Chairman Schech asked what do you guys think of the color of this thing.

Board Member Montesano asked does it fit the colors. A simple thing would have been to extend this to the Town the same colors we have in the Town.

Board Member Pierro asked what is surrounding it, do we have a picture on file of what is out there from the last one.

The Secretary stated what is next to it is the insurance guy and Blockbuster.

Rich Williams replied I have pictures if you want them I could print them out. It will take me a few minutes.

Board Member Pierro replied no don't bother. I thought you might have something on file.

Rich Williams stated the insurance guy right next door his letters are a little small but they are blue and right on the other side is Blockbuster and that is yellow.

Board Member Pierro asked what are they moving out of,

Rich Williams stated no they are there they have been for awhile. They just never bothered to get a sign but I shouldn't say that because they actually have a sign in the window. You may want to address that.

Board Member Montesano stated they have to take that sign down when this one gets erected.

Board Member Pierro stated we can do a drive by.

Board Member Pierro asked do we agree just take a ride by it before the meeting and see if the colors fit in. See what is out there and see if we are going to enjoy what he has got.

Rich Williams stated the reality is when we set this whole thing up way back when we actually had color schemes for the signs.

Chairman Schech stated yes but they all did whatever they felt like.

Rich Williams stated basically right now we have green, yellow, red and blue.

Board Member Montesano stated we have colors that we gave to the Hamlet I think we should extend them to the Town fine we can give them starting from May or June whatever but the object is we are limited to having those colors that are here rather than continually allow somebody to walk in and stick a color of a sign up. Now they are limited and at least there will be some kind of uniformity. This is crazy. This is a waste of time.

Board Member Rogan stated I think a business would argue that uniformity in the business world isn't necessarily the best thing in the world. If I am a business owner and not in the Hamlet I don't want to look like everybody else.

Board Member Montesano stated then put it this way then don't put it here.

Board Member Rogan stated you know what I am saying Mike.

Board Member Montesano stated I realize what you are saying but I come up from Westchester they tell the people what the hell they want, you don't want it get out.

Board Member Rogan stated not in the whole town though.

Ted Kozlowski asked what do you do about recognized franchises or businesses that have.

Board Member Montesano stated we have already gone through that. That franchise there was not supposed to have those colors they haven't done spit and we haven't done a thing about it.

Board Member Pierro stated and if we go to court on that issue we are going to lose, Board Member Montesano stated we would win. Board Member Pierro stated no we won't.

Rich Williams stated actually we would win. Other communities have set standards, Board Member Montesano stated other communities have restrictions I will take you through Westchester and show you.

Board Member Pierro stated we haven't done anything up until this point to notify them on a violation.

Board Member Montesano stated because we gave him the benefit of the doubt on his word.

Rich Williams asked Dunkin Donuts.

Board Member Pierro replied yes.

Ted Kozlowski stated I thought we did left and right on that.

Rich Williams stated we did absolutely.

Board Member Pierro stated as long as we have done that. That is the precedent that I am aware of.

Rich Williams stated having said that now whether the Town as a whole wants to take a position that we don't care what franchise colors are and we want our colors or if they want to be friendly and work with the franchises that is something that you guys have to debate.

Board Member Montesano stated the object is we tried that. The gentleman from Dunkin Donuts swore it would be taken care of to me that day.

The Secretary stated but not the sign.

Board Member Montesano stated everything maim, when I spoke to the gentleman he said we will take care of this. You were not there we were. He said he would take care of it.

The Secretary stated all I am saying is that there is an approved sign application for the sign.

Board Member Montesano stated from the gentleman in there who made continual mistakes on that project.

The Secretary stated no this Board.

Rich Williams stated Mike, what Melissa is saying is, Board Member Montesano stated I know what she is saying we approved the sign, we also approved a plan that said that building would be (a) one color, there would be no additional put on it and the awning that we never approved is there.

Rich Williams stated that is true and all of that is in violation but the sign is not.

Board Member Montesano stated the sign isn't what we were discussing. My problem with that whole building was the way it was done but that man came in and said anything that we requested at that time would be taken care of and he was the representative from Dunkin Donuts. He was supposed to tell his franchise to do that.

Chairman Schech stated who was standing there at the time.

Board Member Montesano stated and the guy never did.

The Secretary stated then they need an appearance ticket.

#### **6) WUNNER LOT LINE ADJUSTMENT**

Board Member Pierro asked what is the purpose of the lot line adjustment.

Chairman Schech stated they are going over to the stonewall which is existing right and I think they are trying to get each one as close to an acre as they can.

Rich Williams stated essentially what he is doing is he just wants to move his property line over to the stonewall that is out in the field so that there is a clear boundary line. It does not meet zoning but he has gone before the ZBA.

Board Member Di Salvo asked did he get the variance or is it still pending.

Rich Williams replied he got the variance.

Chairman Schech stated I don't have any problems with it. Does anyone have a problem with this.

The Board agreed there were no problems on it.

#### **7) VERIZON SITE PLAN**

Chairman Schech stated now we are going through the entire process again with this right.

Rich Williams stated yes.

Chairman Schech stated site walk.

Rich Williams stated Verizon is back in with the identical application that they had the last time. The time ran out in which they needed to meet the conditions so we are having to do a whole new application.

Board Member Rogan asked but nothing changed.

Rich Williams replied no.

Chairman Schech asked were you here for that Shawn.

Board Member Rogan replied yes I was.

Chairman Schech stated Maria was not here for it the only one who was not here.

Chairman Schech stated site walk Saturday.

Board Member Pierro stated I can't do it this Saturday.

Board Member Rogan stated I can do it if it is like 8:00 for which one Verizon you said.

Chairman Schech stated we have three.

Board Member Pierro asked for this Saturday.

Chairman Schech stated yes for this Saturday.

Ted Kozlowski asked what do you have on the agenda for Saturday.

Chairman Schech replied the place over in Put Lake, Verizon and who was the other one and we are going to save Patterson Business Park until you come back.

## **8) SOUTH PATTERSON BUSINESS PARK**

Rich Williams stated they have submitted a new plan which now shows just two lots. No more three lots with a fifty foot right of way. He decided that he is just going to break it up into two lots right now and then in the future if they decide they will do a lot line adjustment. Ted, we got a call from Gary Tretsch today for South Patterson Business Park, do you want the wetlands flagged back there.

The Secretary stated I think he is confused with the Bri Car site, Gary.

Ted Kozlowski asked which one is this.

The Secretary stated the one out on 22.

Chairman Schech stated we asked him to.

Rich Williams stated I don't think so.

Ted Kozlowski stated yes I thought we did ask him to do it remember we talked about the stonewall and then the five acres and we wanted to know where the wetlands were I thought.

The Secretary stated but I still think that the conversation I had with him he was talking Bri-Car.

Ted Kozlowski stated Bri-Car has got to be re-done no doubt about it.

Rich Williams stated because Gary called in and said that he is getting another consultant to flag the wetlands out there.

Ted Kozlowski stated no that is Bri-Car.

Rich Williams asked so then South Patterson is flagged.

Ted Kozlowski replied no. I have had no conversation with Gary. The last conversation was about the wetland flagging and he pulled Bri-Car off the agenda the last meeting. I have never talked to him about 22.

Rich Williams stated he said it was ready to be site walked but if the flagging is not done and you want to see the flagging then Ted needs to confirm that the flagging is done.

Ted Kozlowski stated find out what he is talking about.

Rich Williams will call Gary.

#### 9) **ALPINE RESTAURANT SITE PLAN**

Rich Williams stated Alpine has resubmitted a plan. They are basically just showing the parking adjacent to the building and have no intention of providing parking on the opposite side of the street. That reduces their number of parking spaces down to 53 total for a maximum occupancy somewhere around a 110.

Ted Kozlowski stated probably now is a good time to get him to clean it up again, the plantings that he put in.

Rich Williams stated I was going to ask you if you were okay with the wetlands in the back, do you want to go take a look at it.

Ted Kozlowski stated I don't know Rich the thing is that he did all those plantings and nobody ever took care of them so now it is weeds and vines. We asked him to do the enclosure for the garbage. How many jerks have backed up into that, the doors are always left open, there is crap all over the place. We should use this to make him clean the place up.

Rich Williams stated then what I am going to do is find a way to delay this for a month to give you time to get back so you can take a look and see what needs to be done.

Ted Kozlowski stated sure because you know what he never really it was a big gray area of what he did the last time. We gave him all sorts of conditions and stuff.

Chairman Schech stated and he did nothing. He just threw the same plan at us.

Ted Kozlowski stated he did a Hollywood job. That is what he did. You guys pass by you see what a dump it looks like.

Board Member Di Salvo asked did he ever clean up the wood that was around the back.

Ted Kozlowski replied no and if you owned a business like that wouldn't you want it spotless.

Board Member Pierro stated he is trying to sell it he may do it this time.

Board Member Di Salvo asked doesn't that fall under like Health Department up here.

Board Member Rogan asked what.

Board Member Di Salvo replied all the crap around the building.

Board Member Rogan stated if it is garbage if it is creating rodent harborage that is all we can bite into on it.

Ted Kozlowski stated you have got to have rodents there, you have water, you have got a dumpster and you have got a slob that equals rodents to me.

#### **10) JCG ASSOCIATES SUBDIVISION**

Chairman Schech stated this is Cushman Road, site walk.

Rich Williams stated this is a new three lot subdivision application along Cushman Road.

Board Member Pierro asked this is not Werlau.

Rich Williams replied no this is not Werlau. This is the other end of the road.

Board Member Pierro asked where is this.

Rich Williams replied down near 311. It backs up to the cemetery property.

Board Member Di Salvo asked the property that has been for sale for so long.

Board Member Pierro the property that has been for sale for a hundred years, it has a couple of streams going through it.

Rich Williams replied it has got at least one stream going through it. I have had an opportunity to look at it and look at their plans; I have been out in the field.

Ted Kozlowski asked is this closer to 311.

Rich Williams replied yes.

Rich Williams stated I did a very cursory review on this because there are a couple of issues; first off it is in the cluster overlay zone and they just submitted a conventional plan which does not meet any of our requirements. I did a quick down and dirty look at whether they can meet the area requirements and cluster three lots up front and I think they can. The issue may be the septic system. I think they are going to come in and cry that they can't get the septic systems in. The other issue is he shows a wetlands boundary on the property and I have been out on the site and I think once Teddy goes out into the field and takes a look at the wetlands out there they are going to grow just a little bit.

Ted Kozlowski asked who did the flagging Rich.

Rich Williams replied I don't know.

Ted Kozlowski asked who's the engineer.

Rich Williams replied Harry Nichols.

Chairman Schech asked so do they claim the wetlands have been flagged.

Rich Williams replied I don't think they, Ted Kozlowski stated do you know how many times I have asked Harry, before he submit plans to let me see the wetlands before you get it surveyed. All the other engineers do that. They call me up and say take a look.

Chairman Schech stated site walk after the flagging right.

The Board agreed.

## 11) FOX RUN CONDOMINIUMS PHASE II

Rich Williams stated Fox Run, there is a parcel of land that was originally part of the Fox Run Condominium project that he came in and subdivided off because he wanted to turn the front half into condo's and keep the back half and to do that he had to subdivide it off otherwise the land would have been owned by the condo's so he kept the land. The zoning changed in 1976 to single-family residential. It has been that way. There is a long history on the project of him coming him saying I have got vested rights and the Town legally following the path of least resistance by saying yeah, okay, maybe you do and I have given you what I pulled together of the history. He basically says he has vested rights to go in there and build condos. My opinion is you have got vested rights go build the project. If you don't if you can't go build project then you don't have vested rights. It is as clear as that.

Board Member Montesano stated I don't think so.

Rich Williams stated he is saying I have got vested rights but I still need site plan approval and I still need all these other approvals. He had an Attorney who sent a letter in, I wrote a response to the Attorney about why I thought they didn't have vested rights, they changed Attorneys. The new Attorney decided to try a different tact he actually wrote a letter straight to Curtiss, Leibell & Shilling saying we think we have vested rights we would like a letter back from you saying we have got vested rights.

Board Member Montesano stated excuse me, one problem I have with that finish up with what you were going to say.

Rich Williams stated Curtiss, Leibell & Shilling was the Attorney's for Fox Run years ago so they have to recuse themselves. They came to the Town Board and said you have got to appoint special counsel. I said well that is all fine, well and great but why. Why do we have to get an Attorney to prove their case for them.

Board Member Montesano stated I will go along with that.

Rich Williams stated why should we spend that kind of money. We can simply bring them into the process if they think they have the rights, let them submit an application, we will issue a pos dec, they can submit all their documentation about them thinking that they have the rights through the SEQRA process we can get an Attorney to review it and give us an opinion and the Attorney will be paid for them by them.

Board Member Di Salvo asked it will be picked by us.

Rich Williams replied yes.

Board Member Pierro asked but in any other case where our Town Attorney has a conflict of interest have we always appointed special counsel, is there a precedence with this.

Rich Williams replied we from time to time do hire other Attorneys to look at issues where there is a conflict and they recuse themselves yes.

Board Member Di Salvo asked with Fox Run from years ago you never limited them to no more building which you did Watchtower last year.

Rich Williams replied Watchtower is not limited to no more building. They could expand if they wanted to.

Board Member Rogan stated what your question is Maria, is whether or not when it was approved it was deed restricted to no further subdivision or no further and it was not.

Board Member Montesano stated no but I don't recall when he subdivided the property that he had anything in there other than being greedy and trying to hang on to something that if it worked out to put something else in there or to subdivide it and then come in from the other end to put private homes in there. I don't recall anything about it being subdivided at the time to come back and then be vested in. How do you subdivide it, give it a second ownership and then say it is vested into the original project.

Board Member Di Salvo asked how many more units does he want to put in there.

Rich Williams replied I believe it is eight units well twenty buildings with four units each.

Board Member Montesano asked when they expanded that was that the property that was to be used for the pool or did they just.

Rich Williams replied no what it was as far as I can determine from what I researched there was this one big parcel and they came into the Town late sixties, early seventies and bear with me I am doing this from

memory and proposed a condominium project and they proposed it in six or seven phases. They came in and they clearly within the record got approval for the first three phases but somehow the fourth phase got built. They put the bond up. I can't find anything that they actually got the other phases approved.

Board Member Montesano asked was the firehouse included in the original thing or after.

Rich Williams replied I am assuming that it was.

Board Member Montesano stated because the firehouse went in 1972.

Chairman Schech stated they gave you the property they didn't put up the building.

Board Member Montesano stated what I am trying to remember is when the firehouse got put up when did that get approved that piece of property to get cut off and become the firehouse.

Chairman Schech stated when they built the first buildings there.

Board Member Montesano stated that was what 71, 72 somewhere in there. I am trying to remember I was out there with Jim Frost and he was the Chief then.

Rich Williams stated what they submitted is absolutely nothing.

Ted Kozlowski stated it sounds to me that they have to prove their case. It is not up to you to prove it.

Rich Williams stated I agree but the first question is they actually want the Town to expend funds for the Town to prove their case.

Board Member Montesano stated I like your plan better.

Rich Williams stated my plan is let them prove it at their cost.

Ted Kozlowski stated to me it obviously says they don't have the proof and they are trying all sorts of angles because if they had it they would march in here and say here it is.

Ted Kozlowski stated if you had the information why would you be doing this.

Board Member Pierro asked what other approvals do they need say they were.

Rich Williams stated my opinion is they absolutely need to change the zoning now based on that change of zoning it is going to dictate what other approvals they are going to need. They have shown wetlands on the site, it has been years since I have been out there I don't know what other features there are but it looks like they might need wetlands approval at some point.

Board Member Pierro asked how does this impact the current project at Fox Run isn't there a front septic system issue going on there. Didn't they apply last year a lot up in front.

Rich Williams asked Fox Run.

The Secretary stated they did an upgrade.

Rich Williams stated yes they came in for the sewage upgrade program Folchetti was doing it. I don't know where it stands right now. Folchetti was doing several upgrade programs to the watershed they got fired on every one of them.

Board Member Pierro asked how does this impact that or is this a separate project.

Rich Williams stated he came to me and said I have an absolute right to tie into the water and sewer system. I said we just formed a district, you are not part of the district it may be you have easements which is not part of the district we would have to expand the district and that is issue one that we need to talk about. The other issue is the sewage treatment plant. I told him maybe you have got an easement to give them please give me something from the DEP saying that either there is sufficient capacity or you would be allow to expand. I didn't go to the Health Department because I figure New York City is going to be the tougher way to go. I can't see especially with the upgrade DEP allowing to expand the plant. Again, throw him in the SEQRA process everybody gets to comment and say hey, wait a minute he can't do this.

## 12) SCRIVANI LOT LINE AJDUSTMENT

Board Member Pierro asked what is Schein all about.

Rich Williams replied there is this funny, big piece of property that is actually two parcels owned by one owner.

Board Member Pierro stated I know the property. We hunted Patterson Sportsman has permission to access it.

Rich Williams stated and I am guessing at the numbers but there is like three acres and eight acres and Schein wants to do a lot line adjustment to take the large parcel and make it larger and reduce the smaller parcel down to about .9 acres.

Board Member Pierro asked that is the little house in the front.

Rich Williams replied right on the corner so it is going to be on this really narrow corner lot.

Board Member Pierro stated and they want to sell that off.

The Secretary stated they are saying that they are not selling it right now it is for the estate planning for the kids in the future. They told the ZBA that the shed is,

Rich Williams stated the shed right now is on the other piece of property that is really with the principal residence.

The Secretary stated and they want a big buffer in between the houses for privacy.

Board Member Pierro asked why is Scrivani on the application.

The Secretary stated the ZBA asked that and they are going to do a site walk. They were willing to deed restrict the bigger lot.

Chairman Schech stated he is off the agenda this time anyway.

The Secretary stated yes because it is still in front of the ZBA.

### 13) NEW ENGLAND EQUINE PRACTICE

Rich Williams stated they are back in, they have submitted materials. There is a couple of issues on this; one is the biggest issue right now we are waiting for is the determination on whether the wetland on the site is going to be a DEC regulated wetlands.

Ted Kozlowski stated I have information on that. Joe Bridges called me today,

Rich Williams asked and he is.

Ted Kozlowski stated DEC has declared that wetland as part of DP-22

(TAPE ENDED).

Rich Williams stated and at that point I am comfortable with that but it kind of throws a monkey wrench into this.

Ted Kozlowski stated DEC has been out there the entire wetland again is part of DP-22. I am supposed to meet when I come back from the far East I am going to meet Joe Bridges and whoever else wants to meet out there we are going to look at that lawn area but I will tell you when I was out I looked, I did a soil sample with Joe Buschynski from Bibbo and it is hydric soil but that is where they are going to put the detention basin anyway and I think that is a good spot for it. So it is going to be a joint regulated thing. I don't know if that is really going to put us.

Rich Williams stated no what it does is the DEC is fine but it brings DEP into the review of the whole project and that is where it becomes a little bit difficult.

Ted Kozlowski asked is the septic changing.

Rich Williams replied no.

Ted Kozlowski asked so why would DEP.

Rich Williams stated because they regulate any sort of disturbance.

Ted Kozlowski stated but the site isn't disturbing wetlands proper. It is not.

Rich Williams replied I know but then they regulate activities within a hundred feet of a DEC regulated wetland and typically they limit it to impervious surface but it just brings them in. Ted let me go to Sypko, I said Harry you have to go get something from the DEP and Harry said I talked to them and they don't have anything and Joe Ziminsky was in here and he said no they don't need any permits and then at the very end of the project Joe Ziminsky says well, they are diverting as part of an erosion control process and that is enough to trip them up and they need a permit from us.

Ted Kozlowski stated well I just hope they take a look at what is there now and then look at what this guy is proposing and I hope common sense,

Chairman Schech asked would it work if we what we talked about the other day stay away from the stream, construct your buildings and we will worry about the stream afterwards.

Rich Williams stated let's get into the stream issue here and let me start this by saying I apologize Ted, I was out of line with some of the remarks that that I said on the site having said that, Ted and I have a disagreement on the issue with that concrete crossing.

Ted Kozlowski asked is this what you are worried about with DEP by the way.

Rich Williams replied well it is because now they are going to regulate that but that was a stream crossing I am not so sure they didn't regulate it anyway but having said that here is the issue Ted, I went out there and I took a look at the stream reach and I don't know a lot about wetland vegetation. That is not my thing but I do know something about stream bank erosion and some of the other stuff but I have been trying to learn it myself and I perceived there to be a problem out there with that section between that concrete bridge and Clancy's. All I wanted them to do because it is going to be a long term thing and they don't own the property I know that but Buschynski also is the Engineer for both people for Bonavenia and for Clancy and we have got Clancy coming in with some stuff now too.

Chairman Schech stated here is where we can clean up the stream, fix it because now we have something to hold over their heads.

Rich Williams stated but the real question is, is there something really going on in that section of stream.

Ted Kozlowski stated yes there is and I agree with you on that.

Board Member Pierro asked but is it on Clancy's property or is it on Bonavenia.

Ted Kozlowski stated the problem I think and I am not a hundred percent sure but I think it is a problem that is not only there but it is the entire length of Stephen's Brook from Big Birch, Thunder Ridge all the way down and they are paying for it for what is going on up there but yes no doubt about it they have mucked around in there. They have made stream banks un-stable, they have piled soil, they have done things trying to benefit their property but it was wrong and now you have got un-stable soils that are subject to all sorts of stuff but you have got a tremendous amount of stuff coming down.

Rich Williams stated let me stop you right there because what I wanted them to do today I did. Today I went out there with Randy Christianson, who is an Environmental Scientist with Dufresne-Henry who has done extensive stream restorations up in Vermont and Massachusetts and Lori Taylor with Soil and Water and what they saw within the stream reach they didn't see it exactly as I did and it was a learning

experience for me absolutely but there is a dramatic difference between that section of the stream and the lower section right below and the upper section. The upper section and the lower section are much more stable they exhibit characteristics of a much more mature stream. That section between Clancy and that concrete crossing there is so much energy going through there the stream. It looks like a very young stream where it is going all over the place. It is moving sediment all over the place, it is tearing the stream banks apart and they agree that there needs to be some sort of restoration effort in there but also that if we take that concrete slab out and do anything right in there without addressing all the energy that is right above that it is going to send all that energy into the next segment down and it is going to do significant damage to that lower section. They are going to issue a whole memo on this.

Ted Kozlowski stated that existing crossing, whatever you want to call it when you had those major events, when you had Tropical Storm Floyd or you have some winter nor'easter that serves as a dam and it holds back the water and then the water swirls around and does all sorts of crazy things and eats away at those un-stable banks and then you have all the stuff that is coming down off the hill. I don't think it is one fix. I think it is a series of fixes and you have to start from the top down having said that I don't have a problem with them fixing the banks. I don't know if that is going to be the end of all to the problem and if you are afraid of DEP and DEC then if we are going to get involved in that the stream bank stabilization then you are going to get probably the Army Corp of Engineers involved now we are talking about a lot of regulatory fingers in the pie and God knows how long this is going to take and when they are all through God knows how much it is going to cost.

Rich Williams stated but I am more afraid of just going in there and not doing the right thing and taking that concrete crossing out and releasing all of that energy and damaging the next reach down. I am more afraid of doing that. They agreed with me that we need to do this very, very cautiously and that concrete slab shouldn't come out. What they did suggest, two things, two suggestions one, is we take this as a separate issue from the main project. Let the main project go forward while we wrestle with this. Two, that whatever restoration needs to be done or whatever issues need to be done right there at the crossing are not done by a Civil Engineer but you need somebody that is going to specialize in this sort of thing because it is very critical and again I am paraphrasing a lot of what they said they are going to put it in a memo to the Board but the third thing is if we want to do a crossing there their thinking was when we left was maybe leave that concrete slab right in there and put a second bridge across that extends quite a bit further.

Ted Kozlowski stated I don't know if you want to leave the concrete bridge there as opposed to straightening out that culvert or blocking that culvert but again it is better if somebody that is much more experience than any of us comes up with those recommendations but again I am going back to these two Applicants; Clancy and or Bonavenia or Harold if he is going to buy the property are they going to be willing to invest in this.

Rich Williams stated I never wanted them to. What I wanted them to do was what I did today, get a couple of people out there who are very knowledgeable.

Ted Kozlowski asked but who is going to pay for this.

Rich Williams replied well then we are going to have to go find the funding.

Board Member Pierro asked where is the demarcation, where is the property line for the property that is being conveyed to the conservancy group are they going to own.

Rich Williams replied I don't know that anything is being conveyed to the conservancy group. There was some talk about from the stream back being transferred to them but now I am hearing they want the bridge there so they can go back there so I don't know if they are going to get an easement to go back there.

Chairman Schech stated the biggest mess in there from what I could see from the pictures because naturally I didn't walk it is the Clancy property. That is totally destroyed in there with the trees growing in the middle of a brook.

Rich Williams stated right and Ted is not wrong, Chairman Schech stated they threw stuff up on the banks that has to be six, eight feet tall.

Board Member Pierro stated but that is not Clancy's cause that is Bonavenia's.

Chairman Schech stated I am talking about Clancy's property.

Ted Kozlowski stated this is a flood plain area that is taking all the drainage from the hill.

Chairman Schech stated I know but they were trying to stop the flood plain.

Ted Kozlowski stated humans have molded that or tried to mold it to go a certain way and when a stream is going to make a ninety degree turn south you are going to have problems and compound that with all the crap coming off the hill. Again, who is going to pay for this unless you find a grant.

Rich Williams stated maybe we can use the Hudson funds, maybe we can go write a grant but the concern is that we don't do anything or we do the wrong thing and we get caught from it.

Board Member Pierro stated right and hold up the project which neither of us want to do. If we are going to hold up the project for some viable reason.

Ted Kozlowski stated if this was just a town regulated stream I would say yes but now you have these other agencies. God knows what they are going to come up with Rich. If the Army Corp gets their hands in this you are going,

Rich Williams replied I understand but doing the right thing isn't that better than not doing the right thing and further damaging the stream.

Ted Kozlowski stated I am not arguing with you on that point. I am just saying that to me and this is a personal thing I so much want to see that Bonavenia site cleaned up because I am so tired of looking at it and I would hate to see these people walk away.

Rich Williams stated they don't have to walk away.

Chairman Schech stated they don't have to we can just keep them this side of the stream, put up your building.

Board Member Rogan stated that is pretty much what they wanted, Rich Williams stated they wanted to do that anyway we kind of threw the stream issues up.

Board Member Montesano stated you can approve the project because they are not crossing the stream to do any work. The object would be,

Board Member Rogan stated they are buying a lot with problems.

Board Member Di Salvo stated but they have got to know what they are getting into.

Board Member Montesano stated they might as well know it the object would be simply if you are going to put the project up and we will help you as much as we can getting your plan cleaned up would you be willing to work with whom ever to try to get that part cleaned up later on and I am sure anybody with any sense is going to sit there because that means they can get rid of that other piece in the back if not that could be a hold up. Now, if they give that away or they donate it to the conservancy they are the ones that are going to look for the grant because they are the ones holding the dirty end of the stick because our project ends here and then there is the bridge and the stream which is the property cutoff I think.

Ted Kozlowski stated I don't even know if that is the stream's original flow.

Rich Williams stated that is the thing there is so much energy in that one section of the reach that the stream you can actually see where the stream channel was and where it is now.

Ted Kozlowski stated but I bet you if you go back a long time ago that stream probably came straight down the hill, straight into the wetlands.

Rich Williams replied well that is not the way streams work, Chairman Schech stated a long time ago that was a lake.

Rich Williams stated if you really take a walk down (unable to hear too many talking at the same time).

Board Member Pierro stated what about further east of that stream,

Rich Williams stated again, we are talking about that one segment. You go south it is an entirely different stream. It is a much more mature stream. When you go north between that section between Clancy and Route 22 again it is an entirely different stream. There is much more sediment going through there. If you go up to the box culvert crossing under 22 and you can see what Floyd did. I mean that box culvert is almost three quarters full of sediment but there is vegetation, there is actually a sapling growing out of it that is about three, four inches thick. Even though there is this huge pile of sediment it is relatively stable except for the edges which of course get washed out. The other side of that there is an issue with the parking lot right there. There is a culvert in the middle of the parking lot,

Ted Kozlowski asked are you talking about Bonavenia again.

Rich Williams replied no I am up on Thunder Ridge ski area on the east side of 22 there is a culvert in the middle of the parking lot, the grass parking lot, there is a big line of rill erosion coming right down to that culvert. It is washed out at that box culvert and then that goes to a pipe right out to Stephen's Brook. You can see the sediment right there at the pipe. You go up a little bit from that again, the stream takes on a more mature characteristic. You go a little bit further and the damn thing is piped all the way up to Thunder Ridge's pond.

Board Member Pierro asked can't we as part of they haven't done, Thunder Ridge hasn't done that cleaning.

Ted Kozlowski stated look this is something that is like, I have been up to Thunder Ridge a number of times on different issues and I have been up there and I have seen the gulley erosion that is going on because Bob is moving soil all the time and I know there is allegations that he is selling topsoil and I don't know if that is true or not. I have never seen trucks leaving the site but I don't sit there and look at it. There is a tremendous amount of gulley erosion that stuff is washing down stream. I am telling you it is winding up in Stephen's Brook and I have seen brown water going in there off the site. What do we do about it. So, yes we have problems there and we have problems up there too. I have gone the nice guy route with Bob Conklin because this is our one big claim to fame here in Patterson, the ski area but he does not get it.

Board Member Pierro stated he may very well have to come back in for that permit to dredge the pond right because that is going to expire.

Ted Kozlowski stated well that is the other thing Dave, he keeps dredging the pond but he is letting his own silt go back into the pond.

Board Member Pierro stated he has never dredged the pond but when he starts doing that maybe we could,

Board Member Rogan asked he has not done that yet.

Board Member Pierro replied no.

Ted Kozlowski replied I thought he did.

Chairman Schech stated no it was too late.

Rich Williams stated I thought he did last year.

The Secretary stated he was supposed to. He got the permit.

Rich Williams stated he got the permit the year before but I thought, Ted Kozlowski stated we gave him the permit and he got a permit from the DEC.

Board Member Pierro stated he got the permits but he never did, Ted Kozlowski stated we had a lot of rain.

Rich Williams stated all right let's bring it back to Bonavenia's crossing, Board Member Di Salvo asked they suggested putting a bridge in and leave the cement thing.

Rich Williams replied, Ted Kozlowski asked why do they need to go back there anyway.

The Secretary stated they wanted to with the horses.

Board Member Montesano stated because it is their property.

Ted Kozlowski asked all right they wanted to but do they need to do that now.

Rich Williams replied no and that is what I am saying we don't have to deal with this let's approve the project that we have got and clean up the site with Bonavenia and just tell them that we have done this evaluation and we need to take a harder look and we are going to deal with that later and segment the review of the two issues.

Board Member Di Salvo stated but they as buyers are going to ask how much is this going to cost and they are going to get it off of their end with Bonavenia.

Rich Williams stated I think we can structure it so that it is not going to be a big deal. We are not going to make them do anything unless really they want to cross it except for one other issue which I want to talk a little bit about. I think we can work with them and come up with a good solution but my recommendation Ted and I know you don't agree with this is that they should go through a full permitting process because this is a very, Ted Kozlowski asked what, Rich Williams replied file a wetlands permit with the Town.

Ted Kozlowski replied yes of course they do.

Rich Williams replied well when we were out on the site you said it is a remedial act they don't need a permit.

Ted Kozlowski replied for.

Rich Williams replied for doing anything in that area.

Board Member Pierro asked I thought we are not talking about doing anything in that area.

Ted Kozlowski stated yes I thought we are saying that we weren't going to do anything right now.

Rich Williams replied no when we were out on the site my impression was that you said they could pull the concrete culvert out, put a bridge in, take out some of the sediment right there as a remedial action.

Ted Kozlowski replied yes but if you want and you are getting people that know a heck of a lot more about streams and saying this stuff then sure. I defer to that. I don't have a problem with that but what I am saying is that they are going to come for a wetlands permit anyway for what they are doing in the front especially that grass lawn area is going to be wetlands. The stream if you want and they are willing to hold off on that until we come up with a game plan for it but I just think they are going to look at this as a money issue.

Board Member Montesano stated well once they have a business that they are making money on then if they have to spend something they may be more willing.

Ted Kozlowski stated but Mike it is just that I have been involved with Army Corp. with Westchester County it gets very expensive.

Rich Williams stated the erosion problem is not on their property so they are not really going to be held responsible.

Ted Kozlowski stated but that bridge is on their property.

Rich Williams replied right so they are going to have to anti up but that is the issue they are touching the bridge therefore they touch the impacts from the bridge, if we just take that out and just put a bridge in we have released all that energy.

Ted Kozlowski stated we don't even know what DEC is going to say.

Rich Williams stated no we don't.

Ted Kozlowski stated they may want it for trout.

Ted Kozlowski asked so what do we do.

Rich Williams stated let's hit the last issue that I have on this and that is that what their plan is, is basically getting a flat bed in and we got the trucks in the back and they are going to take them out and take the rest of the stuff out. Their plan is just to take a flat bed truck in load them up and haul them out because that is the way they brought them in there. That is fine they brought them in there when there was a concrete slab which is now collapsed. They have now put in an old, metal pipe with two inches of cover. I don't think that is going to handle the weight. I think the first time they cross that it is going to crush it and then we need to talk,

Ted Kozlowski asked why can't they cut that crap up and piece it out.

Rich Williams replied well they can but will they.

Chairman Schech stated wasn't he talking about putting a steel plate over it.

Rich Williams stated right what I am saying is maybe we should talk about options.

Ted Kozlowski stated that stream isn't so wide why don't they just get a machine, they have all the machines in the world and cut, pick it up, bring it to the stream edges and cut it into pieces.

Chairman Schech stated he has to rent a crane.

Ted Kozlowski stated not a crane but if he breaks it up. He has got all these machines I am sure he has got some sort of big loader or backhoe.

Rich Williams stated it is just that we left them with the impression that day that he could just take the flatbed back, load it up and haul them up so if we want a steel plate if that is fine I think that is probably the best option if not if we are just going to try and let him go over that culvert pipe we ought to talk about plan "b" when that collapses because now we have a breach in the stream.

Board Member Rogan stated let's just tell him we require the plate to be put over the culvert.

Chairman Schech stated they recommended it.

Board Member Rogan stated Harold said no problem with it.

Rich Williams asked all right are we all done with this one.

Chairman Schech replied yes.

#### 14) RALPH BURDICK SITE PLAN

Rich Williams stated the last outstanding issue was to get a copy of the DOT Permit. Mr. Burdick went to get a copy of the permit from him because he could not find his copy and Jim McNeil gave me a call and said, Gee it is upstairs in the files someplace, God only knows where it is I will never find it can I just give you a letter saying that he has a permit and everything is okay with the driveway entrance and he is good to go. What am I going to say so we do have that letter.

Board Member Rogan stated if they are willing to approve it.

Board Member Rogan stated if the Highway Authority is willing to say they approve it or accept it.

Board Member Montesano stated with all due respect to our DOT I could care less because whatever they tell me is confusing anyway. Anybody that approved that 292, 311 intersections after all these years has not impressed me with their ability.

Rich Williams stated I want that tape saved because we are going to get a project and I can't wait to play Mike's words back to him.

Board Member Montesano stated what that the DOT is questionable, (too many speaking at the same time unable to hear).

#### 15) OTHER BUSINESS

##### a. Ant Rock Wetlands Application

Ted Kozlowski asked do you know what is going on with this.

Chairman Schech replied yes I was reading about it today and Ed O'Connor was telling me about it.

Ted Kozlowski stated back in December you guys got a wetlands application, Chairman Schech stated we approved it with everything the man said. Ted Kozlowski stated you approved and I gave you a memo.

Rich Williams stated you granted a waiver.

Ted Kozlowski stated I gave you a memo from me which I faxed over today going for the waiver saying okay and I went to the site it was a miniscule little stream and the way the application was presented to this Board was that the guy was simply taking a ranch house and putting a second story on and he wasn't really going to do anything to the stream. He wasn't going to do anything other than to renovate and I felt hey, I got a call from Ed O'Connor two days ago. He called me at work and said I need you to go over there and you

tell me this is what it looked like when you went over there. I went there last night and the entire stream is piped, it is filled, it is blocked in spots and Paul Piazza questioned me today asking me is it really a stream. I went upstream of where it went and it is a small but it is a stream. Would have I said yes go for a waiver on this yes I probably would of but the Guy lied to you, he lied to me even though I never spoke to him, he lied on his application. He didn't do at all what he said on the application. He leveled the house and he is building a new house twice the size, much larger than the little shack that I saw.

Chairman Schech stated plus according to Ed the neighbor said there was never a septic system, he has got a pre-existing septic system which he is re-doing.

Board Member Pierro asked what is this guy's name.

Rich Williams replied Tony LaRocca.

Board Member Pierro asked where is he from.

Ted Kozlowski replied Yonkers.

Board Member Pierro asked did they issue a Stop Work Order.

Ted Kozlowski stated I told Paul to issue him a summons. This is in your face. This is not a mistake. This is not an accident.

Chairman Schech stated that is why I want to go look at it for myself because you (Shawn) and I did most of the speaking on this thing and said fine.

Ted Kozlowski stated I had a conversation with Paul today, I really want to bring the guy to court but Paul is saying he has 30 days.

Board Member Montesano stated tell Paul he does what we suggest or, Ted Kozlowski stated no Paul has got a point.

Rich Williams stated what happens Mike is we will issue, we will walk into court, the Judge will say has it been fixed, the person going in will say yes and fine you are dismissed. It happens all the time so Paul is saying rather than do that let's give him 30 days to fix it and why waste our time going to court when the Judge is going to throw it out anyway.

Ted Kozlowski stated Paul made his case and he has got a good point. I told Paul I want the guy to pull the pipe out, I want him to restore the stream to our satisfaction, I don't want just a drainage ditch there. I want riprap and want that a stream. If he wants the pipe in then he has to come back to the Board and get a wetlands application.

Chairman Schech stated he is supposed to follow the footprint of the old building besides.

Ted Kozlowski stated I would make him take the damn building down because he lied to everybody.

Board Member Pierro stated Paul maybe right but we are not doing the system any benefit by not filing the action. Let's file the action, let the Judge throw it out, let's tell him to do the remediation,

Board Member Montesano stated and then appeal the Judge's findings and get it out of his hands.

Board Member Pierro stated I am sorry I don't believe in tampering with the judicial system but I think we ought to fill the court anyway with the action anyway. That is my suggestion.

Rich Williams asked not with riprap with river rock.

Ted Kozlowski stated Richie I don't care. I want to see one hell of a stream there.

Board Member Di Salvo asked so what is there now nothing. The house is leveled.

Ted Kozlowski stated it is all filled I wish you guys saw it.

Rich Williams stated you know what and it is so much worse because I saw them when they went out there they cleared the site. I was out there trying to track streams in Putnam Lake. The old house is down. When I got out there they had leveled everything I said oh, my God this place is a mess. It is right next to another house, it is a postage stamp lot, I come running back in here to Paul I am saying he is in the stream, they made a mess, they have erosion all over the site and what is he doing,

Ted Kozlowski asked I don't even know where his septic is, where the hell is this guy's septic.

Rich Williams stated I said he must be building a garage because it had to be with the other property. Paul said no that is the one you just granted the waiver to.

Ted Kozlowski stated again, when I went out there it is like my house you can't do anything because of the stream,

Chairman Schech stated we are going to have to go out and look too a lot more.

Board Member Montesano stated we are going to have to start knuckling down, take that camera and start taking pictures before and after.

**b. Jaffe Wetlands Issue**

Ted Kozlowski stated Rich called me the other day and told me about this guy Jaffee who built a pond and got a permit from us years ago and residents were complaining about brown water down the stream. I went to the site and he wasn't home, I inspected it and he did do recent work at the out flow and before I issued a summons or anything I wanted to talk to him to see what this was all about it. The guy is a musician he travels around the world or

whatever, he calls me back up finally and he tells me that during the winter there was a major storm that came through it blew out part of the dam and stuff like that and he did emergency work and apparently the ground was frozen, it must have thawed, whatever and that is when they started to see the brown water. I hope you got the letter that I sent him which is emergency work is fine but he should have called to let us know what was going on. He also sent me another letter because I asked him for a letter of what he is doing, what he wants to do, he has a lot more plans for this pond we need to see it and determine if this is going to be a wetlands permit or not and we have to make sure erosion controls are in. Right now it is not a big issue but it could be because he has all sorts of,

Board Member Montesano asked where is this guy located.

Ted Kozlowski replied Mooney Hill Road.

Board Member Di Salvo asked way up.

Ted Kozlowski replied 451.

**c. Werlau Wetlands Discussion**

Ted Kozlowski stated the other one was on my way back from Mooney Hill I just happened to see this guy Werlau's property as I was going out there I saw machines from the corner of my eye and I know there is wetlands back there but the machines were in the low area so I made a point to come back Cushman Road, I stopped my vehicle, I walked all the way down, and sure enough there is a big machine, the guy started cutting trees out, there is swamp, there is skunk cabbage, he is right smack in the middle of a wetland area. These three kids came out in a truck, I said what are you guys doing, they used Rich's name, Rich told us it was okay as long as we were a hundred feet away. I said you are in it. You are not a hundred feet away, you are in it, the machine is in it, you are in it. Now, this is Werlau who came to the Town for a wetlands permit. He has got the business on 22. I don't want to kill the guy but here is a guy that I met and I worked with and he seemed like a nice guy, he knows we have a wetlands law, he knows I exist and yet he,

Chairman Schech stated that is what I told Rich they have selective hearing. You have got to put it in writing.

Rich Williams stated let's bring my side of the story into this, Glen Werlau he really is a nice guy, he is a decent guy but he comes to me and says he wants to buy this piece of property and can he keep horses on it for his own personal use, yes you can but there is some constraints out there, there is a stream, there is a wetland you have to stay out of it. That is fine he comes back in a little while later, I want to clear some of the trees out can I thin it out. I said you want to build paddocks he said yes some. I said here is the rules, nothing bigger than I think it was eight inches whatever our erosion control is, I said if you are going to clear more than twenty thousand square feet you need an erosion control permit, you have got to stay a hundred feet away from the stream and a wetland. If you think you are going to go anywhere near them let me know we will get Ted out there he will take a look at them. Paul gets a complaint, comes in here and grabs me we rush right out and we

go driving out there, we do a drive by, we don't see anything, I come back in here, I call him up,

Ted Kozlowski stated you have to go down.

Rich Williams stated I understand but I call him up and I say Glen, you know we got a complaint they say you are in the wetlands, I said are you in the wetlands. He said no. I said you know you have got to stay away from the stream a hundred feet initially it was fifty feet but now it is a hundred feet and you have to stay a hundred feet away from the wetlands you know that, yes I know that. I said we have some plans in here from an old project that will show you a rough idea of the wetland boundaries if you want to come in and take a look. He never did. I said do you have a problem with me or somebody else walking on your property to take a look at this, no. I dropped the ball at that point, I didn't go out, I didn't talk to Ted because other things but I did tell him right from the beginning you have got to stay out of the wetlands and he assured me he wasn't in the wetlands.

Ted Kozlowski stated it was a big Komatsu and that is what I saw from the corner of my eye because it was way down low and whenever I see low land and a machine my antenna automatically goes up.

Ted Kozlowski stated I think he is clearing a lot of land because there has been a lot of trees removed and he has got a machine. If you go north that whole area is a mish mosh of now opened areas for brush hogs and stuff. I think he is intending on clearing the whole thing out.

Rich Williams stated I know there is wetlands along the road frontage and tonight when I called him he said yes I wanted to open the fields up and I said there is wetlands along there and you have got to stay out of the wetlands. He said well now you are telling me two different stories. I said no I am not you have got to stay out of the wetlands but all of sudden he is clearing up along the road in addition to the back.

Ted Kozlowski stated well he is in the wetlands, he is violation, (TAPE ENDED)

Ted Kozlowski stated stop the work, no more, stay out of here. I talked to Paul Piazza today I told him I want a violation issued. The guy has got to come for a permit. I am not opposed to horse paddocks near the wetland but he did it and why would you put horses in the wetland anyway. He also because it is so wet he kind of built up a roadbed with his machine because the lay of the land is you go from Cushman Road and it goes down and then it goes up the hill and I think he wants to get across that wetland to get access to that area and that is where that machine was heading. He has more plans than I think what he is letting you know.

Rich Williams stated but there is an existing road that goes through there.

Ted Kozlowski stated but it has been improved.

Rich Williams stated but he had an existing road going through, crossing the stream.

Ted Kozlowski asked but Rich did you see the size of the machine.

Rich Williams replied when we went out there we saw nothing.

Ted Kozlowski stated he has improved it to get that machine.

Rich Williams stated this is again, I always try to put everything in writing because it always comes back to get you.

Board Member Montesano stated the only problem we have if it is going to get thrown out of court and we continually get thrown out of court then I think it is worth the money to start appealing it and then getting decisions outside of the hands of the Town Court.

Rich Williams stated it doesn't get thrown out, when they fix the problem a lot of times it just gets dismissed.

Board Member Montesano stated that is no good.

Board Member Pierro stated but it is still a fine, he still has got to hire an attorney, he still has got to spend time, he still has to go into court, he still has got to take time out from his life, file the action whether the Judge throws it out or not let's file the action.

Ted Kozlowski replied I want to because here is a guy that clearly knows we have a wetlands law.

Chairman Schech asked Ted you can write him up too right.

Ted Kozlowski replied I don't have a summons book or anything like that.

Chairman Schech replied we will get you one.

Ted Kozlowski stated Paul was right out there he didn't have a problem with it.

**d. Triple J Subdivision**

Rich Williams stated about two, three years ago we looked at a project off of Welfare Road, Jasper Road. It was supposed to be a two lot there was no detention basins in the Town of Patterson. They ultimately went away and they had indicated at the time they were just going to leave it as a single lot weren't sure what they were going to do. Apparently, it has been going through the process down in Southeast for two years. The road extends right up to the Patterson line, they have got a single-family lot on the other side, they have got a stormwater management plan that has two basins in Southeast feeding two basins in Patterson and we haven't seen plans, we haven't seen anything. This came up you have got an engineering review memo in your plans, I got a call last week from the Chairman of the Planning Board in the Town of Southeast saying we are going to approve this thing Monday because if we don't they are going to lose their rights to build it so we have to approve it for them. Their own engineer says their plans ain't ready no way, no how.

Ted Kozlowski asked is Southeast communicating to us because I just got something from Jeremy Shelbourn. Southeast is going to approve a septic system in a wetland that is right on our property line.

The Secretary stated I don't think we have seen anything from Southeast.

Ted Kozlowski asked they didn't notify us.

Rich Williams replied no.

Board Member Montesano asked do you have the plans.

The Secretary retrieved the old plans from the file.

Board Member Montesano asked we haven't seen anything and they are going to approve it.

Rich Williams replied apparently according to Dave they did.

Board Member Montesano stated well if they approved it then it is time to bring Southeast to an Article 78 and explain why they approved that has to do with the Town without giving us our turn.

Rich Williams stated without seeing plans I don't know that we have got, there is issues and we have to deal with the issues somehow but I don't know what approval authority anybody is going to have over this.

Chairman Schech asked so did they approve it Monday or is it this coming Monday.

Rich Williams stated I don't know. It does not matter I mean ultimately what is going to happen is those ponds are in Patterson so if we don't approve them being constructed there and we can send the DEP a letter saying hey we ain't approving this then that screws the project.

Board Member Montesano stated then do it.

Rich Williams stated well I am hoping to see some plans and work with these people.

Board Member Montesano stated but they already approved it.

Ted Kozlowski asked how could they approve something that is going to impact, Board Member Montesano stated they can approve their part of the project and if we don't approve it that is too bad.

Rich Williams stated I don't know but again, they are just putting two stormwater basins. We don't have site plan approval, we don't have subdivision approval unless it is in the wetlands there is no wetlands issue so what is the issue, what are we going to approve.

Board Member Montesano stated the water runoff is coming from that property into the Town. We have no jurisdiction over that.

Rich Williams stated I don't want to say until I see a set of plans and I can tear it apart and maybe talk with Ted and talk with the Attorney and talk with the Engineer about it. They were supposed to get me a set of plans.

(Too many talking unable to transcribe).

Chairman Schech stated site walk Saturday 7:00 a.m. meet at the diner.

Board Member Rogan made a motion to adjourn. Board Member Montesano seconded the motion. All in favor and meeting adjourned at 9:04 p.m.