

TOWN OF PATTERSON
PLANNING BOARD MEETING
June 24, 2004 WORK SESSION
AGENDA & MINUTES

- | | |
|--|--------------|
| 1) Antroc Wetlands/Watercourse Application | Page 1 – 2 |
| 2) Dilmaghani Site Plan | Page 2 - 3 |
| 3) Smokin Wheels Collectibles – Sign Application | Page 3 |
| 4) Country House Restaurant – Site Plan | Page 4 – 5 |
| 5) JGC Associates Subdivision | Page 5 – 7 |
| 6) T & T Associates Site Plan | Page 7 – 9 |
| 7) Green Chimneys School – Site Plan | Page 9 |
| 8) Budakowski Subdivision – 280a Recommendation | Page 10 – 11 |
| 9) Patterson Crossing Site Plan | Page 11 – 16 |
| 10) Other Business | |
| a. Triple J Subdivision | Page 16 – 18 |
| b. Schoen Site Plan | Page 18 - 23 |

PLANNING DEPARTMENT

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

Melissa Brichta
Secretary

Richard Williams
Town Planner

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



**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

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

PLANNING BOARD

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

**Planning Board
June 24, 2004 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 Member Maria Di Salvo, Rich Williams, Town Planner and Ted Kozlowski, ECI.

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

3 members in the audience

1) ANTROC WETLAND/WATERCOURSE APPLICATION

Board Member Rogan stated Antroc is the one in Put Lake right.

Chairman Schech stated yes.

Rich Williams stated he submitted revised plans.

Board Member Rogan stated to date there is no mosquito activity in Antroc.

Rich Williams stated the plans propose a clay barrier between the septic system and the footing drains. I don't know that it has been approved by the Health Department as of yet. He is proposing to close off the garage doors and backfill it in. He is going to take the pipe out and restore the channel. He met with Tom McGinn and a representative from Highway, I don't think it was Charlie and their recommendation was to replace the pipe under the driveway with a plastic pipe and (unable to hear the rest of his statement).

Chairman Schech stated they basically went along with all our suggestions.

Board Member Rogan asked I might have missed it did you say except for filling in the basement right.

Rich Williams stated yes.

Board Member Rogan stated so we are not at that point yet.

Board Member Di Salvo asked did they pump it out.

Chairman Schech stated they are closing up the end though.

Board Member Rogan stated they had not when I was there last week. In fact, I stopped in and said to Rich they were in such a hurry to get an approval to pump the water out and it was still there as of last week.

Rich Williams stated I don't know that they did. I do know that they put the orange construction fence up.

Chairman Schech stated but they are closing up the garage entrance.

Board Member Rogan stated okay that was what I missed so they figured out they that couldn't make the driveway pitch.

Rich Williams stated they never gave me anything that showed they could.

Chairman Schech stated so the only loss for us is the fact that they enlarged the building.

Board Member Rogan stated it is not just us either there are a lot of changes that could be made for the better of the community between us and Health Department and I think we are moving in that direction so this is a good one.

A member of the audience asked there are no questions at this meeting.

Chairman Schech and Rich Williams replied no there is not.

2) **DILMAGHANI SITE PLAN**

Rich Williams stated Dilmaghani had got site plan approval from the Planning Board with architectural back in 1987. They are looking to change the colors from the current earth tones to something that is a little bit in their opinion more attractive and they are proposing a nice green trim with a matching autumn yellow.

Chairman Schech asked where is the yellow; I want to see the yellow.

Rich Williams showed the Board the sample colors.

Chairman Schech stated I tell you what I would go for the building green and the yellow trim. It is better than the building being yellow.

Rich Williams stated there is significant trim on that building.

Board Member Montesano stated when I drive past there you do see the building because there is activity next door. You still see it is there. He has got a huge sign on it.

Rich Williams stated with no permits.

Board Member Rogan stated down on Route 9 in the Town of Phillipstown there is a place that has changed hands quite a bit, a food service it is right now called Wing It, it used to be called Charlie's and it is that color yellow.

Chairman Schech stated my recommendation is no.

Board Member Rogan stated it is bright yellow. They did it to try and draw people. It is terrible colors.

Chairman Schech stated okay we don't like it.

Board Member Rogan asked outside the Hamlet how do we control colors without being arbitrary and capricious. We don't like what is the support for that.

Rich Williams stated we don't like it because,

Board Member Rogan stated because they are distracting colors.

Rich Williams asked are we talking about the yellow.

The Board replied yes.

Rich Williams stated the yellow does not match community character. That is just so out of context. You have a little bit of latitude in aesthetics within the community about what is appropriate and what is not.

Board Member Montesano stated theoretically we are still the Architectural Review Board.

Board Member Rogan stated not theoretically actually.

3) SMOKIN WHEELS COLLECTIBLES – Sign Application

Chairman Schech stated he is using the same sign that is up there size wise right.

Board Member Di Salvo asked where is he going to go.

The Secretary stated in Toni's Hair place.

Rich Williams stated it appears that he is just replacing the front plastic on the sign that is currently on the roof which would be fine. A couple of things he is suggesting though that he is erecting a channel sign I think he is erecting a box sign we need to clarify that. The other issue is he is only in for one sign, the sign on the roof but there is also sign space in the pylon which is now blocked off, I don't know if he is looking to put something in there also. I raised it as an issue for you to discuss with him.

4) COUNTRY HOUSE RESTAURANT SITE PLAN

Rich Williams stated what he is looking to do is put on a deck.

Chairman Schech asked a deck and he is has got parking and everything else on it.

Rich Williams stated all he is looking to do is putting up a deck.

Chairman Schech asked then what does he have all the other stuff on the plan for.

Rich Williams replied I have no idea why.

The Secretary stated he came in and didn't he take the site plan that was on file here.

Rich Williams stated yes.

The Secretary stated he said that was when they were going to do a bigger addition.

Rich Williams stated so anyway all he is looking to do is do the deck so what he is hoping is that somehow that we can get it resolved at this meeting otherwise he will lose the whole season.

Chairman Schech stated if it is just the deck I can't see any big deal it is a small deck.

Board Member Rogan stated the only questions I would have is whether or not he is going to propose a canopy over top and whether or not it is going to be used for outdoor seating for his restaurant.

Chairman Schech stated of course it is.

Rich Williams stated it is.

Board Member Rogan stated we have to make sure or do an approval contingent upon an approval for increase seating from the Health Department because that changes his seating and his septic may not be situated for it. He may not have the capacity for the increase seating.

Chairman Schech stated but that is not our problem.

Rich Williams stated no but, Board Member Rogan stated it would not be bad to put it on the record.

Rich Williams stated in fact in general you can't issue an approval without getting all the other agency approvals so it really should carry over in waivers to make sure. If you grant a waiver for the deck and the Health Department comes back in and makes all sorts of changes you are not reviewing the changes at that point.

Board Member Rogan stated we can approve it contingent upon other agency approvals and if anything changes on the plan location wise we want it back in something along those lines.

Chairman Schech stated also I want to make clear that we are approving the deck only not all the other stuff that is on here.

Board Member Montesano asked if we approve this deck,

Rich Williams stated let's say if you are going to approve it you are putting him through the site plan process. If you issue the waiver saying that he does not have to go through the process that you can do in one meeting anything else, public hearing.

Chairman Schech stated conditioned on the septic.

Board Member Montesano stated what I am suggesting if we get Health Department approval then we can bypass it but I would also like to make a note to the Building Inspector that we are approving if we approve it a deck only no other so that there is no confusion.

5) JGC ASSOCIATES SUBDIVISION

Chairman Schech stated a three lot subdivision. I didn't quite understand looking at this plan what is all these open things between the lots.

Rich Williams stated it would have been better for Harry to push the lots all together rather than.

Board Member Rogan stated you know what he is trying to do he is keeping Chairman Schech stated open up the back lots for a subdivision. Board Member Rogan stated he is keeping frontage. Why else would he keep stuff like this.

Chairman Schech stated he does not have frontage.

Board Member Rogan stated yes but he could do an open development and apply for a waiver on the frontage couldn't he maybe not now.

Rich Williams stated this is a cluster subdivision so he is going to have to restrict the property in the back against future development so it is not like keeping the frontage is going to do him anything. I think it revolves around the fact that that is where the septic testing turned out the best so he is basically creating the lots with a maximum lot area around those septic.

Board Member Rogan stated okay so our obvious answer to this would be to chop off this section for Lot 1 and maybe run right down on Lot 2 and Lot 3 and we are done.

Board Member Montesano asked could he possibly be leaving that opening,

Rich Williams stated no, no the problem he has got what he is trying to address is we have a new provision within our Code it is a four acre density requirement but you also now have to cluster so as you are keeping three quarters basically of the lot is open space trying to do it in such a manner as to create natural corridors through out. In fact, this is not that bad in trying to accomplish that in that there is a lot of open space in the back and now he has kind of a corridor running through that. The better way to do it would be to bunch the three houses over in one corner and leave a wider, undisturbed rather than these little skinny areas.

Board Member Rogan asked but why not push for something along the lines of eliminating that lot line, squaring that up so some where or another making that Lot 3, this Lot 2 I know he needs that for the septic so something like that for Lot 2, this for Lot 1 and you have got your access here, access here and you have got your open space.

Rich Williams stated and I agree with you.

Board Member Montesano asked is this a three lot or a four lot subdivision.

Rich Williams stated it is a three lot cluster subdivision. You are creating four lots.

Board Member Montesano stated what I would like to ask Harry is what is the intentions of the owner having that parcel where you can still get a road or driveway through here to this back lot.

Board Member Rogan stated we will solve that we will ask that at the meeting. If we are going for three lots then the remaining area I am assuming is for open space you said but not to be held in ownership by these three lots or is that intention.

Rich Williams stated it may be why not. That is what we have done in the past.

Board Member Rogan stated then we clean up the lot lines.

Rich Williams stated it is held in common with conservation easements on the lot held by those three property owners they are still paying tax on it.

Board Member Rogan stated so then we clean up the lot lines, we go do a site walk.

Rich Williams stated the big question here is the wetlands. I think the wetlands on the site are more extensive, way more extensive than what he is showing.

Board Member Rogan asked they are showing a buffer do we know whether or not it has been verified.

Rich Williams stated no. The wetland vegetation is much more extensive.

Chairman Schech stated so site walk and wetlands flagged.

Board Member Rogan stated I am surprised he is not trying to do almost like a flag lot here. He has the room if he crunches this down, he can get his road frontage and have a fourth lot back there.

Board Member Montesano stated he could but I will scream my lungs out.

Board Member Rogan asked based on what.

Board Member Montesano stated a flag lot.

Board Member Rogan stated it wouldn't be a flag lot you would have your frontage.

Board Member Montesano stated that is why I want to know why it isn't a four lot subdivision.

Board Member Rogan stated it seems like this area up back in here is some of the best area of the lot.

Rich Williams stated it is he can't get to it.

Board Member Rogan stated he can if he tightens these lots up he has more than enough up front here.

Rich Williams stated between the length of the driveway and the maximum lot area for a cluster subdivision he can't get to it. You are absolutely right the best area of that lot are all the way up in back and don't think he didn't howl. He was very unhappy.

Ted Kozlowski & Board Member Pierro arrived at this time

6) T & T ASSOCIATES SITE PLAN

Board Member Rogan asked so this is just prior to the subdivision with D.E.W and Macal and all that.

Rich Williams replied yes this is the sporting goods store.

Ted Kozlowski asked is it staying a sporting goods store.

Rich Williams stated they just say retail, residential on the plans.

The Secretary stated they are just trying to make it legal.

Board Member Pierro asked can we get the trucks cleaned up it is horrible.

Rich Williams stated I believe a violation went out.

Board Member Pierro stated I was there last week and I just noticed that my real estate company has a sign there, Houlihan Lawrence apparently has the listing, the company that I am with on the sporting goods store. I have never shown it and I don't believe I will be showing it so if there are any really hard line issues on it I will recuse myself if I think it is that important. I don't imagine that it would be.

Rich Williams stated the memo is my opinion.

Board Member Rogan stated I agree with it.

Chairman Schech stated you hit the nail on the head.

Rich Williams stated well we have been dancing around this issue forever. We have asked a couple of attorneys to give us an opinion nobody comes up with an answer. I certainly really did not want to but.

Board Member Rogan asked we do a formal request to the Attorneys and don't get a response.

Rich Williams stated yes the way it was left the last time they appeared.

Board Member Pierro asked cut to the chase, Rich what are they looking for I have not had a chance to read this all yet.

Rich Williams stated they are looking to get a site plan approval for a retail, residential use of the building. They don't say how many apartments, they don't say how many square feet and they basically do not want to do any improvements to the site other than what is already out there. The way that some of the improvements are out there that have evolved over the years just really don't work.

Board Member Pierro stated it is my understanding that there is two separate apartments in that building now.

Chairman Schech stated that is what it says on the thing here.

Rich Williams stated right two apartments and the store.

Board Member Pierro asked and that does not fit into our Code right.

Rich Williams stated again, this becomes a very convoluted situation because what was pre-existing, non-conforming has changed illegally or improperly over the years and then our Code has changed so now what is legal and what isn't legal so it is not a clearly defined.

Ted Kozlowski stated I would imagine what is legal is what is the current Code.

Rich Williams stated not necessarily.

Board Member Rogan stated here would be the thing if what is there currently was approvable under the old Code even though they didn't go for it I can understand you saying that maybe they had a shot at pre-existing, non-conforming.

Chairman Schech stated there were two apartments there was no retail operation.

Board Member Rogan stated however it seems to me that (too many speaking unable to transcribe).

Rich Williams stated under the new Code no apartment.

Board Member Rogan asked so you can have a home with retail but no apartments under the current Code.

(Unable to hear Rich's response too many speaking at the same time).

Board Member Rogan asked across the street here the Chinese Restaurant that whole building that would fit the same criteria no upstairs apartments if it was built brand new.

Rich Williams stated if it was built brand new.

Board Member Rogan stated but it could be offices.

Rich Williams stated it could be offices right for example Ryder if he built those buildings could not have residential.

Chairman Schech stated I go with Rich's comments they sound good to me.

Board Member Rogan agreed.

7) GREEN CHIMNEYS SCHOOL SITE PLAN – Amended Site Plan Request

Chairman Schech stated I would say they are fine except the problem is the last time they didn't do anything we asked them to do did they.

Rich Williams replied I don't know what was it that you asked.

Chairman Schech replied all the plantings. Did they ever get the plantings right.

Ted Kozlowski replied no we made a compromise at the end.

Chairman Schech asked and they are asking for a waiver of site plan I don't think that we should give it to them.

Rich Williams stated to do a recreation field.

Board Member Rogan asked you gave them a waiver the last time and they didn't do.

Rich Williams replied no they got a site plan.

Ted Kozlowski stated years ago before you were on the Board there was a wetland area that they decided to fill in.

Rich Williams stated the County helped them. They setup their composting operation there.

Ted Kozlowski stated so then they had to do a whole restoration thing. Somebody I think Beth Evans came up with a great plan and they never followed through on it.

Chairman Schech stated and we went back and forth, back and forth.

Ted Kozlowski stated right back and forth and we you know.

Board Member Rogan stated I have to tell you nothing against Green Chimneys but I find that a lot of these groups that are for the children or for religion do not follow through on things and they will out and out lie to you and they think they are wonderful for doing it. I think they believe that the end justifies the means.

Chairman Schech asked would you like to go out and take a look at this.

The Board replied yes.

8) BUDAKOWSKI SUBDIVISION – 280a Recommendation

Ted Kozlowski stated the wetland has been confirmed.

Chairman Schech asked do you want to peruse the minutes now or do you want to do it at home.

The Board agreed to read the minutes at home.

Board Member Pierro asked what are they looking for the 280a recommendation.

Board Member Rogan replied yes what we left off with what we said we were going to do for the recommendation. We just have to review that and come up with the recommendation.

Rich Williams stated if you are still of a mind too.

Board Member Rogan asked have the conditions out there changed.

Chairman Schech asked what is the time limit on this.

The Secretary stated it is a new owner that owns the house.

Board Member Pierro stated that was the plan they were going to sell it to Porto and then they were going to come back after the closing.

Chairman Schech stated and if they didn't do anything within I think a year then it was going to revert to Porto.

Rich Williams stated it was a year or two years.

The Secretary stated I think it was two years.

Board Member Rogan stated you have to ask yourself on these projects to put conditions that go to the owner and my inclination is to say no that we are reviewing the property not the owner.

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

Board Member Di Salvo stated so say it gets denied and Porto keeps the property what is he going to do with it.

Ted Kozlowski stated a dog kennel.

Board Member Di Salvo stated Mr. O'Hara already told them no how, no way is a dog kennel going there.

Ted Kozlowski stated my understanding is they want to put some sort of building, with a pool for therapeutic for dogs.

Board Member Pierro asked is this permitted in the zoning.

Rich Williams replied yes to some extent.

Board Member Rogan stated I just jumped ahead to the end of the minutes page 12 and 13 starts talking right about where we are at with Rich stating about the recommendation for the 280a and what improvements we might want to consider and time frames being put on it, having the approval as a condition of those improvements.

Board Member Rogan stated Herb said at some point basically what we want is a twenty-four foot right of way with a twelve foot travel way on top of it I am assuming you mean paved and Rich said no eventually we are going to want a fifty foot right of way.

Board Member Rogan stated what we were talking about is a twenty-five foot right of way where they can provide it. In the area that Budakowski has power over we want the twenty-five foot on that I remember that.

Rich Williams stated from the center line.

Board Member Rogan stated what improvements we do over that twenty-five feet I think yes we could go down to what Herb was saying from what I remember.

Chairman Schech stated fifteen foot on one side of the property line then if they ever do put a town road in they have to put another fifteen feet on the other side.

Board Member Rogan stated but yet we would still have the twenty-five foot right of way, fifteen of which will be used at this time.

Board Member Pierro stated you talked about making it a condition of the 280a if it comes before us again Shawn.

Board Member Pierro asked is there any time frame that they need this recommendation on.

Rich Williams replied no.

The Board will review the minutes at home.

9) **PATTERSON CROSSING SITE PLAN**

Board Member Rogan stated it is easy to endorse a project that you can't see from your backyard and in this case I think people feel that way with the Chamber of Commerce. They are saying hey, it is hardly in Patterson.

Board Member Pierro stated that is what is annoying our neighbors in Kent.

The Board reviewed the plans for a few minutes.

Chairman Schech asked where are they storing the water for fire protection.

Rich Williams replied they do not show fire protection on this current plan

Chairman Schech stated the gas pumps are not allowable.

Board Member Pierro asked why are they not allowed

Chairman Schech replied not in Patterson they are not allowed.

Board Member Pierro asked what does our new Code say.

Chairman Schech replied no gas stations.

Rich Williams replied in the new Code nobody wanted to allow any new gas stations.

Chairman Schech asked what are the side lines on these two buildings over here. They are awfully tight.

Rich Williams stated there are a number of zoning issues with the plan.

(Unable to hear due to the plans being opened and covering the microphone).

Board Member Pierro asked what was National Realty's square footage.

Rich Williams replied I think they came in at a little over 500 and dropped it down to a little over 300 thousand.

Chairman Schech stated this is a much better plan then they had before.

Board Member Pierro stated from first look it looks it but there is going to be I think it is incumbent upon us to look closely at the impacts from the parking lot side to the residences there.

Chairman Schech stated yes but don't forget the other way they had all the loading zones right under the houses.

Board Member Pierro stated I agree but I think that and traffic on the local roads is going to be the major impacts. The other thing that I would like to discuss is, is this mitigation the stormwater runoff that is coming off the site is going to go into that feeder stream along 311 how is that going to impact the reservoir.

Rich Williams stated probably not because, Board Member Pierro stated right in some instances we are going to make it better because there is a lot of erosion going down that stream now.

Rich Williams stated you have to understand that this project is saddled between a drainage divide between two different watersheds and under New York City rules they cannot increase the flow in either water sheds. They can't take all the water from one watershed and dump it into the other.

Board Member Pierro stated there is a need for correction to that runoff that is going through that now, am I right.

Rich Williams replied when Floyd came through it washed out that whole stream corridor on that hillside.

Board Member Pierro asked and is this developer willing to take on that.

Rich Williams stated that is what they are proposing to do yes. The reality here and I have got a memo pretty well complete on this I haven't quite finished it up but the reality is there is no way that this thing is not going to a Pos Dec to a full Environmental Impact Statement so there is not a lot other than looking at the conceptual layout there is not a lot of impetus to do a thorough analysis at this point.

Board Member Rogan stated Rich, let me crawl before we walk a couple of years ago this was before Zoning I remember I went to the meeting they held it in the community center and that was what variance or waiver did they need.

Rich Williams replied a Special Use Permit.

Board Member Rogan asked do they now need that under the new Code.

Rich Williams replied they need a Special Use Permit and this current plan will need four or five variances.

Board Member Rogan asked so do we do the process cooperatively with Zoning or do we wait until Zoning issues their findings.

Rich Williams replied no at that point I was having fun and I was having the Zoning Board of Appeals do SEQRA. The reality is the Planning Board deals with SEQRA every day, the Zoning Board does not do it very much and I have talked to the Zoning Board Members and they are okay and they would rather have this Board do it.

Board Member Pierro asked what are the variances the five variances for.

Rich Williams stated there is a couple of different areas where they are proposing fences that are eight feet, you have the gas station, you have impervious setback from the property line.

Board Member Pierro asked you think that they are still going to come before us for a gas station.

Rich Williams stated they would have to get a use variance or a zoning change and odds are they are never going to get it.

Board Member Montesano stated if he comes in with a proposal once we start to cut it down the first thing he is going to give up is the gas station. Now, I gave up the gas station I don't want to fight with you people I am going to try to help you so I am a good guy.

Board Member Pierro stated he may have to give up a lot more than a gas station Mike.

Board Member Montesano stated of course but every time he gives up an inch to try to get the extra six feet he is going to make himself look good.

Rich Williams stated keep this in the back of your mind though, that gas station is associated with Costco. This may be their latest marketing ploy and a non-negotiable item for the plan.

Board Member Montesano stated they have done very well in every store in this area without gas stations.

Edie Keasbey stated there isn't any in Connecticut.

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

Board Member Pierro asked after the conceptual review what is the first steps that we have to take.

Rich Williams stated let me walk you through, they have given us an application, they have given us a Part 1 EAF and they have given us a conceptual plan recognizing this is going to end up we can actually do Intent for Lead Agency. I think a lot of the Board Members here were not on the original site walk for National so we might want to talk about doing another site walk. If we are doing that I don't know if you want to coordinate that and invite the Kent Planning Board, the Town Board, the Zoning Board of Appeals and whoever else may be interested, government agencies that might be interested in going out there at one time. We are going to do a site walk, we are going to come back in make whatever adjustments to the plan that we feel are appropriate. Hopefully, at that point we will get notice of Lead Agency back and nobody will have challenged and we issue a Pos Dec.

Board Member Pierro stated one thing that I would like to bring up is this is going to attract attention from our neighbors in Kent as we all know it already has during the course of our meeting when this comes up I would like for everybody to recognize that the whole world is watching what we are doing on this. Let's do it the right way, I think there ought to be a standard for people from the audience to address the Board.

Chairman Schech stated we have that figured out already.

Board Member Pierro stated name, sign in sheet.

Chairman Schech stated and also a limit, we will have it the next day if you want it.

Rich Williams stated no, no what we are talking about doing is setting up a two day public hearing where there is going to be a cut-off, you will come in you will sign up and then you will be called up to present your comments. There probably Edie, will be some sort of time limit but it will be generous.

Chairman Schech stated and Edie, if they get up and say I don't want this in my backyard and twelve of them is going to say the same thing I am going to tell them to get lost.

Edie Keasbey stated I just don't want you to pull an Alexanderson when we had that fight and he would only let us speak for two minutes if you remember.

Board Member Rogan stated Edie, in fairness to everyone present I would think that if you are going to speak for more than two minutes put it in writing because obviously you have a lot to say.

Eddie Keasbey stated two minutes is nothing.

The Secretary stated the problem is that I found at the first one the comments are very repetitive.

Rich Williams stated just to finish up on what we were talking about doing is the first night we have the sign in sheet, the meeting will go so long and then we are going to cut it off say we are going to cut it off at 11:00 and then the next night we are going to start back up at 7:30 with that same sheet. You don't get to come in and sign up a second time. We are going to continue with whoever hasn't talked. We are just talking about these procedures at this point.

Board Member Rogan asked and this would be at one point after the Pos Dec.

Rich Williams replied yes. There is probably going to be a couple of public hearings; one is going to be developing the scoping document. Generally in the past we have had public hearings when we develop the scoping document as well as the written comment period and then once we get the Draft Environmental Impact Statement back in then we would have another public hearing.

Ted Kozlowski asked the one down the street, Home Depot, Kohl's all that went in in Brewster was there any outcry, was there anything.

Board Member Pierro stated I am sure there was some local.

Board Member Rogan stated but look at the impact to the residents. What residents immediately about Home Depot.

Eddie Keasbey stated there aren't any.

Board Member Rogan stated thank you and that is part of the reason I think you don't have all of Lake Carmel.

Ted Kozlowski stated they moved an entire wetland system. (TAPE ENDED).

Ted Kozlowski stated I live at that Home Depot I will tell you one thing I have not noticed an appreciable increase in traffic over there. Most people are getting on and off 84.

Rich Williams stated at times there is appreciable.

Ted Kozlowski stated yes at rush hour when you get that Carmel traffic.

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

Board Member Pierro stated when I was commuting down to Westchester I use to often go down to pick up my partner on Route 6 in southern Brewster and I use to take that exit 19 and go down on to Route 6 and I got to tell you it stunk eight years ago when the traffic backed up with local traffic.

Board Member Montesano stated it is directly the fault of one thing Planning Boards because we have too much residences for the roadway and the future unfortunately when you think about it the roads are not built according to a future. They are built to the standard of what is our account allowed to spend and that is

how we do it. That is where the problem is. If that would have been a four lane road in there you may not have liked it but you would not have the congestion. If 22 someone would have looked when they started this twenty-five years ago to widen it like it should have been now you can't.

Chairman Schech stated they would have said you were crazy.

10) OTHER BUSINESS

a. Triple J Subdivision

Rich Williams asked has everybody gone out there.

Board Member Pierro replied we have all been out there.

Board Member Rogan stated no we haven't.

Chairman Schech stated Shawn and Maria hasn't.

Chairman Schech asked Board Member Rogan if he read all the minutes.

Board Member Rogan replied yes I did and I have them highlighted at home and there was one in here that I had underlined myself. It was where the concern was that they were using up with two lots at one point there was nothing but wetlands left with those lots and I don't remember there even being a talk of stormwater. I am pretty confident with this Triple J that the bottom line is they are using up the available area for the house, they are putting a basin in a wetland buffer which,

Chairman Schech stated they are not supposed to do.

Board Member Rogan stated it is not a good idea.

Rich Williams stated I did take some pictures if anybody wants to see. I don't know if anybody wants to go out.

Board Member Rogan asked is it so little to look at that you are saying it isn't worth a site walk Rich.

Rich Williams replied no I would prefer that you go out.

Board Member Rogan stated I would like to see it.

Board Member Pierro stated this is my last recollection of Triple J that they were going to reduce it to one lot.

Board Member Rogan stated right and they have reduced it to one lot.

Rich Williams stated the problem is while they were doing it they said they were going to reduce it to one residential lot but no mention of stormwater.

Board Member Pierro asked was there requirements for stormwater at that time. Board Member Rogan stated it says here December 7 of 2000 the stormwater management system however is going to have the ponds located within the Town of Patterson. So, they did mention it.

Rich Williams replied they did yes.

Board Member Rogan stated but him saying it and actually working on the plan are two different points.

Rich Williams stated he came back and said we heard what the Board is said we are not doing the subdivision within the Town of Patterson we are going to use the land in Patterson as a residential lot end of story. At that point we didn't see anything, my assumption was they were going to put a house back there that was it and then all of a sudden they came in with basins and on a side note God, how I love the DEP. The DEP has approved this stormwater plan which eliminates probably 750 linear feet of buffer in the Town of Patterson and sent us a nasty, little letter saying no way can you put a stormwater basin in the buffer for the Equine Center.

Ted Kozlowski asked is that what they said.

Rich Williams replied yes they did.

Chairman Schech stated I was sort of tending towards allowing it but after going through the minutes I would say no.

Board Member Rogan asked before we go on here can I ask a question since it does not look like it is on our agenda. We have a letter here from the legal counsel for Putnam County National Bank for the property over by the Alpine and when we approved the site plan a couple of weeks ago we were talking about the curbing what was shown on the plan and I thought when I asked the question it was said that stuff was already existing.

Board Member Pierro stated it has been there for many years.

Rich Williams stated no they installed that about a year or two years ago and then they picked it up on the survey and they actually installed in on Ryder's property which is why within the reso I very specifically said we are not approving anything that is not on this site. I have talked to Wayne about that and I explained to Wayne that if he put it on your property which the survey shows,

Board Member Pierro stated then he should file an action.

Rich Williams stated that is what I said and I think he is going to take care of it. He was concerned that the Planning Board was actually approving it then he was also going to be fighting the Town.

b. Schoen Site Plan

Rich Williams stated this is the rock wall.

Board Member Rogan stated I am sorry that I did not see that wall.

Eddie Keasbey asked are they going to do any landscaping for that thing.

Rich Williams stated that is the question tonight.

Ted Kozlowski stated I think it is a pretty ugly stonewall.

Board Member Rogan stated as soon as I saw that wall go up I said Shawn Rogan damn it you missed it on the plan because I didn't catch that it was going to be that high because as soon as I saw it I hated it and I said let that be a lesson. It is the worst wall.

Ted Kozlowski stated it is very unattractive.

Board Member Pierro stated I am not totally against the technology of it all.

Ted Kozlowski stated the technology but the aesthetics is terrible.

Board Member Pierro stated I thought they clear cut the site a little too much.

Ted Kozlowski stated they did.

Board Member Pierro stated there were a couple of trees in the front that would have barricaded that.

Ted Kozlowski asked were they required to do a landscape plan.

Rich Williams stated there is a landscape plan for the original approved site plan. There is an additional planting plan to compensate for the additional trees that they took down that they were not supposed to take down.

Ted Kozlowski stated they have to soften the look to that place. They really do.

Board Member Pierro stated there is a lot of twenty-five foot Spruces around the corner and I am sure they can get a spade truck in there.

Rich Williams stated well it is not so easy to do because the whole front of the wall is also the stormwater pond.

Board Member Rogan asked do we have anything that climbs.

Rich Williams stated let's talk about why this got put on the agenda. I stopped by well I will back up a little bit, I was contacted awhile ago by Tom McGinn, the Engineer who was contacted by Insite who was seeking permission not to plant anything in the wall because the property owner did not want to and it was very difficult he said he couldn't for whatever reason and I responded that my understanding is there are a few Planning Board Members that do not like the appearance of the wall and are looking for the landscaping to break it up. At that point, I was not willing to sign off on anything. I didn't hear anything. It appears that they have all the landscaping in so I stopped by and saw the son, Paul Suozzi and asked him if the landscaping was done. He said he made some minor changes and I went through the minor changes with him they were pretty minor nothing significant and we got all the way in the back by the corner and I looked over the edge of the wall and said you haven't planted anything in the wall and he conveyed to me that it was his understanding that they could not plant in the wall that it would affect the drainage of the walls and that wasn't going to work and there was just no way that topsoil was going to stay within the cutouts. They couldn't keep topsoil in those cutouts because there was big holes in the cutouts and everything and there was just no way to plant that wall so he moved the landscaping to other places. I said to him that some of the Planning Board Members were concerned if he wanted to go back to the Planning Board and see if they would waive the requirement of landscaping out there he could do that. So anyway, I said provide whatever you can manufacturer's statements whatever that says you can't plant the wall. I said this knowing that specifically they bought the retaining wall with the planter blocks all in the front. I didn't hear anything from them up until today I knew it was coming up tonight so I called Tom McGinn, got the manufacturer's name of the wall, went on their website got all the cut sheets and details to see if there was anything that would say you really shouldn't be planting this; quite to the contrary it shows you exactly how. There are some concerns that we need to talk about on how it is going to be done. I called up Insite, I talked to John Watson who was working on this for Insite and he conveyed to me that the property owner told him specifically do not work on proposing any planting within the wall. It was not discussed when we made a change to the design of the wall, we are not planting it period.

Chairman Schech stated we are not signing the plat period.

The Secretary stated the plat is signed but they don't have a C.O. do they.

Rich Williams stated now having said all of that, they do not have a C.O. and they can't get the C.O. until it is done.

Board Member Rogan asked when they changed the wall design that was part of the plat we signed or that was a field change.

Rich Williams replied it was a field change that the engineer allowed.

Board Member Rogan stated okay not approved by us.

Rich Williams replied no.

Board Member Rogan stated so there is our leg to stand on.

Board Member Montesano asked does the gentleman next door know that he should not issue a C.O.

Rich Williams replied yes and I reminded him today.

Board Member Rogan asked when the field change was done, well it should not have been done as a field change, a change in the wall especially something that is so intrinsic to the aesthetics to this project should have come back before Planning to say look, we want to go with a new wall and we are not going to be able to do that would be proper procedures. It was not followed.

Chairman Schech stated here is another case first of all they went in there and clear cut the entire site which we said no don't which they did anyway so let's not bend over backwards. This is what we want and this is what we are going to get.

Board Member Rogan stated I agree we need something to be done with this.

Rich Williams stated so the Board still wants some sort of planting.

Board Member Rogan stated not some sort I think we want, Rich Williams stated the mass of the wall. Board Member Rogan stated considering that they did a field change considering the way they did things we want I think some significant landscaping done to soften that wall.

Ted Kozlowski stated I agree.

Board Member Montesano stated my suggestion right now is no field changes are allowed to be approved by anybody other than us anymore.

Rich Williams stated to start with the Code now allows me to make some field changes. That is number one. Number two you are always going to run into unforeseen problems out in the field you have got to give your professional personnel now we have to be clear about where the lines are.

Board Member Rogan stated you are applying a rule of reasonableness but other people are not applying that rule.

Rich Williams stated well this came from the engineer and I was a little surprised considering the significance with all this.

Board Member Rogan asked it was John Watson.

Rich Williams replied no it was Tom McGinn.

Board Member Rogan so our hired Engineer said no problem without taking into account the aesthetics of that wall.

Rich Williams stated right.

Board Member Montesano stated because they look at it as an engineering thing not as a Planning Board.

Rich Williams stated well let me do my pitch here, I stepped up except for Ted I have gotten everybody working together, pulling together as a team, there is better communication, we are passing memos back and forth, we are passing e-mails so that things like this don't happen in the future. I am working much more closely with Paul.

Board Member Rogan stated that is a great pitch for the future. I think we need to request a reasonable look at how we can soften that wall because it looks terrible.

Rich Williams stated let me talk about the problem.

Ted Kozlowski asked Rich, why do you think he really doesn't want to plant the wall. Is it a money issue.

Rich Williams stated I think the first and foremost issue no I don't think it is a money issue. The first and foremost is when he was putting the wall together he never bothered to put the filter fabric, you have to put filter fabric down in the trenches and fill them with topsoil. It was too damn difficult so now he has got these big long linear planter boxes with no soil in it and now he has to hang over the edge to do it.

Board Member Rogan stated or get a boom.

Rich Williams stated so it is going to be very difficult to do.

Board Member Pierro asked do we still have a right to go over and take a look.

Board Member Rogan asked can we do a site walk because we already have two that we are talking about.

The Board agreed to take a look at it.

Board Member Pierro asked Rich, what about the sign, did we ever figure out a final placement for the sign remember we had it angled in the corner.

Board Member Rogan stated we did it.

Board Member Pierro stated I have never saw it up yet so I don't know how ugly that is going to be. I thought we left it open for some changes on that.

Rich Williams stated let's stay here with the planters and talk about some of the issues. There are a couple of issues with planting the wall that we now have to talk about. The original wall was a two tier wall this is now a four or five tier wall.

Ted Kozlowski stated lots more plants.

Rich Williams stated the original plan proposed a whole series of euonymus along the second tier to break it up to help screen it. This new wall is constructed with planter boxes which are basically channels within the wall that are sixteen inches wide.

Board Member Pierro stated but euonymus won't survive in a sixteen inch box.

Ted Kozlowski asked is there drainage.

Board Member Rogan asked how wide is the tier.

Rich Williams stated you can drain through it there are holes and what you have to do is you put filter fabric in that will hold the soil and allow the water to drain through but it also allows the water to drain through. You need really drought resistant plants.

Board Member Rogan stated how about grasses, ornamental grasses.

Ted Kozlowski stated yes ornamental grasses.

Rich Williams stated you are not going to do anything big.

Edie Keasbey stated they don't get high enough.

Board Member Rogan stated yes but they do if you have got five tiers.

Ted Kozlowski stated yes if you have five tiers.

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

Ted Kozlowski stated I think grasses would look great.

Board Member Rogan stated the point more is there are things out there that we can do there is certainly the feasibility of doing it. We can site walk it even if we want to drive by at our own leisure. I am definitely going to check it out.

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

Rich Williams stated the bottom line here is all we have to say to him is that you are not getting your C.O. until the wall is planted get your engineer to do something.

Board Member Rogan stated I agree with that.

c. Wunner Lot Line Adjustment

Rich Williams stated you had approved that, we gave 62 days to meet the conditions, the time is running out, his surveyor hasn't gotten everything done so he needs an extension.

Board Member Rogan stated another 60 days maybe.

Board Member Rogan made a motion to adjourn the meeting. Board Member Pierro seconded the motion. All in favor and meeting adjourned at 9:37 p.m.