

TOWN OF PATTERSON
PLANNING BOARD MEETING
May 27, 2004 WORK SESSION
AGENDA & MINUTES

APPROVED
7/1/04 *MSB*

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

**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

**Planning Board
May 27, 2004 Work Session Meeting Minutes**

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

APPROVED
7/1/04 mab

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, ECI.

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

1) VERIZON SITE PLAN – Public Hearing

Chairman Schech stated it is the public hearing. We have the public hearing and grant them their wishes and that is it right.

Rich Williams stated as long as everybody is comfortable with doing a reso. I did not do any review because it is basically the identical plan that got approved the last time. There were no changes.

2) NEW ENGLAND EQUINE PRACTICE – Public Hearing

Rich Williams stated there is no new materials submitted, no memos have been done. We just have to watch for the 62 days.

Chairman Schech stated we have Dufresne-Henry's on that.

Board Member Pierro stated just for the record Rich and I noticed some delivery of some equipment for sale that is up against the wetlands. I guess they are trying to maximize their profit before they leave the area.

3) ALPINE RESTAURAT SITE PLAN – Public Hearing

Rich Williams stated no new materials.

Board Member Pierro asked how many parking spaces are they going to get at this juncture.

Rich Williams replied I believe don't hold me to this but about 52 or 53.

Board Member Pierro stated he is out of there. They are going.

The Secretary asked is there anything from Ted.

Rich Williams replied I have not seen anything from Ted I was hoping he would be here by now.

Rich Williams stated here is the problem, Board Member Pierro stated 52 is going to be under, Rich Williams stated it is not going to have sufficient parking but my understanding is and I am only getting this through hearsay that he is actually telling the guy that he has an agreement to use Ryder's right of way. Ryder has "FOILED" oiled the plans and he is reviewing them and Wayne Ryder will be here at the public hearing though I don't know that for certain to express any concerns that he may have.

Board Member Pierro asked is there a more current map with the parking lot number there. Is that the one we have.

Rich Williams stated that is the one that you got from the last meeting.

Chairman Schech stated which nothing had changed all our suggestions were just tossed down the tubes.

Rich Williams stated it is up to the Board whether you feel it is sufficient or not.

Board Member Pierro stated it is probably not sufficient. I would like to see if we can fix it now. Is there anything we can do.

Rich Williams stated all I can say is we have tried everything we could. We tried to get them to do an easement.

Board Member Pierro stated I just don't want to see this thing come back six months from now.

Board Member Rogan stated which it will.

Rich Williams stated here is the problem the guy is going to continue to park in a driveway which is not legal. I don't know if Ryder wants to change, come in and get a site plan and change that driveway to a parking area or not or sell it to the new guy or whatever remedy we can have but we have been going around on this for two maybe three years.

Board Member Pierro stated the information that I am getting is that if this guy says you can use that for parking, the ski area can use that, have a reciprocal agreement he would do this but the Greek is very thick headed about it.

Rich Williams stated the problem is right now Ryder's center piece is just a driveway and we would have to talk about giving him some sort of site plan for parking and maybe parking for Thunder Ridge we could tie it in with Thunder Ridge and that would be fine and that would work.

Chairman Schech stated but you are not going to get that from Ryder.

The Secretary stated Ryder if you go back in the minutes and look in the file he, Rich Williams stated he has opposed this from day one.

Chairman Schech stated let's see what happens at the public hearing.

Rich Williams stated then it is up to you whether it is reasonable or not.

4) ESPOSITO FILL PERMIT

Rich Williams stated this is a lot off of Bullet Hole Road on the intersection of Carolyn Drive.

Board Member Rogan stated this is the house that they just put up a modular.

Rich Williams gave the Board pictures to look at.

Rich Williams stated Paul is on the back of the house with his hand at the level of fill they are proposing to do there.

Board Member Pierro asked why did they do this.

Board Member Rogan replied it was wet. I don't know why they did that but I know that it was wet when they were clearing it is lots of ledge. They hammered out where the right side of the house is as you look from the road to get down to what they wanted. They only hammered out about two feet maybe into the ledge and that was it but they certainly could have gone and blasted.

Rich Williams stated Paul swears that he could not have given them a building permit if that is what they wanted to do he has to give them a building permit.

Board Member Rogan asked what about the height.

The Secretary stated I believe on the height they got a variance.

Rich Williams stated I don't agree because they need to fill in order to do that. They can't leave the foundation exposed so if you don't give them a fill permit then what. They should have gotten the fill issue and everything else worked out up front.

Board Member Montesano stated so if we deny it then it is a headache.

Board Member Rogan stated it says twenty-five feet variance granted but does it also,

Chairman Schech stated and he thinks he is going to do that with 500 yards.

Rich Williams replied no he is going to need more than that.

Board Member Rogan stated they did put a lot of the blasted rock out in there so it is already partially filled.

Board Member Montesano stated everything is after the fact. It just annoys the crap out of me.

Rich Williams stated the other thing is it is lower than everything else around it. It is lower than the road, both roads.

Board Member Montesano stated it is going to be a funnel down there.

Rich Williams stated if he does not fill it.

Board Member Rogan stated it has got to. I said to Marianne when we drove by when they poured the foundation I said did you see the height of what the slab is going to be. It looked like it was about five foot out of the ground but realistically if you look over from Michael's Way it is just slightly up hill because the lot was, Michael's Way was built up probably when it is all filled and we drive by it probably is not going to look all that bad.

Rich Williams stated I wish more of the foundation would have ended up below the ground.

Chairman Schech asked so we are okay with this fill permit.

Board Member Rogan replied what are you going to do.

Board Member Pierro stated something is broken in the system if we didn't know about this in advance.

Rich Williams stated we are working on the system.

Board Member Rogan stated they shouldn't have put that style house up that is the problem. Wait until they put the garage up. Actually it is going to be quite a difference in grade between the first floor elevation and the slab. There is a difference of what six feet if the slab elevation is right there that is going to be eight steps up to the house.

Rich Williams replied right it is probably deceiving from the photo but they are usually building those now so there is two to three steps.

Board Member Rogan stated I think you can't have it at the same elevation it has got to be a four inch minimum I think.

Board Member Rogan asked this says if the fill permit is over 11 yards is \$10.00. It says he paid \$25.00 cash so is that.

The Secretary stated that is the old permit with the old fee.

(unable to hear too many speaking at the same time)

Board Member Rogan asked my question is let's just say for the sake of argument we charge \$25.00 for a 600 yard fill permit that the whole Planning Board has to look at, who else gets to look at it, Ted, you, Paul has to do a final inspection on it.

Rich Williams stated Paul and I will coordinate it generally this is with house construction Paul will take care of it.

Board Member Rogan asked would it be the same amount for the fill permit if this wasn't a new house if it was an existing house.

The Secretary stated yes it is a standard fee.

Rich Williams stated yes well understand that is not the correct fee on there and I am sure that we are going to calculate out he is going to be putting down more than a thousand yards so the fee permit is going to be \$250.00.

Board Member Rogan stated that makes me feel better. My logic was going to go if you put a little six by eight deck you are paying \$150.00 plus \$50.00 for compliance and you have less review, it does not go to a Planning Board, it only goes to the Building Inspector I thought that it seemed like it was out of wack.

5) PENWEST

Rich Williams stated I did give you a memo on that.

Board Member Di Salvo asked is it like a house trailer

Board Member Pierro stated no it is a modular box sitting there on cement blocks. It is temporary.

Board Member Montesano stated yes it has been temporary since when.

Board Member Pierro replied two years, a year and a half.

Board Member Montesano stated December of 2001.

Chairman Schech asked is there a reason for this that they are not ready with their office space or what.

Rich Williams replied you will have to ask them. I don't know.

Chairman Schech asked did you tell them that they better come in.

Rich Williams replied he called.

Board Member Pierro stated we gave them an approval to do this.

Board Member Montesano stated yes but not for three years. It says temporary. They asked for six months originally. I think going on the third year is a little bit long.

Chairman Schech stated let's find out how long, six months and that is it or what.

Board Member Pierro stated let's ask them at the meeting.

Board Member Montesano stated it seems a little ridiculous.

Board Member Pierro stated also we tell them no and we may chase, Chairman Schech stated we don't want to throw them out of Town.

Board Member Montesano stated we don't want to throw them out of Town but you want a little something clarified.

6) PATTERSON FIRE DEPARTMENT – Sign Application

Chairman Schech stated Patterson Fire Department incomplete.

Board Member Rogan asked what is incomplete about it.

Board Member Pierro stated they put in an application, they may have paid the fee but they didn't send any renderings for a sign application.

Board Member Rogan asked is that because the sign is going to change. It says fund raising advertisement. What I am asking is, is it going to be a sign that is going to be lettering that they change.

Chairman Schech stated as long as it is not the one with the wheels.

Board Member Rogan asked or is it a sign that we are approving a size and each person that comes in can put in their own sign.

Board Member Montesano stated it is going to be the one we use to have out here they are just going to drag it back out and put lights on it.

The Secretary stated Paul said they wanted to do something like the library's.

Board Member Pierro stated a couple of folks made some offers to donate, a couple of individual business men made some offers to donate some money to help them get a sign put up in the proper fashion.

Board Member Di Salvo asked so what are we going to do on this.

Chairman Schech stated we are not doing anything until we see what it looks like.

Board Member Montesano asked they haven't submitted their stuff does that mean if they submit it between now and next Thursday we are supposed to honor it.

Rich Williams stated that is up to you.

Board Member Montesano stated I am just asking. I don't think so.

Board Member Di Salvo asked can they put a sign up without having it approved for the first event.

Chairman Schech replied they have been doing it along.

Rich Williams stated they pulled a steel container on the site, nobody is allowed to have a steel container on the site. Paul did issue a violation. He gave them 60 days to remedy it.

7) WATCHTOWER/STAIB LOT LINE ADJUSTMENT

Board Member Pierro asked where is Elm Tree Road.

Rich Williams replied Big Elm Road. It is out near Mike Griffin's house. What happened is Watchtower somehow there was a bust in the survey, they actually constructed their driveway for a single-family home partially on the Staib's property so what they are doing is they are taking a portion of the frontage and it is not the frontage because Staib comes out on Big Elm Road but a portion of the land along the road and giving them an equal portion behind so that the driveway,

Chairman Schech stated that is Scigliano's old house.

Rich Williams stated yes it is.

Board Member Rogan stated I am totally lost as to where this is.

Board Member Montesano stated you go up past Mike Griffin's house, there is a group of new houses, Chairman Schech stated right on the corner of Big Elm and Old 22.

Board Member Di Salvo asked the old, old house.

Board Member Montesano stated yes.

Board Member Pierro stated so they are trading the triangle for another triangle. They are trading the property in the front for the property in the rear.

Chairman Schech asked so it is okay.

8) DUBETZ LOT LINE ADJUSTMENT

Rich Williams stated Dubetz is the one that we looked at Saturday out in Putnam Lake.

Board Member Pierro stated the only thing that we had a concern was the well was just to the right of the property line and if that needs to be re-done is there any reason that should be on the plat.

Rich Williams shook his head no.

9) **ANTROCK WETLANDS WATERCOURSE PERMIT**

Chairman Schech asked did you all read this letter from Mr. Naderman.

Board Member Di Salvo stated apologies, apologies.

Chairman Schech stated there is no apologies they are saying we are full of sh--. The house is actually smaller than the one that was there.

Rich Williams asked is that what he is saying or is he saying it is smaller than the one that is shown on the plans that was submitted to the Board for the wetlands application.

Chairman Schech stated I thought he was saying that it is smaller than the one that was there.

The Secretary stated it can't be.

Ted Kozlowski stated well I didn't read his letter but how does he explain the wetlands application.

Board Member Pierro asked can we get a copy of that wetlands application for the not now but.

The Secretary stated I will do it right now. The Secretary made copies for the Board.

Board Member Di Salvo read we are filing a wetlands permit application at this time. They did that.

Board Member Pierro stated they did right Rich.

Rich Williams stated they have a wetlands application in, Ted has not done anything with it.

Ted Kozlowski replied no I haven't. I spent all afternoon driving all over looking for Zurich, that Zurich property in the phantom roads up there.

Board Member Rogan asked what does he mean under the guidance of Health Department. It makes it sound like Paul guided the guy and said do it this way.

Board Member Montesano stated put it this way bring Paul in and Paul can answer him.

Ted Kozlowski stated the bottom line with Ant Rock was this guy had a very simple little piddley stream that he could have just easily I still would have said go for the waiver but he lied on the application. He did what he wanted to do out there. What do you want to do for me he has to go through the whole full blown thing.

Board Member Montesano stated I don't think these people should be on the agenda for next week because in his letter it states he wants to be put on the June 6th meeting and I think he should be.

Ted Kozlowski stated I think it should be on the agenda and we should have a discussion.

Rich Williams stated but be careful about where you are going to have your discussion because the reality is he did submit a wetlands application and everybody is running around saying he lied. My opinion is he

didn't lie on the application, he didn't take it seriously and he was sloppy with it and the Planning Board was equally as sloppy,

Ted Kozlowski stated Rich, on the application on the form it clearly says nothing about the stream clearly.

Rich Williams stated clearly it says nothing.

Ted Kozlowski stated he does not say anything about the stream and that was my whole point. He piped the stream, he filled in the area.

Rich Williams stated Ted, he said that he was going to put a house up, he came in and got the wetlands application because he was doing it within a hundred feet of a stream.

Ted Kozlowski stated and the application said he was putting a second story on an existing house.

Rich Williams stated that may be but if anybody actually opened the plans the plans that were submitted as part of that application were substantially bigger than the house he actually put up out there. The problem was Ted, it was over in Putnam Lake, and it is Putnam Lake nobody took it seriously.

Ted Kozlowski stated Rich, no I don't think that at all. I am looking at his application, I am reading his application and,

Rich Williams stated he was sloppy and everybody else was sloppy along the way because they never questioned anything. My understanding of the whole wetlands when he came in, Paul had seen or somebody had seen a stream that was out in back and we were talking about the stream that was, Ted Kozlowski stated I am talking about the stream in the front.

Rich Williams stated and that is when I came back to you at a later date after the waiver was granted and said what about that stream in the front.

Board Member Montesano asked on here it says Barry G. Naderman, P.E. what does P.E. stand for.

Board Member Rogan replied Professional Engineer.

Board Member Montesano stated he is a Professional Engineer, Rich interjected Mike, before you say anything he came in after all this occurred.

Board Member Montesano asked all right did he bring any questions to his client as to what he was doing or he just came in and gave us the paperwork.

Rich Williams replied well he submitted that on behalf of his client but after everything had already occurred and the Stop Work Order had been issued and then Barry was brought in to take a look at this pipe.

Ted Kozlowski stated Rich, this is his application this is what he says renovating home, adding second story, maintain same bedroom count.

Rich Williams stated yes.

Ted Kozlowski stated that is not what he did.

Rich Williams stated it is nothing, it was sloppy, and it was lazy.

Ted Kozlowski stated it says adding second story.

Rich Williams stated I don't believe he was being deceitful or dishonest.

Ted Kozlowski stated Rich, renovating home, adding second story.

Rich Williams stated that is right what did the plans, Ted Kozlowski stated he tore down the home and built a new building.

Rich Williams asked what did the plans show.

Ted Kozlowski stated Rich, I don't care I am looking at the application.

Rich Williams stated I understand but everybody hangs their hat on that and nobody bothers to open the plans.

Ted Kozlowski stated so this is the application.

Rich Williams stated the plans show something entirely different.

Chairman Schech stated the plans show a one story frame residence.

Rich Williams asked did she just copy only the one map.

The Secretary replied no I had to do it on two pages.

Rich Williams stated oh, I see what you did. This was both on the plan, he has this on the plan as one detail and this on the plan as the other detail which is significantly larger and different configuration.

Ted Kozlowski stated yes but it does not say he is tearing down the existing house and putting up a new one.

Rich Williams asked what do you think he is going to do.

Board Member Montesano stated wait a minute it is not my idea to think what the hell he is doing. That is his job to,

Rich Williams stated it is your God damn job and don't raise your voice.

Board Member Montesano stated I am raising my voice. You are sitting there getting upset over something and, Rich Williams stated no I am trying to make a point because you constantly come out and you come out very aggressive let's have a nice, calm, quiet conversation.

Board Member Montesano replied okay we will have a calm conversation.

Ted Kozlowski stated the guy lied on his application Rich.

Board Member Montesano stated my thing is this, the guy comes in and puts something in and we are letting it go because it is Putnam Lake, we didn't look at it right okay, we are given information, we look at the information we look at it and then we come to a somewhat of a conclusion,

Ted Kozlowski asked wouldn't you agree that he gave an erroneous application therefore it is no good.

Rich Williams stated yes I agree with that. I agree with that but all I am saying is I don't think he was intentionally dishonest. I think he was sloppy and lazy, Ted Kozlowski stated Rich, come on if you were going to tear down your house and build a new one would you on your application say I am renovating my home and adding a second story.

Rich Williams stated if I could get away with it yes.

Ted Kozlowski stated well that is not being sloppy Rich that is being deceitful.

Rich Williams stated no it is not necessarily being deceitful.

Ted Kozlowski stated you are being very nice here.

Board Member Pierro stated Rich, sorry to bother you but pull the minutes.

The Secretary stated Shawn has the minutes.

Board Member Rogan stated I am reading them right now.

Board Member Pierro stated read it out loud Shawn.

Chairman Schech stated on the whosey whatsy which he submitted which he is going to do right, the house is substantially larger. Also we have a gravel driveway next to the house. How come he has a garage underneath. I mean nothing is right.

Rich Williams stated that is not even the house that he ended up building out there. He ended up when the Health Department stepped in after this was done and said you can't build that house, you have got to build something different you have got to build something smaller. So, actually what he has constructed out there the foundation isn't even that it is something different a little bit smaller.

Board Member Rogan read from the Work Session Minutes of December 30, 2003 the following:

Rich Williams stated a gentleman came in, he wanted to put an addition on a house over in Putnam Lake and we discovered that the addition would be within one hundred feet of a watercourse so we had him submit an application and Ted went out and took a look at it, Ted did issue a memo, I believe recommending a waiver, do you want to add anything Ted.

Board Member Pierro asked is the house already within one hundred feet of the watercourse.

Ted replied yes.

Board Member Rogan stated it sounds like the same footprint.

Ted stated everything in Putnam Lake is within one hundred feet of water, Chairman Schech stated a hundred feet of something.

Board Member Rogan stated the point on this more though is that he is not going outside the original footprint, he is going up so he would be doing construction activities right that is what is says; home adding second story.

Rich Williams stated I thought he was going out also.

Ted Kozlowski stated the only thing Shawn is, I went out there and this watercourse if it does indeed flow three months of the year which I am not even sure it does but air on the side of it flowing three months it is like a grass swale and whatever he does there outside of mucking up that little watercourse it is nothing.

Chairman Schech asked so we can approve this with no problem.

Ted Kozlowski replied yes I don't have a problem.

Board Member Rogan stated and I was leaning that way what I was just trying to point out was that if let's say for instance somebody is tearing off a roof and going up the only impact is the construction activity that is going to go on around the property and so if they are within a hundred feet in this case close to the swale we would want to make sure that they are aware of the erosion control measures that you outlined. I don't see a problem with it.

Ted Kozlowski stated technically, where that stream flows he is within a hundred feet of other property owners of that stream it is just I can't see making him go through a whole blown,

Rich Williams stated he was out there today putting his erosion control up, staking it into the ground, and Paul went out and reminded him geez, you have got to trench it in too.

Board Member Rogan stated at the meeting and he read the following from the January 8, 2004 minutes:

Rich Williams stated that was an issue with Ted that was a wetlands watercourse application over in Putnam Lake for an addition on to a house and he is within a hundred feet of a stream. Ted went over and reviewed it and I believe he was recommending that the application be waived.

Chairman Schech stated I believe if I am right he said that the house was going up and it wasn't going any closer to the stream so there was no impact on the stream.

Chairman Schech asked for a motion.

Board Member Pierro made a motion in the matter of Ant Rock Wetlands/Watercourse Application that the Planning Board waives the application based on the recommendation of Ted Kozlowski, ECI. Board Member Rogan seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	yes
Board Member Pierro	-	yes
Board Member Rogan	-	yes
Board Member Di Salvo	-	yes
Chairman Schech	-	yes

All in favor and motion carried by a vote of 5 to 0.

Ted Kozlowski stated now he put up his erosion controls but he piped the whole stream and that whole site was torn up.

Board Member Rogan stated here is the way that I see it because I am kind of in between both of you right here, we made some assumptions on the record, we didn't have the person there to say no, no I am expanding and we do have a plan that shows that they are expanding that we must not have looked close enough at.

Ted Kozlowski asked he wasn't at the meeting.

The Secretary and Rich replied no.

Rich Williams stated no because everyone thought it was just this really nothing deal.

Ted Kozlowski stated I did.

Rich Williams stated straight up he called me after the work session do I really need to be there I said no.

Board Member Pierro stated and we relied on what we saw on paper that night.

Board Member Rogan stated we all with the exception of Maria made one obvious mistake we assumed a little bit too much on this. We assumed that it was not going outside the footprint which is why I made the point in asking because in my mind if you were just going up without messing around with the ground so in my mind we all made a little bit of a mistake on this one. We knew that we probably should have had the person in to be sure that we are not going outside the original footprint, he didn't state it on his application but he did show it on the plans so he may have been told the way to proceed with this to be a little bit ignorant. That is fine we are the suckers for doing it so how can we now take this and make it right in the most reasonable manner.

Ted Kozlowski stated he has got to go through the wetlands permit.

Board Member Rogan stated right but the size of the house, I mean are we going to make him rip a foundation out, the size that is out there is smaller than what he showed on the proposed plan.

Board Member Pierro asked and why is that.

Rich Williams replied because when that plan was submitted to the Health Department my understanding is the Health Department said too big do something smaller I even think they went so far as to say do a Cape Cod so he ended up revising that plan to a smaller which he felt that he did not have to come back to the Planning Board, nobody brought it to the Planning Board's attention at that point that the house design was even changing.

Board Member Rogan stated what I would ask for is for them to locate the existing foundation on one of these plans or as a third plan in this scale so that we can overlay them.

Rich Williams asked with the wetlands permit did he, The Secretary replied I didn't touch any of this, I did not even look at the stuff for this submission remember you did it.

Rich Williams stated I don't remember I remember he submitted plans but I don't think he submitted one.

Board Member Rogan stated I would ask for a foundation survey and try to address the erosion control issues and the wetland issues because if we can see that the new foundation, if we can see the difference between what was there in distance to the stream and the change in impacts from what was existing to what is there I think it would allow us to better ascertain which way to go with this to say okay he went five feet closer to the stream then what he originally was we are going to eat the five feet but here is what you are going to do in order to keep it. You are going to remedy this. Right now, I don't know how they have a pray in hell of having a dry basement. That basement right now is filled with water.

The Secretary stated and frogs.

Board Member Pierro stated a full twenty feet.

Board Member Rogan stated it was easily a foot deeper than when we were there.

Board Member Pierro stated the one story residence shows it 30 feet off the property line.

Chairman Schech asked what is the slope of the driveway does anybody know about that.

Rich Williams replied I have asked Paul a couple of times I have not yet seen the plans, Paul swears to me that the driveway works. I don't believe it.

Board Member Pierro stated it does not work, it cannot work. It is a full two and a half, three feet.

Rich Williams stated I don't disagree and I want to be real clear here to everybody I don't think this house should have been built in the first place. The site is too tight, he should not have gone down in the ground without more investigation, certainly in Putnam Lake where you have houses on grade and they cannot put in a conventional septic system the last thing you want to do is put a foundation in the ground with footing drains that, Board Member Pierro stated that are going to up drain into the septic. Rich Williams stated yes it has to intercept the effluent so he should not be down in the ground in the first place.

Board Member Pierro stated Rich, it is not terrible for him to dismantle that foundation and (too many speaking at the same time unable to hear).

Rich Williams stated the bigger issue Dave, just so you know where he is in a panic not that it is any reason but he has actually ordered the house, the house I don't know for certain but it was supposed to have arrived by now, he is storing it some place.

Ted Kozlowski stated that is not our problem.

Rich Williams stated this is why I am just trying to keep some sense here because he proceeded with all this in good faith based on getting all the permits he had to get.

Ted Kozlowski stated what I would like to know, I wish Paul was here but do you know the sequence from this guy had to get a building permit to do the renovations to the house, correct.

The Secretary stated he also needed a demo permit.

Rich Williams stated he got a demo permit, Ted Kozlowski asked but what about the renovation to go a second story didn't he have to, like I had to get a building permit when I did my house, didn't he have to get a building permit to put the second story on the house.

Rich Williams replied no.

Ted Kozlowski asked why not.

Rich Williams stated because it was never his intention. Again, when I read that what I see is sloppy and lazy is a two story house. He was changing it from a one story to a two story so he was putting a new house up there always.

Board Member Pierro stated Rich, I don't believe that. The application that I read said that he was renovating and going up.

Rich Williams stated I hear what you are saying but the plans that he submitted with that,

Ted Kozlowski asked Rich, do you know what he said on the building permit. Did he say it was a house renovation, did he say it was a tear down and building a new house.

The Secretary stated if he got a demo permit so it had,

Rich Williams stated he was tearing it down and building a new house. He got a demo permit to tear the house down and then got a building permit to put a new house which met all the setback requirements.

Ted Kozlowski stated every single, damn application that comes in now we are going to have to be, Board Member Montesano stated we are going to have to go over it with a fine tooth comb.

Ted Kozlowski stated there is going to have to be a site visit to every single stupid little thing.

Board Member Rogan stated the only exception being if the guy had come before us because he wasn't there and said to him just so we are clear you are going up, you are not going out at all and he would have said no, I am going out we would have probably shifted gears at that point and caught it. So, what the

lesson here is the way I look at it is just to be a little more careful with the way we review these and make sure we put things on the record.

Chairman Schech stated make sure they are here.

Ted Kozlowski stated if they are not here they are not heard.

Rich Williams stated you can't cut corners.

Board Member Rogan stated Mike, this is where I defer, and three of us at least defer to the experience to say hey, guys make sure we ask these questions. This is where we are looking to learn from you.

Board Member Montesano stated what I am looking at is if this isn't the first house he is building that means what did he go down there for if he didn't run into a problem before. He comes in with the word renovations so this guy was either coached on what to submit and it fell through the cracks.

Rich Williams stated let me be clear here because I am almost taking the position here of defending the guy and I am really not so who do you think coached him.

Board Member Montesano stated I don't know. I am just saying.

Rich Williams stated I just want to make sure that you are not thinking I coached him.

Board Member Pierro stated Rich, we are all big people if we thought you coached him we would ask you or say it. I don't think that.

Ted Kozlowski stated here is a problem between me and the wetlands permit and Paul as the Building Inspector there is no, the guy submitted this to me, he submitted something else to Paul and the two were not compared.

Board Member Montesano stated that is at least twice that this has occurred. The first headache where we ended up with a freezer box, a sign, different color paint on a certain building. I thought we had an understanding that we are going to work a little closer but apparently we are not.

The Secretary stated Rich is trying.

Rich Williams stated let me talk to you about something else because,

Ted Kozlowski stated I am not trying to blame Paul here I am just saying there is a lapse between what comes out of the wetlands and what goes into building and there has to be some way that should be checked and cross checked because this is a great way for somebody to get around something.

Rich Williams stated and there is and there will be. We have been having a lot of problems with ZBA applications and site development plans so we are working on changing procedures. We are also working and this is one of the things that I have been trying to get together with you, (Ted) and talk about is having better coordination as a team effort between myself, you, the engineers and Paul.

Ted Kozlowski stated Rich I don't know if you remember years ago, we did this little checklist thing for building when Paul wasn't the Building Inspector.

Rich Williams stated but checklists are only as good as the people who use them. Paul does not have a lot of experience and is having difficulty reading complex site development plans especially when they are multi-tiered plans and he has to compare the different aspects so we are trying to work those procedures out too.

Ted Kozlowski asked does Paul get a copy of the wetlands permit.

Rich Williams replied yes.

Board Member Rogan asked did the new foundation have to meet the building envelope.

Rich Williams replied yes.

Board Member Rogan stated so then my estimation is that based on what I am seeing here the old,

Rich Williams stated let me re-phrase that the new foundation has to meet zoning setbacks. It does not have to meet the old building envelope.

Board Member Rogan replied no this dotted line on the plan.

Rich Williams stated that is the old building envelope. It does not have to meet that.

Board Member Rogan stated like I said, I get back to wanting to see the foundation maybe not even survey located, located on this so we can compare it because based on what I am seeing,

Rich Williams stated it has to be survey located if you wanted to do it that way Shawn.

Chairman Schech stated he is going to have to get a house location anyway so let them go out and survey it.

Board Member Rogan stated the existing structure was approximately 24 by 30. The new structure is 24 by 40 approximately I am thinking that he did not come a whole lot forward where the driveway is being put in. It looks like if anything he tucked it back a little bit further maybe he split the difference but either way that does not put him any closer to the main stream. It is the stream that goes under the driveway that is the concern and he would have gone under that anyway. He proposed it here going under. You are saying that you thought the driveway was supposed to come in off the side when we were on the site remember. It was coming in here so either way he would have had to address the development of that driveway for that stream.

Rich Williams stated there was an existing driveway there. The gravel driveway was existing.

Board Member Rogan stated and the reason they probably showed it here is because they knew they could not make the grade from here.

Board Member Pierro stated he changed the location of that house.

Rich Williams replied yes.

Board Member Pierro stated tremendously.

Rich Williams replied yes it shows right there on the plan absolutely. I am denying that. The issue is even that was a vacant lot the new house meets zoning requirements so as far as zoning goes he can do anything he wants out there. Now, if he was doing new construction certainly it would have,

Board Member Pierro stated I didn't know he was doing new construction I relied on the permit that said renovating.

Ted Kozlowski stated I think he needs a consultant to determine whether the piping is going to be a detriment or a positive influence.

Rich Williams stated I think that is why he brought Barry in.

Ted Kozlowski stated Barry is an Engineer but he is not an Environmental Consultant.

Chairman Schech stated suppose we tell him to change that foundation to a crawl space. All he has to do is fill it four feet. It does away with pumping out the effluent from the septic directly into the lake and leaves it in the hole.

Rich Williams stated the curtain drains are already there.

Chairman Schech stated so what.

Board Member Rogan stated they have nowhere to go.

Rich Williams stated he has got them tied into the drainage.

Chairman Schech stated he has to pump them up to the drainage.

Board Member Rogan stated right he does not have a pitch.

Rich Williams stated no he recognizes right from day one but he has got the pipe already in.

Board Member Montesano asked do we know if there was a basement in the original house.

Rich Williams stated no there was not. It was a slab on grade.

Board Member Montesano stated so this guy proceeded to dig in there causing a major part of the problem. He had to put a pumping system, his curtain drains in, a septic system that may not have been working to begin with is now is given a hole to pour into.

Rich Williams stated I understand but the septic is a Health Department, the driveway is really a zoning issue.

Ted Kozlowski asked he is pitching the curtain drains to the stream.

Chairman Schech stated no he has got to go into a pit and then pump it into the stream.

Ted Kozlowski stated well that is not on the wetlands application either.

Rich Williams stated no it is not.

Ted Kozlowski stated it is not even on the new application.

Rich Williams stated my biggest concern is the connection he made with all the pipes is going to cause catastrophic failure out there. You had to see it.

Ted Kozlowski asked do we have a new wetlands application.

Rich Williams replied yes you have one. I made sure I gave it to you right away.

Ted Kozlowski stated okay but I didn't see anything about piping or pumping or anything into the stream. That is not on the application.

Chairman Schech stated no.

Rich Williams stated to be honest with you I haven't looked at it. I gave it to you to make sure you got it.

Ted Kozlowski stated and I briefly looked over it today.

Rich Williams stated and I will be taking a look at it.

Ted Kozlowski stated but you know what that is probably an incomplete application.

Rich Williams stated it could be.

Chairman Schech stated yes definitely.

Ted Kozlowski stated then he is not on the agenda. He again is not telling us the whole story. Now, let me ask you something Rich, let's be logical about this you have where is that picture, before this intermittent stream is use to taking a certain amount of drainage now we are piping it with the same size pipe but he is now taking all the drainage, additional drainage and adding it to this pipe from what is already there so that is in addition to what this pipe is for.

Rich Williams stated yes.

Ted Kozlowski asked how do we know this pipe is adequate enough to take all of this.

Rich Williams stated the amount of increase in drainage from the site development is not going to be substantial. It is not going to have any impact,

Ted Kozlowski stated if he is pumping ground water, if he has a sump pump.

Rich Williams stated listen, I went down this road with the engineers and everybody and you know what.

Board Member Pierro asked what is the rough square footage.

Rich Williams replied roughly I think it is 24 by 40.

Ted Kozlowski stated I am just tired of getting screwed Rich. It is not you. I am just tired of being a nice guy and getting screwed. I have a real tough time believing this guy.

Rich Williams stated my only concern Ted like I said,

Board Member Pierro stated he increased the size of that house just on the first floor, just on the footprint by a full 204 square feet.

Rich Williams stated don't take this the wrong way but so what.

Ted Kozlowski stated but why didn't he say it.

Board Member Pierro stated he didn't say that Rich. He said it was a renovation.

Rich Williams stated he didn't say that in the wetlands permit you are right.

Ted Kozlowski stated in the building permit he did.

Rich Williams stated the application form that he filled out was sloppy and it was incorrect.

Ted Kozlowski stated but why and when he shows up I am going to ask him how come and I would love to have the building permit how come these two are different. You applied to the same Town,

Rich Williams stated he got the building permit after this so things changed.

Board Member Montesano stated but why didn't he come back to us. So if we approve twenty-five square feet and they come back and change it to seventy-five.

Rich Williams stated because Paul did not see any difference in the change. The house, Board Member Rogan stated but what is out there is 24 by 40. Rich Williams stated the new house fit in the box of the old house.

Board Member Rogan stated we will go out and verify it.

Board Member Pierro stated Shawn says that footprint, the new footprint is 24 by 40.

Board Member Rogan stated you are 960 minimum and he went from 528 and that is first floor and that is not including what you are going with so he is going to be roughly a 1900 square foot home but the basis of it doesn't make any difference because he meets zoning, you still stand at two bedrooms.

Ted Kozlowski stated do you want to make a bet that is not going to stay two bedrooms.

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

Rich Williams stated let's try to bring it back to focus. He is talking about a stream and that is what we are talking about is a stream and the changes to it and the impacts and whether they are reasonable and whether they can be mitigate. You have got to forget about the other stuff. The reality is the house is way too big. It never should have gone in the ground. Paul should have picked that up. The Health Department never should have approved it. I mean he dug the septic system up how did they issue a repair permit.

Board Member Rogan stated he got a repair permit because it is an existing house. You are playing semantics it is a repair permit but it is a brand new system.

Rich Williams stated that is what I am saying how do you repair a system and yet dig it up and put a new one in.

Board Member Rogan stated you are playing semantics. It is what you are calling the permit. It is a permit that is under the repair program.

Rich Williams stated how do you approve a septic system with a basement that is going to intercept it and you know it. How do we approve a wetlands permit that the application does not reflect the plans.

Ted Kozlowski asked is the septic system enlarged now.

Board Member Rogan stated yes it will be whatever they can fit out there.

Ted Kozlowski stated that is not on the application. Everything on that property is within a hundred feet of the stream. There is no mention of the septic.

Rich Williams stated Ted, this is what the Health Department I think didn't really review this properly, the Building Department, Board Member Rogan stated I don't work in that program but here is the thing if he came in and said I am going to rip the second floor off and go up but maintain two bedrooms they would not make him put a new septic in. If he said it is functioning properly now in an existing two bedrooms. They would not make him do anything with the septic but a replacement of a house means a brand new septic system.

Ted Kozlowski stated how I feel is he was misleading whether he lied or (TAPE ENDED).

Rich Williams stated and Ted even if he was, even if he out and out lied he gave us all the information.

Board Member Rogan stated we asked for it.

Rich Williams stated and we missed it.

Ted Kozlowski stated okay he has filed a wetlands application now I feel and I will double check that the application is incomplete.

Rich Williams stated it probably is incomplete because he has not given us all the information but we have got to get on the ball and say hey, you have got to change it, this is what you have got to do, this is what you have to look at.

Ted Kozlowski stated Mr. Naderman will get a call tomorrow from me and it is an incomplete application I don't think it should be on at all. We can keep him on the agenda but.

Board Member Rogan stated let's focus here for one minute and think about what we can hope to achieve on this and be reasonable. The foundation is in the ground, we probably can't do anything about that or the size of the house that is going up all we have to do,

Ted Kozlowski stated can ZBA.

Board Member Rogan replied no because there is no zoning variance needed.

Rich Williams stated there is no issue.

Board Member Rogan stated so we are looking at a wetlands issue, I agree with Ted we should have them consider what the impact to that is or at least mitigate it with proper piping, channeling or whatever and let's get done with this thing and let's stop going round and round because we are not getting anywhere.

Chairman Schech stated and turn it into a crawl space. I can't see pumping that water from the septic system into the culvert.

Board Member Pierro stated I agree Herb.

Ted Kozlowski asked where is that stated that he is going to pump out the septic.

Board Member Rogan stated no they are saying that water from the septic because of the elevation from the foundation is so much lower that in all probability water from the septic could leach into the foundation drains and the foundation drains are being pumped out into the stream so Herb's point is fill in the foundation to a crawl space so you don't have that interface so you have a level grade all the way across.

Chairman Schech stated he saves his foundation.

Rich Williams stated it is not a bad idea.

Board Member Rogan stated it is not a bad idea but I don't know if we can make a determination on that.

Board Member Montesano asked is that our purview or is that Health Department.

Chairman Schech stated we can make a determination saying we don't want that curtain drain pumped into the culvert.

Rich Williams stated at this point, I think the burden is on us to prove that would be occurring. I am not sure how we do that.

Board Member Rogan stated my feeling is to request a letter from the Health Department from engineering or whatever stating that the existing proposal will not create a problem with septic leaching to the foundation drains. Normally, there is a distance, twenty feet minimum right here it has to be less than ten.

Board Member Pierro stated I don't think he has got twenty feet.

Board Member Rogan replied no he doesn't no way. Look at the scale, the new house let's just say it is here he is 27 feet but they are probably going to let him go to the property line with septic because of the plus there is no impact over the property line.

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

Board Member Montesano stated excuse me I have to make a statement but I hate to say this but listen to us we are just going over a thing like this which we did at a work session, we are all sitting there, he starts a conversation, I jump in, you will jump in, we are having cross conversations we are missing the point. This is why this thing slipped through because we are not letting each other finish talking. We are doing cross conversations and sh- - like this gets through and we end up eating it so what I am saying is, Board Member Pierro stated by the minutes it sounds like we had a lucid conversation. Board Member Montesano stated that is fine we also have a very good secretary that takes our abuse and puts into where it is verbal and understandable.

Board Member Rogan asked Mike are you saying that you would like to become more professional with this Board.

Board Member Montesano replied I would like to have a conversation where if you have something to say we ought to listen to it and all of us because we are crossing and if somebody in the audience does this we scream at them to shut up.

Board Member Di Salvo stated I think that is a good idea a letter to the Health Department.

Board Member Rogan stated see if we can get something in writing from the people that approved it. It is worth bringing up but not only that the new septic system will be less than thirty feet from a well. That is a good separation distance in my book.

Rich Williams stated yes but that is not the new well is it.

Board Member Rogan asked where is the new well.

Rich Williams replied I don't know but I thought they were talking about putting (unable to hear too many conversations going on at same time).

Chairman Schech stated so we are going to deem this incomplete more or less.

10) **BURDICK FARMS – DSEIS Review**

Rich Williams stated there are new plans and inserts for Burdick Farms right there in the boxes. You have to take yours before you leave. I have not had the opportunity to look at any of it.

The Secretary passed out the plans and inserts to the Board.

Chairman Schech stated so we are going to have to take Burdick Farms DEIS and peruse them.

Board Member Pierro asked are they on the agenda.

Ted Kozlowski asked have the plans changed.

Rich Williams replied I don't know I have not looked at any of it. I have not had time.

Chairman Schech stated so if we are happy with the EIS then we circulate right.

Rich Williams replied right.

Board Member Montesano asked we are supposed to review this by Thursday.

Rich Williams stated the engineer is working on it.

Chairman Schech stated if we don't have time we tell them we didn't have time to do it he comes back next month.

Ted Kozlowski asked they just submitted it.

Rich Williams stated they submitted a few days ago.

11) PATTERSON DEVELOPMENT CORP. – PADDOCK VIEW ESTATES SUBDIVISION

Rich Williams handed out the Town Engineer's review memo.

Board Member Rogan asked why is this called Patterson Development and this memo is Paddock View Estates. I see the company is Patterson Development and Paddock View is the name.

Board Member Rogan stated he pulled the houses down a little bit and pulled the wells off the steep grade for the most part.

Chairman Schech stated he still has the detention pond on Lot 1.

Board Member Rogan stated yes. What you are saying is he still has the house on Lot 1.

Board Member Pierro stated well what can we do.

Chairman Schech stated move the house.

Board Member Rogan stated I still like Rich's idea, going back to Rich's idea if they can make it an attractive feature of the subdivision. I think that is really the most reasonable approach on this is to make it an attractive feature.

Rich Williams stated the interesting part is DEP is probably going to pitch a fit.

Ted Kozlowski stated I was just thinking if they are building a detention pond that is going to drain into a stream corridor they have got to get a wetlands permit.

Rich Williams stated there is a pond that if we design and build that doesn't but if it is discharging, Ted Kozlowski stated it just dawned on me that if it is discharging into a stream he has got to get a permit.

Rich Williams stated it is discharging prior to that hundred foot buffer.

Ted Kozlowski asked isn't the stream across the street.

Rich Williams replied yes.

Ted Kozlowski stated that is less than a hundred feet away.

Board Member Pierro stated it might be more than a hundred feet away.

Rich Williams stated but it is discharging to an existing culvert. It is not increasing the flow, it is not increasing the peak flow.

Board Member Rogan stated there is also no mention of our conservation easement.

Ted Kozlowski stated I would think technically you would need a wetlands permit.

Rich Williams asked why.

Ted Kozlowski stated because he is discharging into a stream.

Rich Williams stated yes but ultimately all of them are discharging into a stream you don't make them all get a permit.

Ted Kozlowski stated no because I never thought about it that way but now when you think about it and our wetlands law does say discharge.

Rich Williams stated that impacts the functional value of the wetland.

Ted Kozlowski stated what if he builds a crappy storm basin and it fails in a storm that sediment ends up in the stream.

Board Member Pierro stated I think this guy would jump through hoops if we were to suggest to him to lose Lot 2, move the road over to the east and then therefore move the pond away from Lot 1.

Board Member Rogan asked will grade enable it.

Board Member Pierro stated I think it will.

Rich Williams stated not much the grade as it is shown will not but that is why we re-grade.

Board Member Rogan stated but they have show what the affects of that re-grading would be because you start getting into these contours.

Rich Williams stated it is not even so much that this all bedrock outcropping and I think what is going to happen is as he moves this over he is going to start to have to blast this out but it is worth a look.

Board Member Rogan stated what about the flip side, moving the road over.

Rich Williams stated I have to take a look at this, I haven't looked at this, Board Member Pierro asked how about putting the pond on Lot 2.

Rich Williams stated that entrance is a slightly, Board Member Pierro asked is that what you are saying Shawn. Board Member Rogan replied yes. Rich stated you can't because then you are pushing water up hill.

Board Member Rogan stated no what I mean is could you just pull the pond, put the road closer to this house and pull the pond because this grade here isn't so significant where the road is although you have that natural drainage down through there.

Rich Williams stated you have got the natural drainage that is a problem.

Board Member Rogan stated it really gets back to what Herb said is the house a problem not the pond. The pond is fine where it is, the road is fine where it is, they are both where they should be. I mean really it is the house that is the problem so anything they can do creatively with that short of tearing it down of whatever I don't really care.

Chairman Schech stated it can be moved.

Board Member Rogan stated the second one, the barn the one you are talking about out back isn't so much the issue it is the front house because all you have is a driveway, you are probably looking at let's say the elevation of the water is going to be up to 476 you are looking at maybe not even thirty feet from the water to the house.

Rich Williams stated if it gets moved it gets moved off site.

Chairman Schech asked why.

Rich Williams replied because there is no place on site to put it that it would be conforming to zoning. Right now that is not, Board Member Pierro stated or they could put it on Lot 2. Rich stated that is what I am saying it gets moved off that site. Board Member Pierro stated off that site, off that lot right.

Board Member Montesano stated so make Lot 1 and 2 one lot and move the house on to that and it stays on Lot 1.

Board Member Pierro stated I think it might be easier to move the pond than that.

Chairman Schech stated the trouble is you have no place else to put the pond.

Board Member Pierro stated I think for what he has planned there they could put the pond right where the road basin is.

Board Member Rogan stated I agree with you David. A problem too is if you bring your road out, if you just bring everything the way it is towards Lot 2 you are getting into cuts now into that hill and you are getting into site line distance probably with blasting on that cut. Where it is now it lays out where the site line distance is fine we all thought.

Board Member Pierro asked can we put the pond in the middle of this project somewhere to collect the stormwater and runoff like on the back and then directly pipe what comes down into that existing culvert.

Rich Williams replied the problem with the DEP regs is that you have to capture and treat everything that is new so it is not like you can capture more of and let some go down below.

Board Member Pierro stated so we would lose the capture of Lots 2 and 3 and maybe even 4.

Board Member Rogan stated plus you don't have the area once you get beyond Lot 1 at the far end the whatever side of Lot 1, the right side of Lot 1, you have no room because you have your septic areas. There is no available space.

Board Member Rogan asked can we look to move the road closer to the residences not that I like the idea. I would rather have a pond next door than the main road to be honest with you.

Rich Williams asked do you mean flip the road and the pond.

Board Member Rogan replied right in other words, see the problem is look at what you are doing to the geometry of the road then too.

Board Member Montesano asked this driveway here if he was to take this driveway and eliminate that bring it either, eliminate the driveway from here over now bring it around to this road so there is no exit here and do the same thing where you make a driveway from here to connect to that so it comes around and you eliminate all this driveway in here.

Board Member Rogan stated but you haven't changed the distance any. The horizontal distance is really the thing.

Chairman Schech stated actually flipping it between the road and the pond makes sense.

Board Member Pierro stated that lady across the street wants to give away that parcel directly across the street.

Board Member Rogan stated there is also a stream right there right because I mentioned that to Dan. I said you should look he said we don't,

Rich Williams stated but that is the problem now we are constructing a stormwater basin within a hundred feet away.

Board Member Pierro stated we may be doing that in any event here.

Rich Williams stated the other thing is and I am shooting from the hip here is that parcel that the lady wants to give away is up gradient of this which directly across the street from this pipe is the historical guy, Clark his property so I am not sure,

Board Member Pierro stated from what I remember I don't remember it being up gradient I will have to take a look.

Rich Williams stated I will take another look.

Rich Williams stated the only thing that I can really contribute is that once we see a drainage analysis and I actually see the numbers it might be possible to do something up higher to hold some of the water back and shrink the size of the pond.

Board Member Rogan asked can we suffice then at the next meeting say that we acknowledge the changes that have been made to the plan that we asked for pulling the houses further away from the ridge, the wells off the ridge and state for the record that we are not crazy about this whole thing and why and some options and really leave it at that until we have gotten into it. We at least state that we don't like this idea but we are not really sure how to fix it. I mean it is not really our job to come up with a way to fix it but we can at least state what our concerns are. Basically, the concern is this house being right on top of the detention basin. Our idea is,

Chairman Schech stated not only that it is on top of it, it is on the lot.

Board Member Rogan stated right in other words you want it on its own lot I am sorry I forgot about it.

Board Member Di Salvo stated he should have waited on re-doing that house.

Board Member Pierro stated I think he was full well aware of it.

Board Member Rogan stated I think if we at least present the information and say hey look these are our concerns we would like to at some point address them.

Board Member Pierro asked what is the zoning on that two and a half story frame house.

Rich Williams replied R-1.

Board Member Pierro asked what is the required road frontage, a hundred .

Rich Williams replied no I think it is more than that.

Board Member Rogan stated what do they have a 108, they are only showing a 108.

Board Member Pierro stated they are showing a 108 plus the pond.

Chairman Schech asked how many acres is that 1.7.

Board Member Rogan replied yes.

Chairman Schech asked and what does he have in mind for the barn we never asked him that.

Board Member Pierro stated the barn is really not an issue. What is its use now.

Board Member Montesano stated it is a house now isn't it.

Chairman Schech stated it was a house now it is sort of dilapidated. We don't know what it is.

Board Member Rogan stated it is a shame too because if it wasn't set up this way you could have a house tucked into this corner a little further away from this one house not both and be done with it. Why not. Would they have enough room to divide if we can shrink these basins slightly would they have enough room to divide off the basins into its own water treatment lot or stormwater lot and still have enough area to keep a lot for a brand new house. It is a 1.8 acre lot.

Rich Williams stated we are not going to get them down that much I think that, Board Member Rogan stated you are losing a third of the lot so you are losing a little over a half acre. What is the threshold one acre and a hundred foot of frontage.

Rich Williams stated you have to keep one acre, he has 77 thousand square feet so that gives you about 33,000 to play with.

Board Member Rogan stated for drainage you mean.

Rich Williams replied to knock it off.

Board Member Rogan stated but it doesn't look like you are using more than a third of that lot for drainage anyway when you take into account, well anyway it makes no difference we are just kicking ideas around but my thought being is if we can say to the guy, look you have got to lose these houses, you have to pull the house further, we want a house thirty feet away from the edge of the basin, something like that either you have the ability to cut that back and keep what is there or remove the two houses and get a brand new lot out of it. I don't know. I personally if I owned that house I would rather have the basin close by than the road close by personally. It is what it is.

Chairman Schech stated but then you lose control and before you know it he is going to be dumping his leaves in the basement and the grass is going to extend further out and further out and before you know it you won't have a basin.

Board Member Rogan stated how about a pocket park for that lot.

Board Member Pierro stated it is a matter of enforcement. Eventually, with all these basins that we are doing we are going,

Rich Williams stated then you are right back to telling him to tear the house down.

Board Member Rogan stated I know I am just saying. We have some issues to talk about.

12) HAZEL DRIVE SUBDIVISION

Chairman Schech stated we welcome litigation.

Rich Williams stated that is good because you are going to get some.

Board Member Pierro stated we may get it on this.

Rich Williams asked you think we are going to get it on Hazel Drive.

Ted Kozlowski stated Hazel Drive has got some history. We had a wetlands violation years ago. Where is he coming in off of Hazel.

Rich Williams replied the same place. He is basically coming in the same place he has just shrunk the number of lots.

Ted Kozlowski stated he is not going through the wetland.

Rich Williams replied no he is not don't you remember. He bought a house and he is bringing the easement that is going to provide access in along side the house.

Ted Kozlowski stated because he was going to come in over here somewhere.

Rich Williams replied yes not he is not.

Ted Kozlowski stated so he has avoided the wetlands.

Rich Williams stated well except that he has got the stormwater ponds in the buffer on the residential lot. He has septic's right up against the buffer which you know is going to have to have fill because they all have fill which means you are going to be grading into the wetland buffer and he is not showing any of that. He is not showing the septic.

Board Member Pierro asked who are the principals on this.

Rich Williams replied Triple J.

Board Member Pierro asked speaking of Triple J when are they going to pull the Item-4 out of that house on Cornwall because if we don't do it that is going to get blacktopped.

Rich Williams replied I don't know I haven't talked to Paul about whether we can or not. I want to take a harder look at that.

Board Member Pierro asked isn't within a hundred foot of the wetlands.

Rich Williams replied yes but that is a DEP issue and DEP does not consider Item-4 impervious surface.

Board Member Pierro stated that was my question last week whether they did or not. It looks horrible. A guy that was in contract to buy that back lot did a Title Search and found out that flexible siding is not allowed and he is bitching and moaning so he is going to file an action.

Rich Williams stated that will be interesting.

Board Member Pierro stated he is going to execute an action because apparently it was also on the same plat on the house that Reilly built.

Rich Williams stated Alfred Matikow threw a whole bunch of deed restrictions in.

Rich Williams stated so with this one there is a couple of issues one is he is coming in, he is not proposing to construct a road, he is proposing to construct an easement and whether the Board is going to be comfortable with that, whether they are comfortable with the stormwater ponds on private lots and within the buffer of the wetland.

Board Member Pierro stated I am more concerned about it being within the buffer of the wetland you know then we have an issue of consistency.

Board Member Rogan asked how is this roadway different from Thomas.

Rich Williams replied good question.

Rich Williams asked how is giving this guy a road by easement different from what you are doing with Thomas and are you opening the door.

Board Member Pierro stated by size of the subdivision itself. Thomas is much, much larger.

Rich Williams replied I have got to tell you Dave, I would have been much, much, me personally and you guys take it where you have got to take it and I will bring up the rear and make sure it is all cleaned up but I would have been much more comfortable on Thomas if you had actually broken that road out on its own separate parcel and just down sized the road standards.

Board Member Rogan asked why didn't we do that. Why didn't you bring that up.

Rich Williams replied I did.

Board Member Rogan asked you did then what was our reasoning. I honestly don't recall. If you told me it was it's own parcel I would have agreed with you. I have no idea at this point.

Chairman Schech asked what would be the purpose of that and if they stop paying taxes on the parcel the Town has a substandard,

Rich Williams stated we don't ever have to take it and the reality is it probably wouldn't be taxed in the first place just like any other road or right of way.

Board Member Montesano stated but eventually the Town would have to take it over.

The Secretary asked didn't you do that with Quaker Manor.

Rich Williams replied yes and we had problems with that with Quaker Manor.

The Secretary asked right and aren't you suggesting to have done that on Thomas.

Rich Williams replied Thomas is doing the same thing that we did on Quaker Manor.

The Secretary asked right now.

Rich Williams replied yes Quaker Manor is nothing more than an easement with an access way, a driveway going over the top and that has proven to be a problem for us.

The Secretary asked okay so what did you just say that you would have been happier with.

Rich Williams stated breaking it out on its own separate lot.

The Secretary asked so Quaker Manor isn't.

Rich Williams replied no it isn't.

The Secretary replied I see that is where you lost me.

Rich Williams stated and having the road within that and just down sizing the road standards.

Board Member Rogan stated what I am confused about is for us practically speaking what difference would it have made for us whether we approved it that way for Thomas or the way we did. I don't see that any of us would have objected to it being it's own fee simple parcel and down grading the standards so that is why I am confused. If it was a good idea I am asking for more conviction from you because I get it in some things and some things I feel like maybe we are not getting it. If you think it is a good idea and there has been problems in the past maybe I am not picking up that we are doing it a certain way or there is a better way to do it or a different way to do it and that is probably partially my fault for not picking up on it. I want more conviction I want you to be tougher.

Rich Williams stated and maybe partially mine for not having more conviction but you know it is a difficult road that I walk sometimes with me having my opinion and me controlling the process and letting you guys take it where you want to take it.

Board Member Rogan stated I understand however there is a way to bring up information that says, just for the Board to be aware of what we normally like to do is to do this and this is the reason why because in the past we have had problems. Honestly I can't think of a reason why we would approve it one way versus the other. Every time ten times out of ten go for it being its own parcel if that is the way to go.

The Secretary stated it could have been just the way that Insite asked for it or proposed it.

Rich Williams stated and I truly appreciate you bringing up my short comings.

Board Member Rogan stated and it is meant to be constructive. I am not going to kiss your but I want you to be tougher in your convictions honestly.

Rich Williams stated me personally I like utilities on their own lot because then nobody else thinks that they own them. If it gets to the point where they want to have the Town take it over they have the ability to upgrade it. Right now it is not on its own separate parcel. Case in point right now up on Quaker Manor we have detention basins that are on private property, we have erosion on private property that is due to the road and it ultimately becomes the issue for the individual property owner even though it is a common area and up on Quaker Manor we have one guy on the end who had a detention pond in a big fill section and he sold the fill and the pond is gone ten months later we don't have a water quality basin up there to manage the stormwater.

Board Member Rogan stated from an engineering standpoint, from an approval process standpoint why can we not, Thomas has not been fully approved yet has it or did we do the resolution on that.

Rich Williams replied yes but they got the 280a with the Town Board we are pretty well through.

Board Member Rogan stated I can't even imagine why we would have, I am confused by that. We have to remember to remind each other about this each time we have a road because what is the big deal to break it out on its own parcel. It seems to me like it is just an engineering nuance to do it.

Rich Williams stated it is a surveying nuance but then you don't have to go through the 280a. You have road frontage.

Board Member Montesano stated now we can take it out on this one.

Board Member Rogan stated it really doesn't change, they are getting their approval and we can approve the road as its own parcel and down grade the specs to what we would have approved as a private road for them it probably does not mean anything different other than they survey out another piece of property. Can anybody think of any reason why.

Board Member Montesano stated there is a house on that piece of property isn't there.

Rich Williams replied there is a house on that piece of property.

Board Member Montesano stated for you to come in and make them do it that you may, I don't know are we going to make that lot any less legal.

Rich Williams replied maybe not I have to take a look at the setback but I think there is adequate side yard setback.

Board Member Rogan asked which house are you referring to Thomas right.

Rich Williams replied no on this new one. There is one issue though on this right now as they are doing it by easement there is no road, nothing exists it is just an easement but if we do make it a road and you do take Hazel Drive as part of that cul-de-sac we are now over the 1500 foot limit. Now, the Board can waive that 1500 limit.

Board Member Rogan stated understanding that you are setting a precedent and there are a lot of other people that have been wanting to do 1500 and over.

Rich Williams replied that is true.

Board Member Pierro stated Pescatore, Burdick Farms.

Rich Williams stated but you are only about 35 feet over at this point. It is not significant. It gives them substantial justice because it is the only way they can access the property.

Board Member Montesano stated also if you want to make that end at 35 feet make that the private drive rather than up front crossing.

Board Member Rogan stated at the end lot have 35 feet more of private driveway that is a good point.

Rich Williams stated and where we are right now I think it is time based on this concept that maybe you want to go take a look at it.

The Board agreed.

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

Chairman Schech stated we are not doing it Saturday.

13) WOODWARD SUBDIVISION

Rich Williams stated I didn't do a memo on this yet but I did want Ted to see this. This is on 311 by Deacon Smith Hill Road. It is right on the corner. Here is the flood plain coming in. They are showing two streams on the site one here and one here there is the hundred foot setback referring to the plan. The houses are kind of sandwiched in. It is Leicester but Leicester B which is different really the wetlands and the other thing is Fluvaquents; which is not showing as wetlands. There may be extensive wetlands on this site.

Board Member Rogan stated this is upper wood land area.

Rich Williams stated there is two different types of Leicester.

Ted Kozlowski asked who is the engineer.

Rich Williams replied Putnam.

Ted Kozlowski asked did he have it flagged.

(Unable to hear too many talking).

Ted Kozlowski asked we want to site walk this right.

Chairman Schech replied yes.

Ted Kozlowski asked so we will ask him to flag.

Rich Williams stated he is not showing wetlands out there so.

Ted Kozlowski stated he has to flag the stream corridor.

Rich Williams stated that is the question. I didn't know if you wanted to go ahead and flag the stream corridor only when we go and do the site walk to find out that there is this big wetland system because we do have Lieicester.

Ted Kozlowski stated it is very rare that you just have a stream corridor and no wetlands.

Rich Williams stated but that is my point he is just saying he has streams no wetlands. I mean there is a big area of Fluvaquents out there.

Ted Kozlowski stated yes.

The Board agreed to do a site walk.

Board Member Rogan asked Rich, are you saying we probably should not have them flag the wetlands just flag the house and driveway locations and then after going out there we can ascertain what is going on.

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

14) **PLUNKETT SUBDIVISION**

Ted Kozlowski asked where is this.

Rich Williams stated the house straight across from Farm to Market Road.

Rich Williams stated the really good news is I don't think there is any wetlands on the site. The bad news is he is going up 25% slope to get a driveway in. There is considerable cuts.

Ted Kozlowski stated this is all we are doing now.

Rich Williams stated there are no more good lots.

Board Member Rogan stated you should take a ride down to Phillipstown and Putnam Valley the driveways that get approved down there and they don't even bring them back to 15% grade. I see driveways going in that are existing finished 25% grade easy. They are steep and they are going in all over the place like that. What are these people thinking, I mean the Planning Board and building down there.

Rich Williams stated well I am going to apologize to Frank but he asked for it because I am going to torture him a bit on this because he is in the Agricultural District and he is subdividing it. He got put in the Ag District as a farm.

Board Member Di Salvo asked like an open space type of farm.

Rich Williams replied I don't know do you mean he is farming open space.

Board Member Di Salvo asked no I am saying what was the criteria.

(unable to hear too many speaking).

Board Member Di Salvo asked so what are the restrictions on that now to go back and subdivide it.

Ted Kozlowski asked how many acres does this represent.

Rich Williams replied I think about eight.

Ted Kozlowski asked what zoning is this.

Rich Williams replied R-4.

Ted Kozlowski asked what happens if this owner, future owner then wants to subdivide.

Rich Williams replied it is not quite eight.

Ted Kozlowski stated but he is smack in the middle of this parcel and say he wants to subdivide.

Rich Williams stated Ted that is all slopes wait until you see it.

Board Member Rogan stated you are asking a question based on area but based on site it is not possible.

15) TRIPLE J SUBDIVISION

Board Member Pierro stated six lots are in Southeast.

Rich Williams replied something like that all the residential lots are in a new road coming in (TAPE ENDED).

Rich stated and based on our conversations Gene and I sat down with them and basically said, you know you should be doing one or the other but not both because there is extensive wetlands on the site also.

Board Member Pierro stated this one we are not going to be able to police. It is not like it is something out in the open that we are going to see.

Rich Williams stated no it is going to be tucked way back in.

Board Member Rogan stated this is a good precedent for Paddock View.

Rich Williams asked in what regard.

Board Member Rogan replied house and stormwater on the same lot.

Rich Williams stated he did understand our concerns about using the lot for either one of the other but he wanted to hear it from the Board.

Ted Kozlowski asked who is he.

Rich Williams replied Paul Lynch and I imagine Jay Hogan also.

Rich Williams stated the reality is it is probably going to end up stormwater which is going to be interesting in and of itself because it is going to be servicing lots in Southeast, it is going to be in Patterson.

Board Member Montesano stated and who is the enforcement.

Rich Williams stated they are going to form a district but we are going to be obligated to deal with some of the stormwater issues as well as the taxes so we are going to have to figure out an iron clad or as iron clad as we can get some sort of an agreement. The good news is they are talking about a district so that is going to make it a lot easier.

Chairman Schech stated all right so all they want to hear is it from us one way or the other.

Rich Williams stated if that is what the Board wants.

Chairman Schech stated that is what we wanted when we were out in the field discussing it.

Board Member Pierro stated we wanted a drainage district and that drainage would be responsible for the clean out and maintenance.

Rich Williams stated for the maintenance and for taxes.

Board Member Di Salvo asked each lot owner would get assessed for the drainage district.

Rich Williams replied yes.

Board Member Di Salvo asked whose jurisdiction would it be if the houses are in Southeast.

Rich Williams replied that is what I am saying it would be that Southeast would be collecting the money.

Board Member Di Salvo asked and then turning it over or maintaining it.

Rich Williams replied no not necessarily they would be paying the taxes in Patterson and they would also be paying for the maintenance of this lot because this lot would then be owned by the Southeast district but we are still obligated, the Town of Patterson for ensuring that the maintenance gets done and we are going to need to take back easements. The only issue that I am not clear with in my mind because this has never

come up before is they are basically going to be using a lot for a utility which isn't a permitted use per say but we do it every day well within our Code there is nothing in there that says you could do it for a utility for stormwater.

Board Member Rogan stated you can do it as a utility for one lot in a subdivision but not as an individual lot.

Rich Williams replied that is what I am saying we do it every subdivision, Board Member Rogan stated we are trying to do it. Rich Williams stated here is a wild concept to try to grasp all roads are easements. All road are easements but there is always that fifty foot right of way that is a fee simple parcel that the Town owns. The Town owns the land but the road as an easement is owned by the property owners.

Board Member Montesano asked when did that just for discussion sake for a minute when did that become actually effective.

Rich Williams asked when all roads are easements.

Board Member Montesano replied yes.

Rich Williams stated it has always been that way.

Board Member Montesano stated no what I am saying is we now try to obtain that piece of property in writing.

Rich Williams replied I don't know when that first started (unable to hear too many talking at the same time).

Board Member Di Salvo asked so the Planning Board is going to send a letter to this developer that it is either one or the other.

Rich Williams replied no he is coming in at the meeting.

Board Member Pierro asked do we have any information on how large this lot is.

Rich Williams replied it is a big lot.

Ted Kozlowski stated it is ten acres. It is all wetland.

Board Member Pierro stated I hate to see them, I think they would have a pretty healthy argument against not having a lot but how do we watch this thing. They can do a lot of damage to that wetlands back there over the years.

Rich Williams stated yes I mean the property owners are going be riding ATV's in it.

Ted Kozlowski stated we are going to have our hands full.

Rich Williams stated absolutely we do now. On Big Elm there are all sorts of wetlands owned by the property owners and I am hearing everything is torn up in the back.

Ted Kozlowski asked Big Elm Subdivision.

Rich Williams replied yes Big Elm Subdivision.

Ted Kozlowski asked torn up from ATV's.

Rich Williams replied yes.

16) HANSEN SUBDIVISION

Rich Williams stated Mr. Hansen, the Board approved a two lot subdivision as you are all aware our Code requires that the first lot is exempt the second lot has to pay a recreation fee. Mr. Hansen feels that is inappropriate because both of these houses have been in existence for many years. I mean you could make the argument that in fact, when you go through the taxes these houses have been paying they met their obligation or you could say geez, everybody else has to pay when you create the lot and he has gotten away for years and never had to pay before because he has had two houses on one lot.

Ted Kozlowski stated now he is has two houses on two lots right.

Rich Williams stated but what he wants is he does not want to have to pay the recreation fees.

Board Member Di Salvo asked which is how much.

Chairman Schech stated he is going to pay the recreation fee.

Rich Williams stated that is a decision for the Board.

Board Member Pierro asked precedence what have we done in the past.

Board Member Rogan asked these are both existing houses right.

The Secretary stated I don't think we have had anything with existing houses on both.

Rich Williams stated I don't recall.

Board Member Rogan stated it was two houses on one lot and they divided it to make it, Board Member Montesano stated two pieces of property so he is entitled to make more money off the thing.

Board Member Pierro asked what are we talking about on rec fees.

Board Member Rogan replied three grand.

Board Member Pierro asked we have never subdivided off.

Rich Williams replied no I am not going to say that because in the back of my mind there is something that

I did something, Board Member Pierro stated I think we waived a rec fee on, Rich stated when I was Chairman we did one or two. I would have to go back through the record.

Board Member Pierro stated I have got a feeling that we waived the rec fee on something.

Board Member Rogan asked how about this and I am probably opening up a can of worms,

Board Member Pierro stated on Edie's subdivision when Edie subdivided that lot and donated to the Land Conservancy,

Rich Williams stated we did that because she was donating all that open space that is where we said she met the recreation obligation.

Board Member Rogan asked can we and this is probably a can of worms and I will admit it but can we have the rec fee take affect on sale of the second lot.

Rich Williams replied no.

Board Member Rogan stated my thought is the guy has owned it for all these years and he is just trying to make it legal and he is hanging on to it he has paid taxes all these years.

Rich Williams stated legally the issue is a contribution towards recreation in the Town.

Ted Kozlowski stated he is subdividing that lot, that lot eventually somebody is going to be in there they may have kids recreation fees support the Town.

Board Member Rogan stated I agree.

17) **OTHER BUSINESS**

a. Clancy Site Walk Comments

The Board reviewed the comments for a few minutes.

The Board agreed with the site walk comment memo

Board Member Rogan made a motion to adjourn the meeting. Board Member Pierro seconded the motion. All in favor and meeting adjourned at 9:38 p.m.