

TOWN OF PATTERSON
PLANNING BOARD MEETING
May 26, 2005 WORK SESSION
AGENDA & MINUTES

- | | |
|---|---------------------|
| 1) Reilly Lot 37 Wetland Watercourse Permit | Page 1 & Page 6 - 9 |
| 2) Capasso Wetlands Watercourse Permit | Page 1 |
| 3) Fryer Machines Site Plan | Page 2 |
| 4) Burdick Farms Subdivision | Page 2 – 5 |
| 5) D’Ottavio Site Plan | Page 5 |
| 6) Forest View Site Plan | Page 9 – 11 |
| 7) Yonkers Realty Site Plan | Page 11 – 13 |
| 8) Couch Road Subdivision | Page 13 – 15 |
| 9) Eurostyle Marble & Tile Site Plan | Page 15 – 16 |
| 10) Dunning Subdivision | Page 16 |
| 11) Plunkett Subdivision | Page 16 – 19 |
| 12) Cumpeo Systems – Sign Application | Page 19 |
| 13) Site Inspections | Page 19 |
| Gagliardo Lot Line Adjustment | Page 19 – 22 |
| Deerwood Lot 6 Wetland Watercourse Permit | Page 22 – 26 |
| Cornwall Hill Estates | Page 26 |
| Bear Hill Subdivision | Page 26 – 27 |
| Stanton Fill Permit | Page 27 – 28 |
| South Patterson Business Park Subdivision | Page 29 |
| Meeting Procedures Discussion | Page 29 - 33 |

Planning Board
May 26, 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 were 3 members in the audience.

1) REILLY LOT 37 WETLANDS WATERCOURSE PERMIT

Chairman Schech stated okay Reilly is no big deal that is coming in left over from last time.

The Secretary stated yes they did all the notices, I verified them.

Rich Williams stated there was a meeting held on that application with myself, the Applicant, the future home buyer and Ted Kozlowski. I would prefer that Ted address the Board on that.

2) CAPASSO WETLANDS WATERCOURSE PERMIT

Chairman Schech asked have we got that mess straightened out.

Rich Williams replied we are working on it. We received new plans, I issued a memo subsequent to today we received again, two new sets of plans. I reached out to the Design Engineer and requested that he have a conversation with his client so they could be working on the same page and I think it might be a good idea that the four of you sit with the Design Engineer and try to work out some of these details between now and then. I did issue a memo on this to the Board.

Chairman Schech asked we are still working out details on this.

Rich Williams replied yes we are.

3) FRYER MACHINES SITE PLAN

Chairman Schech stated Fryer is a public hearing.

Rich Williams stated also new materials were brought in and there is a memo on that.

4) BURDICK FARMS SUBDIVISION

Ms. Kristina Burbank, Kellard Engineering was present representing the Applicant

Chairman Schech asked we all read it any questions.

Board Member Rogan replied we have got lots of questions.

Chairman Schech stated ask them now.

Board Member Rogan asked Rich, comment #1 on page 2 of 16, the width of the road thirty feet I have a note to myself should it be a fifty-four foot right of way because we were talking thirty-two and then you need ten foot on each side, does it say fifty foot, yes it says fifty foot in the memo it needs to be changed to fifty-four feet.

Rich Williams asked is that what you want.

Chairman Schech stated we were talking about fifty.

Rich Williams stated we have gone back and forth on this.

Board Member Rogan stated what I thought we were confused on was what the actual improvements to the road would be which we determined would be thirty feet so based on that are we comfortable with a ten foot additional right of way I am comfortable with it. I just wanted to make sure the Board was because normally it would be twenty-four foot and we would have a fifty foot right of way so we would have thirteen foot each side so we would be reducing it by three foot per side.

Rich Williams stated two foot per side.

Board Member Rogan stated two foot per side I am sorry.

Rich Williams stated Shawn the reality is two feet on either side of the road which will remain as a vegetated strip is not a big issue one way or the other.

Board Member Rogan stated fine.

Board Member Rogan stated item #6 talks about,

Rich Williams stated wait stop because this is where we keep running into problems I have raised this issue before about the width of the right of way and I never get a clear,

Board Member Rogan stated okay let's determine it now and forever.

Rich Williams asked what is the Board's pleasure as to whether you want to go a little bit wider with the right of way or not.

Board Member Rogan stated we currently are looking at thirty foot of improvements per the memo it shows a ten foot right of way additionally on each side for the total of fifty foot. Is the Board comfortable with that or do we want more than that.

Chairman Schech stated I thought we were happy with the fifty foot.

Board Member Rogan stated that is what I recall also.

Board Member Pierro stated I am happy with the fifty foot.

Board Member Rogan stated the biggest one in the memo in my opinion is note #6 which talks about road improvements and nailing, hammering those out. It says that the Supplemental Environmental Impact Statement reaffirms the need and commitment to complete certain improvements. We know we have spoken about them at nauseam, just worth noting to the Board that a couple of days after our last meeting a car went off the road on the corner there and almost went through the silo and that to me reaffirms the reason why I think we need to push for not the improvements themselves but for the acquisition and dedication of that property to the Town. I just think that had there not been a few stones there in the way the kid would have been airborne and gone right through the silo. He hit at a pretty good clip and needed to be pulled out of there. It shows what we have all said and seen some of us more than others because there have been people that have been in the Town longer that that stretch of road is something that we have talked about for many years and I personally can appreciate the Applicant's position on this and can appreciate the current property owner's position but I think it is something that we should strongly consider having,

Chairman Schech stated it is in the Findings Statement and it is not going anywhere. It is not getting my signature until we straighten that out so I would not worry about it.

Board Member Rogan stated thank you.

Board Member Pierro stated I had asked Rich a few weeks back and asked him if he would speak with Anthony Molè on whether we get an acknowledgement and I never got an answer back whether or not that was even necessary because it was so clearly written in the Findings Statement. I did have concerns though of Mr. Condit's comments at our last work session meeting, the last time he was here where he said he may not be able to provide for the acquisition of the barn property and I think the owner of that barn property made it clear what had transpired in her mind and I was just wondering if the Applicant's representative has received a copy of that letter the one received a couple of weeks ago.

Rich Williams stated I believe we did fax down Kristina the letter. I think I also faxed it to Vinny.

Ms. Burbank stated yes.

Rich Williams stated in response to your first statement I did e-mail Anthony and asked him to be prepared to address that at the Board Meeting so hopefully he will be read to address that question.

Board Member Rogan stated and a special note on comment #13, I know it is written well but just for the Board's edification the site distance analysis does not appear to coincide with prior findings and we are not going to approve that drawing as part of the preliminary subdivision approval. I just want to remind everyone that is part of that. It says Sheet 3 shows the sight distance analysis plan and the proposed limits of construction for re-grading Bullet Hole Road which does not appear to agree with statements made in the Burdick Farms EIS and SEIS therefore the Planning Board should not approve this drawing but we definitely want the sight line distance to conform and the current plan if I remember correctly does not show the grading necessary for sight line distance and safe stopping distance along that stretch. The grading was reduced from what we had seen prior from what I recall from previous documents and basically from what I recall we are basically looking for from the entrance going up towards McManus and down towards Ice Pond for there to be a maximum sight line distance and the re-grading of the road. Currently, the plan doesn't re-grade to be affective allowing the greatest stopping distance. It is a more severe grade right now from what I remember than what was originally proposed and that needs to be resolved because the entrance if anything the entrance has potentially increased the traffic to that road because we have a few more lots, they are not going on to McManus which I am happy about but I think we just need to make sure that grading is addressed.

Rich Williams stated and just so we are clear one of the reasons I just really haven't pushed this issue forward is there is still some negotiations going on with the schools, Carmel Schools about purchasing the property and we are not exactly sure where the entrance is going to be. If we can shift the entrance on to that parcel it certainly will improve the sight distance just by moving the entrance.

Ms. Burbank stated if I could add I was told that he acquired that property.

Rich Williams stated okay we have not gotten official notice.

Board Member Rogan stated other than those comments I am happy with the resolution.

Chairman Schech asked anyone else on the resolution.

Board Member Pierro stated not on the resolution on an e-mail that was sent out a few weeks back there was a copy from Vinny to Shawn inquiring about the drainage, the curtain drains somebody asked on the Board whether or not they could have been capped and the answer was,

Board Member Rogan stated I think it was, Board Member Pierro stated the answer was a resounding no but my question is could those curtain drains be re-routed so that they do not drain on to Mr. Noblet's property or do we want them to drain on to Mr. Noblet's property so that it does not destroy that pond or does not reduce the water flow into that pond.

Board Member Rogan stated I think that the Applicant is planning on having the engineer, Mr. Kellard and the contractor, one of the contractors go up and re-route that water.

Ms. Burbank stated the first step (unable to hear no microphone). We are going to be making changes to the curtain drains (unable to hear no microphone).

Chairman Schech asked we are going into a grass swale there somewhere along the line.

Rich Williams replied eventually there is a grass swale currently proposed.

Board Member Rogan asked Dave were you talking about the e-mail to Rich because you mentioned an e-mail that I didn't get.

Board Member Pierro stated yes.

Board Member Rogan stated you said to me that is why I was interested.

Board Member Pierro stated your name was mentioned in it that if you and Shawn want to arrange a field trip. I misstated that it was an e-mail from Vinny Conditto to Rich.

Board Member Rogan stated I told Rich I would have been happy to go out if there was a purpose in it. If I was wanted or needed but I think we said at that time there really wasn't a need.

Chairman Schech stated I think we should reserve that for engineering.

Board Member Pierro stated absolutely.

Board Member Rogan stated I absolutely agree and that is exactly my position that I am not a Professional Engineer as a Board Member as a layperson yes I would be happy to accompany Rich on any site walk of something that we are involved with.

Chairman Schech asked are you all happy with Burdick Farms now.

Board Member Rogan stated with the reso.

Board Member Pierro stated with the reso so far Mr. Chairman.

Ms. Burbank thanked the Board

5) D'OTTAVIO SITE PLANS

Rich Williams stated we do have new material in. I have gone through it preliminarily, I have not had a chance to do an extensive review, the Engineer is also reviewing it. I think we actually have got a complete submission including the easements and wetlands permit.

Rich Williams stated Ted would like to address the Board.

Ted Kozlowski stated I have a bad cold I lost my voice.

Rich Williams stated we do have a wetlands permit application in on D'Ottavio.

REILLY LOT 37 WETLANDS WATERCOURSE PERMIT

Chairman Schech asked what about Reilly, didn't you want to say something about Reilly.

Rich Williams stated to Ted I mentioned that we had a meeting and that I was going to let you talk to them about it.

Ted Kozlowski asked Rich what did you discuss.

Rich Williams replied that we had a meeting.

Ted Kozlowski asked did you talk about the garage.

Rich Williams replied I did not.

Ted Kozlowski stated Rich and I sat with Joe Reilly and the Applicant two Friday's ago and of course it is a very unfortunate situation. The lot is way too small, it is confined, it is challenged you know all of this. When the plans were first submitted two years ago it reflected 1,350 square feet. That is still the size of the house but now they want add a garage, which the footprint makes it larger.

Board Member Pierro stated the last set of plans that we saw did not have a garage on it.

Board Member Rogan stated the garage had been removed.

Ted Kozlowski stated right but they want a garage.

Board Member Pierro asked as of the last time we were back in here they have come up with a garage.

Ted Kozlowski replied they can't put it under the house as Shawn asked them to look into.

Rich Williams stated well let me be clear about that, Ted Kozlowski asked Rich would you talk because I can't.

Rich Williams stated the property owner came in because the new purchaser is concerned about the fact that she is not going to have a garage, which is typically associated with any house that is constructed nowadays, everybody needs a place to put stuff because we are all accumulating stuff. Everybody knows what their garage looks like. They made a valid argument in the fact that okay if we don't give them a garage they are just going to be back in for a shed because they have got to have a place to put materials.

Ted Kozlowski stated one thing that I asked him though it is a three bedroom house and I said well why can't we reduce this to a two bedroom house and get your garage. The reason was they want a three bedroom house.

Board Member Rogan asked this is on the corner of 311 and Cornwall right.

Ted Kozlowski replied yes

Board Member Rogan stated I am actually amazed that it is not at a two bedroom house. You would have thought that would have been the natural progression for this with the limits.

Ted Kozlowski stated I told them that I would discuss this with the Board that part of me feels and understands the challenges here and if you are going to have a normal situation where are you going to put your stuff. The other part of me is there is no compromise here I want my three bedroom house and my garage and you know at one point too they are saying this is for my elderly parents and this is not part of the I guess review but why does elderly parents need a three bedroom house.

Board Member Pierro stated they don't, they just don't and there has got to be some compromise.

The Secretary stated in the minutes of the last meeting they said for resale.

Board Member Rogan stated I can understand that.

Rich Williams stated at the meeting we had they did mention resale, they also mentioned the fact that the elderly parents were going to be taking care of the grandchildren periodically.

Ted Kozlowski stated right and there is the extra bedroom which we would all love to have the problem is that it is a 1.4 acre lot with realistically a quarter acre at most of useable land so are we going to have here visually, aesthetically, a huge house with a garage on a postage stamp. Is that just going to promote further problems and intrusions into the wetlands or do we look at a two bedroom house with the garage and make it fit the site.

Board Rogan stated at the last meeting let me just interrupt since your voice is giving out on you but at the last meeting there wasn't a garage. We have already reduced to that footprint; if they want to have a garage then they have to reduce the bedrooms that is the way I feel we are down to that footprint. We are not going to go back where we have already been to a point where they have shown a set of plans without a garage. So let them if they want to add a garage personally they still can add a garage on the main floor by pouring concrete and still have a full basement under it.

Board Member DiSalvo asked do we know what kind of style house we are looking at

Ted Kozlowski replied she showed us a picture which again I don't have it they are going to bring something in next week and I told them to present it. Now, my suggestion was because it was a small site, the cottage, the small little cottage look you know but what she showed me and this is just my aesthetic opinion this is not an opinion for the Board but it was a big house and I just don't see it fitting the site.

Chairman Schech stated all we have to tell them is you can have whatever you want on the site as long as it is 1,350 square feet.

Rich Williams stated and we need to be clear about that because that is an important thing that you just said. The Board has no ability to limit the number of bedrooms within a house.

Chairman Schech stated you could put twelve bedrooms we don't care as long as it is 1,350 square feet.

Rich Williams stated but you can limit the size of the house.

Board Member Rogan stated exactly and I think when we are saying, that is a good point to remember but when we were saying we are thinking in terms of relative size it is not bedrooms.

Board Member Pierro stated I have the similar size lot right up the street I have a seventy-five foot ranch, twenty-five feet of that ranch is garage. I have a thirty foot living room with two bedrooms, a Florida room, and my wife, two children have no problem living in the house, and we have a lot of stuff. These people have to mediate a little bit. They just can't get what they want to get.

Ted Kozlowski stated the bottom line is,

Board Member Rogan stated it is not the right lot for them.

Board Member Pierro stated it is not the right lot for them.

Ted Kozlowski stated in today's world this lot would have never been approved and the other thing the surrounded residents are very fearful and rightly so of another situation like we saw up behind that house.

Board Member Pierro stated Tambini built that house there. We got a letter from his attorney explaining, threatening that he had a right to build whatever he wanted to build and they brought in a tremendous amount of fill there to build that lot and they put the house, they orientated to the way they wanted.

Ted Kozlowski stated again, we are going to have problems in the future on this lot regardless of what we do but in one respect I do see why somebody would want a garage. It is not an unreasonable request however it just seems to me you can your house too and your garage but you are going to have to reduce something.

Board Member Rogan stated please understand everyone when whoever the Board was when the Board approved this subdivision the size of the house was not shown. I mean look at what went through the DEP or the DEC it showed the footprint of a much smaller house without a deck and without a garage, it showed a footprint let me just say that.

Ted Kozlowski stated it minimized what is going to happen.

Board Member Pierro stated it was smoke and mirrors Ted. It was smoke and mirrors.

Board Member Rogan stated and I can understand wanting to add on a deck comparative to a garage is not as much of an impact.

Board Member DiSalvo asked are they talking one car garage or two car garage.

Board Member Rogan replied they are showing it as one.

Ted Kozlowski stated in fairness to them I said that I would bring this before the Board that I have previously said 1,350 that is it and it is tough, you are sitting there and the woman is having a tough time with this and it is really not her fault. I have to say the builder; Joe Reilly I don't think was exactly a hundred percent honest with her with this whole process.

Board Member Pierro stated of course not.

Ted Kozlowski stated but that is not our problem. In one respect I am feeling bad for her but in the other respect you know guys, and Maria we keep getting banged and we have got to I think it is a fair compromise.

Board Member Pierro stated I am sorry they are not here tonight because I would have liked to have spelled this out for them.

Rich Williams stated typically we don't have that kind of back and forth here.

Board Member DiSalvo asked so we are going to try to keep them in the square footage.

Chairman Schech stated 1,350 square feet.

Board Member Rogan stated it is a decent size.

Board Member Pierro stated it is 2,600 square feet.

Board Member Rogan stated it doesn't say they can't go up. That is the footprint.

Board Member Pierro stated Maria you have been in my house that is nine hundred square feet more than what I have got.

Board Member DiSalvo stated if it is laid out right it is perfect.

Board Member Pierro stated Joe Reilly likes to build 50 foot raised ranches. It is something that he builds he is good at that but he is not going to get it on this site. He is going to have to trim his plan.

Board Member Rogan stated I would think that you could get a heck of a house in 1,350 square foot including a one car garage going up. You could have three bedrooms upstairs. You are talking 2,700 square foot.

Chairman Schech stated that is for him to design it not us.

A member of the audience stated just that it is a senior couple,

Board Member Rogan stated yes so you put your master bedroom on the first floor and you put two bedrooms up you could also have the potential for a third bedroom above the garage, a bonus room, approve it as a four bedroom house. Have they only done the septic for a three.

6) FOREST VIEW SITE PLAN

Chairman Schech asked Forest View is Harry set on that.

Rich Williams replied we have a lot of material in to get through.

Chairman Schech asked he came in with the material.

Rich Williams replied he came in with the material; we have got a whole Stormwater Report.

Board Member Rogan asked have we met since we found out that the primary septic area needs fill and we were going to flip flop and use that as the expansion but only if it could be left alone and it can't be.

Rich Williams stated it cannot be.

Board Member Rogan stated because it needs fill. If it did not need fill then that narrow stretch that borders the Clout Property would be left forested but it needs to be cleared. I could not get a budge on that. If it wasn't for the fill we would be in great shape.

An audience member (Peter Hansen) asked can you run this by me again it is right down the street from me.

Board Member Rogan replied yes there is a section of land on Field and Forest,

The audience member stated Farm to Market Road and Field and Forest.

Board Member Rogan stated in the back end of the complex they are doing an extension,

The audience member stated it is a long narrow stretch.

Board Member Rogan stated and there is a long stretch of land that borders the preserve property that is the primary septic area, the Board and Ted Kozlowski felt very strongly that that area should be preserved as best possible because of the impacts view shed wise that it would have to the preserve property. The Board's direction was to try and determine if we could flip flop and use that area as the expansion area to the septic because the primary and expansion are in split areas they are not contiguous with each area. One area is down over the power, down by the railroad tracks and the other is up high where I just explained behind the current buildings up close to the property line. The problem with that is that the area that we are concerned about needs fill for the septic system. I believe it needs two feet of fill and by Health Department regulations anything with fill has to be cleared at the time of the initial construction so that it can be utilized for expansion or to build a primary system. Although, we can flip flop the areas and use the area closest to the railroad tracks for the primary it really doesn't do us any good because we still have to clear the area next to the preserve property the narrow strip for the expansion. In that regard, the area down by the railroad tracks does not need fill so in reality we are going to use what they proposed as primary and the expansion area down by the railroad tracks won't have to be cleared that is what I remember.

Board Member Pierro asked didn't BMMD get a waiver from pulling the pine trees down adjoining that house that faces Cornwall Hill Road not to clear.

Rich Williams replied I don't know.

Board Member Rogan stated the codicil to this is that the area between the top of the slope and the property line will still have enough area to plant I will say conifers but it seems like that is all we do is plant conifers but to plant a vegetated buffer. The idea was the Board was also worried about A.T.V.'s. We

didn't want people from Field and Forest to go through that opening, that septic area and access the preserve property so we are looking at a vegetated buffer.

The audience member stated it is a different piece of property than what I thought it was.

Chairman Schech stated even if they have to take the trees down they can always re-plant a buffer.

Board Member Rogan stated exactly on the edge and that is I think what we need to do.

7) YONKERS REALTY SITE PLAN

Chairman Schech asked the Building Inspector, did he talk to you about the interior drains in the building at Yonkers Realty.

Rich Williams replied yes (unable to hear something with regards to a holding tank).

Chairman Schech asked does anyone know where they go.

Rich Williams asked where the holding tank is going to go.

Chairman Schech replied no where the interior drains go.

Rich Williams replied that I don't know at this point.

Chairman Schech stated that is the engineer he has to locate that.

Rich Williams stated their engineer has to yes.

Board Member Pierro stated we had discussed that at the last meeting that they were going to talk about, they were going to look into where that drainage is going.

Chairman Schech stated and the parking, the one time I did count vehicles at the site of Zotola's site there were fifteen vehicles in for repairs not counting the vehicles for the people that work there. I only stopped once to count. You need quite a few parking slots and I am talking large trucks not just little cars.

Board Member Rogan stated large vehicle spaces they only have six over here referring to the plan.

Chairman Schech asked the bus tours are going to remain there also.

Rich Williams replied yes.

Board Member Rogan stated you know what caught me I was reading on the plans it says remove all plant material from the roof of the structure. I thought is this a new project that they were proposing a green roof or what. I forgot where we were.

Rich Williams stated no lack of maintenance.

Chairman Schech stated so we should mention something on parking.

Board Member Rogan stated I think based on what you said Herb it is very important.

Board Member Montesano stated it says here construction of spaces not completed but I don't see anything on the plan that shows where the other spaces are going.

Board Member Rogan asked where is the note Mike.

Board Member Montesano replied on the open part.

Board Member Rogan stated I think these spaces over here aren't complete yet, proposed so they are not going to be completed until after they get an approval.

Board Member Montesano stated we have approximately twenty-four up there where the lines are. That means somewhere along the line they are going to have an additional forty spots, I don't see any lines indicating forty. If they are going to get forty spots in there I would like to see it maybe I am looking at the wrong plan but all I see is fencing in the back but I don't see a spot for forty other spots over there. The twenty-four seems to be stretched out. I don't see anything other than spot right here.

Board Member DiSalvo stated large vehicles spaces they are talking about,

Chairman Schech stated that is enough for the buses.

Board Member Rogan stated but not for the customers is what you are saying.

Board member Rogan stated I have never been inside the building have we.

Board Member DiSalvo replied no.

Board member Pierro stated just vacant.

Board Member DiSalvo stated I thought they put some firewalls up.

Board member Rogan asked what about bathrooms.

Rich Williams replied they are actually putting bathrooms in.

Board member Rogan stated I was just thinking in terms of chemicals stuff, chemical storage to into the drains.

Board member Montesano stated I just don't see how they're going to get all these spaces in there.

(Unable to transcribe too many speaking at the same time)

Chairman Schech asked Rich there are no bathrooms yet they are putting them in.

Rich Williams replied well there is a bathroom but now they are breaking it up into three separate uses they need to add additional bathrooms so we do have a letter from the Health Department saying it is adequate, it can handle the capacity, they are proposing a couple of changes to the holding tank that they have there for the dump for the buses. They are putting an alarm system in, Bilco doors.

Board member Rogan stated I have seen Bilco doors for basements not septic tanks funny.

Rich Williams asked how many times have we seen buses that just back over and dump their sewage.

Chairman Schech stated the thing is wide open if somebody walks into they are in deep s- - - .

Board Member Rogan stated you can say that again.

Chairman Schech stated it is a good size opening I don't how they get away with it with the insurance.

Board Member Pierro stated I am sure that is a violation of Town Code in some way, shape or form.

Board Member Rogan stated safety.

Chairman Schech stated my biggest concern is the parking. All the rest is taking care of by building.

8) COUCH ROAD SUBDIVISION

Board Member Pierro stated the houses got closer to the road.

Board Member Rogan stated at least they are in the area, Board Member Pierro stated that is buildable.

Board Member Rogan stated at least they are not that close they are still up there a ways.

Board Member DiSalvo asked they knocked off that last lot.

Chairman Schech and Board Member Rogan replied no.

Chairman Schech stated they just took the driveway out of that real steep area.

Board Member Pierro stated this is going to be one horrific A.T.V. track.

Chairman Schech asked and does he have to pave the Town road when he puts this is.

Rich Williams replied I guess the question is if it is not paved will the Planning Board require them to pave it.

Board Member Rogan stated I was going to flip the other way and requiring them to pave their driveway since they empty out to dirt roads.

Rich Williams replied well Edie had to.

Board Member Rogan asked did she.

Rich Williams replied yes she did.

Board Member Rogan stated good then they have to also.

Board Member Montesano stated it is the Town Code you can't stop that.

Chairman Schech stated driveways have got to be paved especially when you are getting steep. I don't know how you get away without paving ninety percent of the banks want them paved.

Board Member Rogan stated sometimes they just pave the first fifteen feet or so.

Board Member Rogan stated better for the environment, all this asphalt and tar and waste and oil.

Chairman Schech asked does anyone have a problem.

Board Member Rogan stated I don't really care that they are crossing the steep area on Lot 3.

Chairman Schech stated I don't think they have a choice in that one.

Board Member Rogan stated no they probably don't it is only a short section.

Board Member Montesano asked if they can do it on Lot 3 why can't we do it on Lot 1.

Board Member Rogan asked on Lot what.

Board Member Montesano replied on Lot 1.

Board Member Montesano stated instead of having that driveway connect in and make a party driveway at the beginning.

Board Member Rogan stated because that is a lot steeper.

Chairman Schech stated that is horrendously steep over there.

Board Member Rogan stated look at the difference between it Mike. You are talking a little area. You are talking about forty foot of distance versus going through a whole section that is over a hundred fifty foot of very steep slopes.

Board Member Montesano stated on Lot 2 they are curving that driveway over so that they can meet Lot 1. Why can't we have the second driveway on Lot 1 and move the line over since it is so dog gone big as it is.

Board Member Pierro stated you run into frontage problems I think Mike.

Board Member DiSalvo the beginning of his driveway is on this guy's property.

Board Member Montesano stated that is what I am saying.

Board Member Pierro stated then you are putting both driveways on to a steep slope.

Board Member Montesano stated well you have got them on a steep slope anyway; both cars are going to have to come down on a steep slope.

Board Member Pierro stated the majority of the driveway looks like for both house looks like it is on level area after you get to the merge.

Board Member Montesano stated that is going to be his house I guess so this way if he has got the bulldozer he can clear the party driveway we shouldn't worry about it.

Chairman Schech stated it is only a partial common so I have got no problems with that.

Board Member Pierro stated I can swallow this.

Board Member Montesano stated what is the difference whether you use fifty feet of common driveway or a hundred feet or two hundred feet.

Board Member Pierro stated again we are not talking about low income housing we are talking about very high; Chairman Schech stated it does not matter.

Board Member Montesano stated you keep telling me that, my esteemed colleague but every time I go down to Greenwich I hear the same thing and they have bucks and they still fight for a lousy twenty feet.

Chairman Schech stated I will show you one in Mahopac and believe me that area is not low income housing. I don't have to plow the driveway in the winter because I have got four wheel drive you plow the driveway and it is true.

Board Member Rogan stated you are right.

9) EUROSTYLE MARBLE & TILE SITE PLAN

Board Member Pierro stated the building rendering looks pretty good. A classy look in the front.

Board Member Pierro asked there is a wetlands issue on this Ted.

Rich Williams stated Ted at the last meeting indicated that he did not think the wetland boundary was properly delineated. They have not made any attempt to change that delineation.

Ted Kozlowski stated it extends a little bit further but it is not a big issue.

Board Member Pierro stated it is not in an area that looks like it is going to get disturbed.

Rich Williams stated yes but we are showing one stormwater pond on the site anybody who is familiar with reviewing plans that have been (unable to hear) by New York City knows that one pond is not sufficient and certainly the pond that they are showing is not adequate in size.

(TAPE ENDED).

Rich Williams stated that is one of the things that we have to talk to them about. They submitted full sets of drawings and just two pages (unable to hear plans were shuffling in the microphones blocking voices out).

Rich Williams stated I have got grading plans, which show this, a little bit bigger.

Board Member Pierro asked is that in a disturbed area now not really.

Board Member Pierro stated so it is not really an area that they are building the parking lot near or around so they can make it bigger if need be which is under sized.

Rich Williams stated once you see the grading they are coming right up to the edge, they are not showing this huge piece of ledge right in here and they are right on the ledge and they have got a small area here. They are going to need to somehow squeeze two practices right along side the road here and they are going to have difficulty doing it and staying out of the wetlands. I am not sure that they can.

Board Member Pierro stated that is why the pond is under sized because they recognized that.

Rich Williams stated it is the same old thing let's not worry about the stormwater until the very tail end and then let's squeeze it in.

10) DUNNING SUBDIVISION

Rich Williams stated we have a subdivision plat some minor changes need to be made to the plat, procedurally we are at that point we basically have a complete application and need to set a public hearing.

11) PLUNKETT SUBDIVISION

Chairman Schech asked I thought between you and the engineer you were going to have a talk with the guy.

Rich Williams stated Mr. Plunkett is very insistent that he would like to see if he can subdivide the property.

Chairman Schech asked did they submit something on this.

Rich Williams replied yes.

Board Member Rogan asked isn't this house for sale right now.

Board Member DiSalvo stated yes.

Chairman Schech stated he wants to sell the whole thing but trying to subdivide it is ridiculous. You see that lot.

Board Member Rogan stated I was just going to say if this is the road that is installed everybody should look at this going across steep slopes.

Board Member DiSalvo stated it looks like a roller coaster.

Board Member Rogan stated wow that is some rugged property. The contours on this property are all over. I have got to walk this.

Board Member Rogan stated I think the Assessment Review Board ought to cut the taxes down on their residual properties since they can't use it and make it worthwhile to keep it as one block of land. If you can't use it it should be lower value residual green space.

A member of the audience state I agree.

Board Member Rogan stated I think residual property Rich and I have talked about this a lot that either wetlands or steep slopes should be assessed, assessed now in terms of tax assessment, reviewed and the taxes should be adjusted appropriately to encourage people to hold on to that property instead of letting it go for taxes.

Board Member DiSalvo stated that is what happens it gets so over taxed that they have to subdivide.

Rich Williams stated the problem is my two cents, is that you have to assess based on full value of the property and there are so many people out there that are willing to spend a lot of money on these parcels that really are not buildable and then somehow try to get through the process and get something built.

Board Member Pierro stated that is going to continue as long as we have marginal lots.

The member of audience stated if that were the case though if somebody came in with a million dollars and said okay I can afford to put in this switchback road and meet all the requirements to get up to the top of the mountain where it is flat, flat enough to build and I have a septic then he builds a house then he has got a million dollars in house and his property now you can assess it as a million dollars but when you got a two hundred thousand dollar house on twelve acres on unbuildable land is it fair to assess it for more than two hundred thousand dollars. You can't build on it unless you put a million dollars into it.

Rich Williams stated the trouble is you are assessing it at market value and people are marketing it and you have got people who will come in and pay a million dollars.

The member of audience stated but you are guessing that you could actually get somebody to buy for a million dollars.

Rich Williams stated you are not guessing you are basing it on comparable properties.

Board Member Rogan stated it is a difficult system.

The audience member stated what comparable property has unbuildable slope that sold for excess,

Board Member Rogan stated we could talk all night about the equities of the tax system and I would be first one there with you to argue it because I have tried with our Assessor and other people but we would be here all night.

Rich Williams stated listen, I don't disagree with you that it should be assessed for a high value. We have had this conversation fortunately there is people that are willing to pay that.

Board Member Rogan stated we have got to build bigger walls around Patterson.

Rich Williams stated unfortunately it is self defeating we need more regulations which indicate it is not really buildable.

Board Member DiSalvo stated people may just want it for privacy too.

Board Member Rogan stated and privacy is worth a lot of money when you think about that.

Rich Williams stated yes that is fine then it should be valued at that.

Chairman Schech stated I can't understand why the guy wants to get an approved lot. Why doesn't he just subdivide it and try to sell the property. This is no young man.

Rich Williams stated in order to subdivide it he has to show it is, Board Member Rogan stated as a non-jurisdictional lot, well no necessarily he could do a lot line adjustment and do a non-jurisdictional lot if it is over five acres but then there is no guarantee then the value,

Rich Williams stated he does not have two lots.

Board Member DiSalvo asked how are they marketing this right now.

The Secretary stated this is the big house and it goes behind the other white house up behind.

Board Member Rogan asked isn't this proposal to turn one lot into two.

Rich Williams replied right.

Board Member Rogan asked can't he do it by survey, do a subdivision of this lot into two lots just showing a vacant lot.

(Too many talking unable to transcribe).

Rich Williams stated because when I re-wrote our Code I said you have to get site plan approval and demonstrate that the lot is buildable specifically for this can you imagine if we subdivided this thing off and then you couldn't get a driveway in.

Board Member Rogan stated then they would say hey, I have an individual lot I am supposed to be able to build.

Rich Williams stated you are right.

Board Member Rogan stated you are right so that is a great proactive thing you did there.

Rich Williams stated I thought so.

12) CUMPEO SYSTEMS – Sign Application

Chairman Schech stated it is a sign application. Doesn't he have a sign.

Board Member Pierro asked why the application Rich.

Rich Williams replied they are currently at the A & P Shopping Center.

Board Member Pierro stated yes we approved the sign for this guy.

Rich Williams stated yes. What he is proposing to do is move his business to the small building in front of the Alpine Restaurant because the bicycle store has now vacated the building so he is looking to get a sign approved for that building. He basically wants to take what he has at the A & P and move it over. Based on the application that he submitted the dimensions that he gave us are too large but if you actually look at the design detail and scale it out he is just under and he just falls into our zoning so we need to get that clarified from him where he came up with the size, make sure that he is not exceeding the current Code requirements.

13) SITE INSPECTIONS

Rich Williams stated a couple of weeks ago the Board did four site walks; two of them Deerwood and Bear Hill I did do memos on, the other two I did not. I know out on the site walk there was a feeling expressed at least on Gagliardo that there needed to be some additional discussion.

Board Member Pierro stated with the Applicant.

Gagliardo Lot Line Adjustment

Board Member Rogan asked have you been out there Mike.

Board Member Montesano replied yes.

Board Member Rogan asked did you get any of our word back on that.

Board Member Montesano stated no I spoke to Herb and my feeling was this is ridiculous to put three houses where,

Board Member Pierro stated he has got the square footage Mike.

Chairman Schech stated he is creating an abortion.

Board Member Montesano stated excuse me he may have the square footage but we also have problems out there with septic systems overriding one into the other. Are we going to create the same situation because he has got the square footage, allegedly has got the square footage.

Board Member Pierro stated I don't know if anybody has ever got a subdivision in Town with alleged square footage. He either has the square footage or he doesn't.

Board Member Montesano stated but we have to look at something other than square footage for that particular section of Town. We are running into problems with the Health Department all the time and people having problems with their water and there is a whole big thing about the Lake. If you keeping packing in every square inch of space.

Board Member Pierro stated and that is going to continue to happen.

Chairman Schech stated from what I can see he is just taking an undersized lot, making a bunch of little chunks that are basically unusable on another piece of property, hooking them on there. I want to see straight lines over there. If he is going to do anything he is going to put straight lines there.

Board Member Rogan stated Mike, one thing that I was pushing for when I was out there was that the actual line that they are showing through the Gagliardo front yard that the rock wall that is currently there be moved over on to that line because I didn't think that it was fair to the owner whose buying the house that is under construction right now they are not going to be able to use the property that is really theirs because it is the other guy's front yard. I didn't think it was fair.

Board Member Pierro stated it is a different level so you can't even access it.

Board Member Rogan stated and I didn't like the triangle shaped piece of property. I want that straightened out.

Board Member Montesano stated I can't see that we are trying to cut corners to make something fit and we are going to allow it.

Board Member Rogan stated making a corner like that just creates square footage but not useable property and that is what I was opposed to.

Board Member Montesano stated right if you want to build a house just because you have got square footage no it has to be a useable lot and I think that should be one of the things that we consider.

Board Member Rogan asked do we have a plan on this, did we have a plan prior to the site walk.

Rich Williams replied yes you want it.

Board Member Rogan stated okay if we have it I should have it.

Rich Williams stated you don't have it in that material.

Chairman Schech stated it is all segmented it is ridiculous the way he showed it.

Board Member Montesano stated you are taking a pie and cutting it up to your convenience to make three pieces of property where two would be more than sufficient and you are taking away from one guy to give to the other guy so you can make the,

Board Member Pierro stated the same people own it all. The same people own it Mike it is not that he is stealing property from other people he owns it all. It is his land.

Board Member Montesano stated excuse me, it is his land at the present time but the minute he finishes that house is it going to be his land or is he going to sell it. Is he doing this for a non-profit organization.

Board Member Pierro stated no of course not.

Chairman Schech stated it is totally segmented. It is totally greed.

Board Member Montesano stated we just had one guy come in here and say he can't put in a smaller house because it is for resale. What do you think he is going to be doing with it.

Board Member Rogan stated Mike, that is actually my point for wanting the property line delineated with the stonewall so that the new owner can utilize his property because I truly believe that when the owner buys that house it would be bad neighbor relations for him to utilize all of his property because the other guy it is his front yard. It is like an imaginary line and I think that is pretty easy to resolve.

Board Member Pierro stated that could be corrected by losing a couple of trees and re-grading and moving that stonewall over.

Board Member Rogan stated it is not a big deal. What it clearly does it delineates the new property line and allows the property owner who is about to purchase to utilize what property he has as opposed what is on paper but not in reality.

Chairman Schech stated what my idea is when he comes in let's just say come in with another scheme. We are not here to design for you. You come in with another scheme that we like. We don't like this.

Board Member Rogan stated true. The only part that I have a problem with is the lines is that triangle in the back because you are creating an un-useable piece of property. I don't mind the line where it is I just want improvements made as to what I just said. The line I am fine with.

Board Member Pierro stated part of that re-designing that triangle so it creates an un-useable piece of property may be a benefit to us because if we square it off and it is larger it creates a piece of useable piece of property. It creates a place for a barn or a garage site.

Board Member Montesano stated they are going to put a shed there anyway or somebody is going to utilize that piece of property. The object is do you want to create the scene. Do you want to create a problem then,

Chairman Schech stated we are trying to improve things.

Board Member Rogan stated a funky lot line like that let's say they leave it wooded so it is not really easily delineated and they start dumping brush in there or lawn clippings and one guy says I don't want lawn clippings being dumped on my lot the line isn't easy to define. It is this weird, diagonal, pie shaped. At least if it is a straight line they could put up a planting or something that is a visual. I think this one is easy to resolve personally I don't think it is a big deal. I understand Mike saying that this lot isn't the best lot actually given Put Lake it is one of the better lots that we have seen there.

Board Member Pierro stated it is by far one of the better lots.

Board Member Rogan stated not as good as the other Gagliardo lot that we all went on. I could not believe how big it was remember the one that we went on where the little stream.

Board Member DiSalvo stated yes didn't they knock that house down.

Board Member Rogan stated that was a big lot for Put Lake but this one is not bad.

Chairman Schech stated I don't like what he is creating.

Board Member Rogan stated I agree but I think that is easy to resolve. If they want the lot then they are willing to do,

Board Member Montesano stated only if we ask them to resolve it.

Board Member Pierro stated that is what the market bears right now.

Board Member Rogan stated I am planning on it Mike I don't know about what you are planning

Chairman Schech stated we are not concerned with the market here.

Board Member Pierro stated at least it is not a common driveway.

Board Member Montesano stated yes how about that.

Deerwood Lot 6 Wetlands Watercourse Permit

Board Member Rogan stated Deerwood Lot 6 was the proposal for the expansion on the deck correct.

Rich Williams replied yes.

Board Member Rogan asked what did they come up with you are already laughing.

Rich Williams stated one of Ted's comments was they needed to show the wells within 250 feet of the proposals.

Chairman Schech asked which one.

Rich Williams replied the Deerwood Lot.

Board Member Rogan stated the one with the steep driveway.

Chairman Schech asked why do we want to see the well.

Rich Williams stated that was a discussion that Ted and I had it really has no bearing on the wetlands application but within the wetlands code there is a requirement. I have no idea why it is in there, we probably should have taken it out. Ted was pretty insistent that they show the wells so they gave us a plan showing the wells.

Ted Kozlowski stated that was a small piece that I asked for the soils, the wetlands and the wetland buffer, which was not on the plans. (Very hard to hear Ted had no voice).

Board Member Pierro stated he wanted soils.

Rich Williams stated wait let's be clear now, the last plan that he submitted had the wetland, the wetland buffer and the soils on it.

Ted Kozlowski stated baloney.

Rich Williams stated it did and then I made him, the issue came up about the wells and he said do I really have to show them so he brought these plans in today.

Board Member Rogan stated Ted you don't have to say any more when you get your voice back we will let you rant and rave. Ultimately, when we were on site we didn't really have a problem after a long debate on this in terms of adding I guess it was only about four foot off the deck but we really need another retaining wall out there. The grade right off the house is dangerous to that first wall. We need some erosion control on the steep bank along the whole periphery of the stormwater pond from what I remember because,

Board Member Montesano asked where the staircase is going,

Board Member Rogan stated correct they are going to extend, Board Member Pierro stated an extension of the deck.

Board Member Rogan stated from the back door it actually drops down hill right from the house.

Board Member DiSalvo asked Mike you were never there.

Board Member Montesano replied yes I was there I am just looking,

Chairman Schech stated well over here the deck is on the wrong end of the house. Are they going to give us a current plan.

Board Member Rogan asked what do you mean.

Chairman Schech stated the deck is over here.

Board Member Rogan stated no this is the deck.

Chairman Schech stated no it isn't. The deck is over in here referring to the plan.

Board Member Rogan stated no this is the addition. Right now there is no stairs on this deck. It is just a deck that is not accessible to ground level.

Board Member Pierro stated they need to extend the deck because there is a sliding glass door underneath where the stairs would go.

Chairman Schech stated but they have the stairway on the outside so the sliding glass doors are here right.

Rich Williams stated the sliding glass doors are under the white square that is adjacent to the deck.

Board Member Rogan stated right.

Board Member Pierro stated right but you can't put the stairs in front of the sliding glass door.

Board Member Rogan showed Chairman Schech the proposal on the plans.

Chairman Schech stated to Board Member Montesano we were at the wrong house. This is not the deck that is on this house.

Board Member Pierro stated you didn't make it down the driveway Herb.

Board Member Montesano asked excuse me when you come up the road,

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

Chairman Schech stated who wants to bet on this, this is not the location of the deck.

Board Member Rogan stated let's go out there again before next week.

Chairman Schech stated this is not the right plan and I will put a hundred bucks on it.

Board Member Pierro stated you may be correct Mr. Chairman but in essence we are looking at what the man is proposing. The deck may be over to the south or to the north a little bit more but what he needs to do is extend the deck by four feet so that a set of stairs does not cover a sliding glass door.

Board Member Rogan stated because if he wanted to come off with a set of stairs right now he can't do it because he goes right through a sliding glass door.

Board Member Pierro stated so it is really a moot point.

Board Member Rogan stated but the more important issue here is that technically that house is dangerous.

Chairman Schech stated he is extending it out not to get away from the glass doors to get closer to a flat area where his landing is going to be.

Board Member Rogan stated you are right.

Board Member Pierro stated maybe so.

Board Member Pierro stated but as far as our suggestion was if you follow my pen here right in here right in this line is the footings for the beams. Shawn and I came up with a brilliant architectural design, or a brilliant construction design.

Board Member Montesano asked do you get paid for doing architectural designs.

Board Member Pierro replied no because this area here is so steep we thought that if this man could build an extending wall and mimic the contour of the lower wall just build a wall here he can change this grade so people won't roll down it. People won't fall down it and it will give him a better base to build this staircase on.

Board Member Rogan stated and somewhat of a useable area because the impact is the existing stonewall, the existing two retaining walls have already done the impact putting this up above is not an impact. If anything it will help for erosion control.

Ted Kozlowski stated as part of the condition of the permit Rich, (could not finish sentence)

Board Member Pierro stated a lot of the buffer area needed stabilization right Ted.

Ted Kozlowski shook his head yes.

Board Member Pierro stated even in front of the house over looking the driveway so make note that Ted said restore the buffer area.

Rich Williams asked restore the buffer area.

Board Member Pierro replied restore in the area above the wall.

Board Member DiSalvo stated no below the wall.

Board Member Rogan stated no around the stormwater basin.

Ted Kozlowski wrote a note.

Board Member Rogan stated it says Board Members were also concerned about the steepness of the area directly behind the house in which the deck extension and stairs were proposed. One Member felt that the extension would be inappropriate unless the area were level perhaps with a third retaining wall at the edge of the deck piers. Board Members also noted that the lower exterior sliding glass door exited on to a steeply sloping embankment.

Rich Williams stated just something for the Board I did have a conversation with the homeowner's and I did update them that we may be looking to see some sort of additional stabilization for the steep slopes and the Board was considering maybe requesting that additional terracing be done out there and told him that he should be prepared to come and talk to the Board about it intelligently.

Board Member Rogan stated thank you.

Rich Williams stated he was somewhat receptive, he had no problem with doing the soil stabilization not so much with the terracing.

Board Member Rogan stated I don't think that is a big deal. Sometimes you say something people think much bigger than what you are thinking. We are not talking about a wall that would be nearly the size of the two that are already there. It has to be dug in a little bit for stabilization but the erosion right now going on down through that wall we saw kicking out the chink stones that are like this they are going to lose that wall if they don't do something.

Rich Williams stated you can't stop hydrology. The reality is there is (unable to hear) just right under the ground service which is what help create that wetland out there. That is what is pushing those stones out I mean you still have got all that water.

Board Member Rogan stated and I am pretty sure underneath that house there is a pretty good slab of ledge that goes down on that angle and so you have got water hitting that ledge and running and it is going to come out. That has got to be one of the worst steep lots that is out there.

Cornwall Hill Estates Subdivision

Rich Williams asked do you have anything you want to say on Cornwall Hill Estates do you want a resolution.

Board Member Rogan stated that was pretty easy.

Board Member Pierro stated that is pretty straight forward.

Bear Hill Subdivision

Rich Williams stated Bear Hill I did do a memo on.

Board Member Rogan stated that was a great site walk. I think it was really beneficial for some of us to see something that is not already someone else's idea of what they want to do with a piece of property since it has so many challenges for us to walk out there and get a feel for the property first hand including all the wet areas. There were a lot of wet areas, a lot of seeps and a lot of intermittent streams. For me personally, I only saw one spot that I thought could be built on, on all of that sixteen acres and I don't even know if that is possible but every area that we saw deep test holes with the exception of one hole that was up on to a little bit of the hill had water in it and the soils were muck.

Board Member Pierro stated I am not happy with the site at all. I didn't even see one area that maybe,

Board Member Rogan stated you left before we got to that area.

Board Member Pierro stated maybe at the further end closer to Woodward's property where I have hunted before is the only spot that I think could be built on but there is no way to access it.

Board Member Rogan stated we found an access point actually.

Board Member Pierro stated on 311 which would be a nightmare.

Chairman Schech asked is that where they were planning the access off 311.

Board Member Pierro stated no Bear Hill.

Board Member Montesano stated that is a joke. It is a wet hill.

Board Member Rogan stated it was wet in there especially since our vernal pools were all dried up at that time. There is a lot of water coming off that hill but I think it is good that I think we can give the Applicant some clear direction as to what we saw first hand without them spending a lot of money.

Stanton Fill Permit

Rich Williams stated subsequent to the submission date we received, the Planning Board received an application for a fill permit from a property over in the Putnam Lake area.

Board Member Pierro asked Stanton.

Rich Williams replied yes.

Rich Williams stated he already actually has started to bring the fill in when he was issued a Stop Work Order so this is something that is already actually started, he wasn't aware that he needed a fill permit. He got a Stop Work Order from Paul subsequently he came in and did a fill permit so we actually have fair soils, work in progress.

Board Member Pierro asked can we get an address Rich so maybe we could take a ride by there before the meeting.

Rich Williams replied I have got an application here if the Board is interested in considering at this meeting to try to move this thing along and wrap it up.

Chairman Schech asked where is the fill coming from.

Rich Williams replied the Village of Brewster, the sewer project.

Board Member Pierro asked gentlemen do you want to react to this. I think we have time before the meeting to maybe get out there.

Rich Williams asked do you want to add it to the agenda.

The Board replied yes.

Chairman Schech asked who wants to add it to the agenda.

Rich Williams replied that is what I am asking.

Chairman Schech asked why.

Board Member DiSalvo stated get rid of it. Let the guy move along.

Board Member Rogan asked how many yards are they looking for, two thousand yards that is a significant fill section.

Board Member Pierro stated yes but it is a two acre lot too.

Board Member Rogan stated I could see someone bringing in three truck loads saying I didn't realize I need a fill permit, two thousand yards is a pretty significant amount.

Ted Kozlowski asked why are they doing it.

Board Member Pierro stated to level off a backyard it looks like.

Board Member Pierro asked do you want to schedule a site walk or do you just want to try and go look at this individually.

Board Member DiSalvo stated just give me an idea of where it is in Put Lake I will drive by on the weekend.

Board Member Rogan stated 57 Addison.

Chairman Schech asked isn't it off of Newburgh.

Board Member Rogan stated I will get out there before the meeting.

South Patterson Business Park Subdivision

Rich Williams stated we got in the final plat on South Patterson Business Park and they are looking to have it signed possibly tonight. They have met all the other outstanding conditions of the final subdivision approval, they have installed the monuments I have gone out and verified the monuments, they are in. The only outstanding issue, which was a concern to the Board, is to accurately delineate the wetlands on the property and there has been some back and forth between Mr. Kozlowski and Paul Lynch. They actually came up with a resolution (unable to hear plans being rattled in the microphones).

Rich Williams referring to the plan stated he was going to take Ted's flagging which is right in here and just extend that and follow the stonewalls right across.

Board Member Montesano asked has he done it yet.

Rich Williams stated he has done that, he has put it on the plan just the way Ted said. The issue is this is the note that he put on with Ted he didn't indicate that this was the wetland line. He just said numbered pink wetland flags located by Ted and he has left the original wetland line on the plan and the buffer line.

Board Member Montesano stated no.

Rich Williams stated I am just trying to get all the issues out not that I am taking a position one way or the other, we are talking about a wetlands line that really has no impact on the subdivision and that when they come in and do anything with the property that the Board could certainly take a look at it at that point however now you have two wetland lines on the plan.

Board Member Rogan stated they can make a new Mylar.

Board Member Montesano stated they can make a new Mylar in a hour.

Board Member Pierro stated let's make the new Mylar because I can see what is going to happen, this is going to get flipped to somebody and they are going to come in, (too many talking at the same time unable to transcribe).

Meeting Procedures Discussion

Board Member Pierro stated last meeting we were playing pass the microphone around in the audience and a couple of times people were sitting in the back with the mic like they are lounging in their living room and I still couldn't hear them. I think we ought to take control of our meeting a little bit more and if people want to voice, we are not restricting anybody from voicing their opinions or their comments but I think it is time that we have everybody come up and use the dais and use the microphone. I think it sends a better message about professionalism about how we are going to react to that.

Board Member Rogan stated I agree.

Board Member Montesano stated number three I will go along with that.

The Secretary stated it does become a nightmare for me.

Board Member DiSalvo stated so aside from our Consultants using the portable microphone, Board Member Pierro stated right because we have Anthony, Gene, Rich, sometimes Ted.

Rich Williams stated we sit here, we should be sitting here and addressing the Board because we are working for the Board and it is up to the Board to decide whether our input is relevant, whether they want to go with it, whether they don't want to go with it.

Board Member Pierro stated we have to be a little bit more religious about asking people to state their names like Sir I,

An audience member (Peter Hansen) stated well it is a work session I didn't feel like it was a formality.

Board Member Pierro stated I still don't know your name.

Pete Hansen stated his name.

The Secretary stated I do know his name but I did not catch the owner of the Cornwall Hill Lot her name. I know it is Alicia but that is it.

Board Member Pierro stated she is contract vendee she is not the owner yet.

The Secretary stated she stood back there talking and it was very difficult and you guys can see from the minutes I put unable to hear.

Board Member Pierro stated also another thing that came up Rich, we got a couple of calls in the office today by a couple of Attorneys, one in particular about some letters that went out to McManus Road residence pertaining to an order by the Town to combine lots. I did not get the full story.

Rich Williams asked it came into your real estate office.

Board Member Pierro replied the question came in by realtors and attorneys that were acting on behalf of some clients who live on McManus Road.

(TAPE ENDED).

Rich Williams stated Mrs. Palmeri came in to my office last week I think it was and she pulled out a subdivision plat and I am not exactly sure why she even came into the office but she said I have got these two building lots I want to make sure they meet all the zoning requirements. It was a subdivision I didn't see the plat but she said it had been done sometime in the eighties.

Board Member Rogan stated probably the same subdivision as her house.

Rich Williams stated could be. One of the lots was her house the other one was a vacant lot next to her house and she asked me if it met all the dimensional requirements and I explained to her that she is now in a R-4 Zoning District that as far as the area goes that is not really an issue because we have a provision in our Code which says that as long as you can meet all the other zoning requirements area doesn't really matter. Frontage really isn't an issue because it is a pre-existing condition, non-conforming that is fine but the issue is and I inquired to the ownership and she told me that both lots were owned identically by the same people. There is a provision within our Code that says if you own contiguous lots that do not meet the area or other dimensional requirements and they are under single and separate ownership that by our Zoning Code those lots are combined.

Board Member Pierro asked under single and separate.

Rich Williams replied single and separate ownership because the intent is where you have non-conforming conditions because you have adopted a Zoning Code which says in this area these are the appropriate dimensions and you can otherwise meets those you should not you know in some way be able to aggregate your Zoning Code.

Board Member Rogan stated I am surprised though that it wasn't written because the intent of that the way I understand was so that you don't have little quarter acre parcels that people come in and say hey, I want to build on that is a building lot. In this case it is probably like a one and a half acre lot or more.

Rich Williams stated it is.

Board Member Rogan stated and it is by I think any reasonable person's estimation probably a building lot and should be a building lot so maybe there should have been a provision that said if you don't meet the bulk dimensional requirements by greater than fifty percent because if someone was one foot under, one square foot under by virtue of that it would be combined and that I don't think is the essence of what was intended there.

Rich Williams stated the essence of what was intended there was to eliminate non-conforming lots within the Town and the Town now has gone through this process, a very public process where we have said the appropriate lot size in this area is four acres so if you can somehow meet four acres that is what is appropriate and it is like any other non-conforming use it is always the intent of zoning that these non-conforming uses somehow at some point in time go away.

Board Member Rogan stated I understand. So, the intent also is that by notifying people you are saying hey, this is going to change and therefore if you plan on doing something with it you ought to seek to at least get a Building Permit and then maintain that because once it had a Building Permit you can't take it away from them they just have to keep it going.

Rich Williams stated no they have to actually start construction. There is clear case law out there that says even if they have gotten all the regulatory permits if they haven't started construction it does not matter.

Board Member Pierro stated it seems to me that these notifications should have gone out at the time the zoning changed.

The Secretary asked who sent the notifications out.

Rich Williams stated I don't know what notifications they are talking about.

Board Member Pierro stated I got the impression, maybe I am only getting half of the story but I got the impression that this lady was told that the lot line in between her two lots must get erased and must be combined.

Rich Williams stated I told her for all intensive purposes by our zoning those lots are merged and I also informed her because I didn't want a problem later on that if she now tries to transfer ownership she would be creating an illegal subdivision under our zoning code.

Board Member DiSalvo asked but isn't that a separate lot anyway wasn't it approved with the subdivision.

Rich Williams stated it was approved but it was approved back in the eighties now before Mr. Noblet gets all excited there is also a provision within our Code I did put a provision in our Code recognizing that if somebody has gotten a subdivision within the last seven years that to now recombine these lots would create a incredible hardship so there is a provision that starts seven years back for any subdivisions.

Board Member Rogan stated and again this is only a combination of contiguous parcels in other words, looking to the next subdivision where Doug Wallace has the two lots he does not have contiguous property next to those lots so even if those lots were two acres and the zoning was four it does not apply there. It applies where you had two vacant lots side by side and neither one was conforming they would combine the two to make one conforming lot so I understand and to some degree agree with the intent of it.

Rich Williams stated it was interesting to hear her say that she absolutely agreed with going to four acres throughout that whole area except on my parcel.

Board Member Pierro stated that may be the grounds for her filing an action but does that change in the zoning constitute a taking.

Rich Williams replied no and there is clear case law to support right down to there was a situation where McGlasson down on North Street, there were some purchases of property back and forth between some people which at one point they were contiguous lots which were substandard they should have been merged we ended up in Court on that and we won on that one.

Board Member Pierro asked they were substandard lots this lot was subdivided at a time when it met Code.

Rich Williams stated I am sure the North Street lots were too.

Board Member Montesano stated Lake George took property that was residential if I remember correctly along the shore line and the Town came in and wanted to make it commercial because there was sufficient interest and some of the people of course fought it because they did not want to

give up their rights to their homes but they lost in court and what happened was the agreement was something about as long as they stayed there it would be residential for them but they were going to be in a commercial area. It was their privilege if they sold it it could only be sold as commercial property and they went to court and it did not go anywhere. The court said that the Town has the right to change zoning codes for areas that would in the long run benefit the community. So all that work that you did on that Code that was advertised hand over fist if people are not paying attention, which most people unfortunately don't especially if they are buying something or selling something.

Rich Williams stated it would be an impossible task to actually provide individual notification to every property owner, Board Member Rogan stated as to what the implications of a new change may be to their property.

Board Member Montesano made a motion to adjourn the meeting. Board Member Pierro seconded the motion. All in favor and meeting adjourned at 9:10 p.m.