

APPROVED
8/7/03 MRS

TOWN OF PATTERSON
PLANNING BOARD MEETING
June 26, 2003 WORK SESSION
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June 26, 2003 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 Russ Shay, Board Member Dave Pierro, Board Member Shawn Rogan, Rich Williams, Town Planner, Gene Richards, Town Engineer and Ted Kozlowski E.C.I arrived late.

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

1) Hudson Valley Datanet Site Plan – Public Hearing

Rich Williams stated we have nothing new we are scheduling the public hearing and there will be a resolution ready. I don't know that they are not considering relocating the building again.

Board Member Montesano asked what about the cars, they moved all the cars right.

Rich Williams replied Hudson Valley Datanet is not the owners of the cars that is Clancy.

Board Member Montesano asked are they going to pay rent to the owner.

Rich Williams replied yes they are but the violation does not go to them it goes to Clancy.

Board Member Montesano stated and Clancy does not get lowered on the boom.

Rich Williams replied no that is up to Paul and I thought somebody was going to go in and talk to him.

2) BILL HENRY TREE SERVICE

Chairman Schech asked I wasn't around when we did anything on Bill Henry right.

Rich Williams replied yes you were.

Board Member Pierro asked he has a curb cut now he is coming in off of 22.

Rich Williams replied yes he is still coming in off of 22.

Board Member Pierro asked DOT approved it.

Rich Williams replied yes he has a DOT Permit.

Board Member Rogan asked Rich can you give me a one-minute synopsis on this because I don't have any.

Board Member Pierro stated it is part of that other two-lot deal we did.

Board Member Montesano stated you know where the hunting store is, Board Member Pierro stated this is to the left as opposed to the right.

Board Member Rogan asked so what is shown on the plan to the left is Noletti, then he would be on the right of Noletti's, and then down below would be the store.

Board Member Montesano replied yes.

Board Member Pierro stated there was a problem with some septic that they had to get straightened out. One of the septic was over on the,

Rich Williams stated the septic for the apartment of the sporting goods store was over on Bill Henry's property.

Board Member Rogan asked so the proposed use is for a contractor's type facility.

Board Member Pierro replied he wants a place to put his equipment inside.

Rich Williams showed Board Member Rogan on the plan the location of the septic and stated apparently he is going to just use this septic.

Chairman Schech asked who is the apartment or him.

Rich Williams replied him because that is what they are showing.

Chairman Schech asked they are both going to use the same system.

Rich Williams replied no he has to disconnect. There is a note on the plat.

Board Member Shay asked who is disconnecting.

Rich Williams replied the apartment.

Board Member Pierro stated that is fine by us it cleans up that problem.

Board Member Rogan asked how did we get to where we are with Bill Henry what has gone on you said to me a comment about that it has been gone on for years. Is it just a slowly progressing plan.

Rich Williams replied he comes in for one or two months.

Board Member Montesano stated whenever he gets some extra cash and he does a little bit.

Rich Williams stated this is definitely his second Engineer maybe his third.

Rich Williams stated there are a couple of big issues on this one that you should be aware of. The stormwater I am not exactly sure what he is doing with the stormwater because, Gene have you taken a look at this.

Gene Richards replied no.

Rich Williams stated he is basically picking up the parking lot up on top taking that over to the first catch basin and then he has a note that says he is discharging both to the drainage system and to the retention pond.

Board Member Rogan stated but there is no retention pond.

Rich Williams stated and there is no retention pond I am assuming that because we have been talking about him tying into D.E.W and Macal's but,

Board Member Pierro stated he wants to try and get away without the retention pond.

Rich Williams replied I don't know what he is doing.

Gene Richards stated D.E.W and Macal was not sized to take drainage from this parcel.

Rich Williams replied I know I have been telling him that he has to get together with Insite. He has an oil water separator on it but it appears he is diverting most of the drainage from the parking lot to somewhere else. The oil water separator is not shown on the plans but seems to be indicated all the way down at the Route 22 right of way.

Board Member Rogan asked what were the other issues Rich.

Rich Williams replied the architecture of the building he is going to need to submit that. He has a lot of other details he needs to clean up.

3) SUBWAY SIGN APPLICATION

Rich Williams stated they submitted an application it did not meet our Code criteria they ended up going to the ZBA and getting a variance so they could put up a maximum size of 17 square feet. There was a lot of back and forth with the ZBA about,

Chairman Schech stated Ed O'Connor had asked me what to do with the sign and I said just make the thing conform to all the legal stuff that is there.

The Secretary stated that is the problem the illegal ones.

Board Member Shay stated it looks ridiculous.

Board Member Montesano stated one more does not make it any less illegal right.

Chairman Schech stated no just make it conform to whatever is there make it look all the same.

Rich Williams stated regardless of the legal or illegal signs that are out there what we were trying to do working with the ZBA was to have the signs all basically looking the same as far as size, same letter height, same width or reasonable.

Board Member Rogan asked don't we have something about signs that are illuminated from within. I thought I remember something about signs not be allowed to,

Rich Williams replied you can't have exposed incandescent lights but if they are lit within the sign structure so that the actual white light is not visible.

Board Member Rogan stated so the idea being that you don't want a white light shining and blinding, Chairman Schech stated and blinding people right.

Board Member Rogan stated in this case it wouldn't be as a big of deal because it is in a shopping plaza it is not out on the side of the road.

Rich Williams stated they really did not submit colors but typically Subway colors are white and yellow so you can assume it is going to be the same.

Chairman Schech replied but we should ask right.

Board Member Montesano replied why.

Board Member Pierro replied a brown background with white letters or something.

Rich Williams replied yes. They are going to be channel letters so there is not going to be any real background. I think it is going to be channels.

The Secretary replied yes.

Rich Williams asked it is not going to be contoured.

The Secretary replied yes individual and they kept saying channel that night.

Rich Williams stated but I am starting to think that the design they submitted was contoured.

The Secretary replied is contoured individual letters to which Rich replied no. The Secretary stated then it is not. They are individual letters so it has to be channel then.

Board Member Pierro stated channel letters, internally illuminated, neon channel letter sign. The letters are twenty-three inches high which are slightly smaller than the other signs approved by the Planning Board.

Rich Williams stated but it is close I mean the others range from twenty-four to thirty.

Board Member Pierro stated Subway logo colors of white and yellow.

The Secretary stated Rich it is channel letters with individual letters it is definitely that because he was saying he may have to stretch them.

Rich Williams stated but you can do that with either channel or contours.

Board Member Pierro stated I am fine with it.

4) ANNA ROMANO SIGN APPLICATION

Board Member Pierro asked didn't we approve this sign.

The Secretary replied no you did the Cuckoo's Nest. This is what started the whole Flood thing.

Rich Williams stated she wants to open an antique store in Don Flood's building. That is what started with Flood. On the site plan it was actually shown that that portion was going to be an antique store. Now, she is back in to get her sign approved.

Board Member Pierro asked did you tell her no until Flood does the other things that we wanted him to do.

Rich Williams asked such as.

Board Member Pierro replied repair the gate in the front make it look like something.

Rich Williams replied I think the gate has been repaired.

Board Member Shay stated I think so.

Chairman Schech stated how about all the for sale of vehicles.

Board Member Pierro stated last week it was not.

Rich Williams replied last week when I went by they were actually starting to install it.

Board Member Pierro replied okay I can't see very well so you have to bear with me.

Board Member Pierro asked didn't we want bollards or some sort of fencing around the exposed oil tanks.

Board Member Rogan stated yes in on the right.

Board Member Pierro stated we had discussed protecting those in some way shape or form.

Rich Williams replied I remember asking for containment and something came back that said no.

Board Member Montesano stated they don't have to enclose them they just have to put something to protect it so nobody runs into them.

Chairman Schech stated there should be something to contain it also.

Board Member Pierro stated they may be in some small,

Board Member Montesano stated Patterson Auto Body the gas station part where that new tank that was one of the first ones that were installed outside the ground nothing is required.

Chairman Schech asked there is no containment on it.

Board Member Montesano replied they put a fence up.

Chairman Schech asked yes but there is no containment in case the tank leaks.

Board Member Montesano replied no. It is a double wall tank it should not leak.

Board Member Pierro stated we are talking about a couple of 275 oil tanks.

Rich Williams stated understand we are still holding a Performance Bond. A cash bond to guarantee that everything gets done.

Board Member Montesano asked what is the expiration on the bond.

Rich Williams replied well typically three years but we require also that there is an automatic (unable to hear the rest of his response too many talking at the same time)

Board Member Montesano stated what I am looking at is what good is it if we have an automatic renewal that means you have to (unable to hear).

Rich Williams replied until we pull the bond.

Board Member Montesano asked what is the duration of time that you would have to pull it.

Board Member Pierro stated as long as we still have the Performance Bond, Mike I am happy. We will get our things done.

Board Member Montesano replied that is fine but does that mean we have an automatic renewal that means a guy can have a Performance Bond if he does not give a crap for the twenty thousand dollars or whatever the case may be if I don't care where the money is and I know it is safe what do I care if it takes me forty years to complete it and in the meantime I don't have to do the work.

Board Member Shay stated I want to know how high this sign is going to be.

Rich Williams stated Mike we do have that issue to some extent with driveways but for the most part people with site plans they are either tying their money up like I believe Don Flood did or they are paying hefty premiums. Now, generally within the resolutions we put something in there saying it should be done within three years.

Board Member Montesano asked and.

Rich Williams replied if after three years he has not done it then we would start taking some action and building a paper trail, we probably have to go through some sort of notice,

Board Member Montesano stated which means it is going to be about another eight to ten years before it ever goes to a courtroom to get that thing secure. What I am looking for is the court system sucks. The object is, is there some way we can get this where we can say hey, you have had four years you haven't done it, we are sending people in to do it and you are going to pay for it.

Rich Williams stated the reality is this is a private site, we can pull the bond, and we still can't go in and do the improvements.

Board Member Rogan stated Rich, your last comment on here indicates that if we approve the sign there won't be any area left for the business that does not have a sign, it seems like that is something we should consider as well.

Rich Williams stated I don't believe Don Flood is looking to put up a sign saying Kect Construction but she has to make the application with his permission which she did.

Board Member Rogan stated he may not realize that allowing that sign to go up would not allow him to put up any further signs.

Rich Williams replied which is why I put that in the memo.

Board Member Montesano asked now let's say somebody else buys that property.

Rich Williams replied she would be a tenant in there.

Board Member Montesano replied that is fine and what I am looking at is not now, five years down the road or whatever Flood decides okay I am going to sell and he is out the door, people come in they buy the property they are not paying any more attention than the average person what they are buying and they come in and put a sign up or they want a sign we can deny that sign.

Rich Williams replied we would have to and they would have to, Board Member Montesano stated or go to ZBA and they could get a new sign.

Board Member Shay stated that is not really fair.

Rich Williams stated well there would have to be justification for it. Russ, we have a similar situation going on right now with Classic Golf. Up here at Classic Golf, they are going to keep the golf driving range open and they are going to open a restaurant in there. They know that they have already maxed out what they can put up from signs so they know they have to tear that sign down and come up with a sign that will accommodate both of them and they are doing that.

Board Member Montesano asked how long can you keep a moving vehicle up there like a big van that says restaurant here.

Board Member Rogan stated or Army Surplus.

5) POPPY'S PLACE – Waiver of Site Plan

Rich Williams stated Poppy's is back in because he wants to start storing landscape/construction material on the other side of the stream so he submitted an application for a waiver of site plan to allow him to do that.

Board Member Pierro asked what kind of construction material.

Rich Williams replied wood chips, stone.

Board Member Montesano stated and he has to cross the stream.

Rich Williams replied that is my issue.

Ted Kozlowski stated he has an existing bridge over the stream. It is kind of a hand-made thing. I think Poppy's actually put that in.

Board Member Montesano stated Joe put it up but Joe isn't there anymore.

Ted Kozlowski replied right I think it went in years ago.

Ted Kozlowski stated I don't know if that bridge is strong enough to carry materials.

Rich Williams replied well that was my issue we are substantially increasing the traffic going over the bridge now you are going to have trucks going over there loading, you are going to have machinery.

Ted Kozlowski stated right six wheelers with stone that bridge was designed for Joe Belucci to mow the fields.

Board Member Pierro stated site walk let's go look at it.

Chairman Schech asked this Saturday.

Ted Kozlowski stated I will be in Florida.

Chairman Schech stated if we don't do it Saturday we won't have it for the next meeting so we will make it this Saturday.

Rich Williams asked who can't make it this Saturday.

Ted Kozlowski replied I can't.

Board Member Pierro replied I may be away.

Ted Kozlowski stated I can go tomorrow.

Board Member Rogan stated I would like to know where they are going to store the stuff. We should at least know what is going on out there.

(Too many conversations going on at the same time unable to transcribe).

Board Member Rogan asked Rich Williams if he could clarify a little bit about Site Plan Waivers.

Chairman Schech stated and don't forget we have temporary structures so we don't need bathrooms or anything else on the site. They all have real good kidneys and a large bowel.

Ted Kozlowski stated I think he has a port-a-potty.

Rich Williams stated just so you know right next door they have that building with the plumbing place in it.

Ted Kozlowski asked I thought it was the real estate's.

Rich Williams stated you have this site, Tela Cook and then the next site south is the plumbing place it is a real skinny lot that has been up for sale and everybody wants to expand on that site but that stream crosses down through there and everybody keeps saying well what can I do. I keep telling them I know there is a stream out there, I don't know where it is on the property, I don't know what kind of stream it is. You are going to have to look at that and it is probably going to limit what you can do on the site, they keep wanting somebody to go out and make some sort of determination on the stream up front.

Ted Kozlowski asked is that the same stream that goes through Poppy's Place.

Rich Williams replied yes.

Ted Kozlowski replied it is a regulated stream.

Rich Williams replied that is a given. They just want someone to go out and look and it and say okay you can fill it in.

6) BIG ELM SUBDIVISION – Driveway Relocation Request.

Chairman Schech asked has anyone taken a look at this.

Ted Kozlowski replied yes that is, Chairman Schech stated isn't that wonderful.

Chairman Schech stated this is definitely a site walk and after I did my little private site walk I would tell the man you are going to move this house.

Rich Williams stated if you are going to consider doing that I would just caution the Board to be very professional in this, be very thorough.

Ted Kozlowski asked may I say something having driven by that every day for the last couple, Chairman Schech asked are they still working on it or is it still at a stand still.

Ted Kozlowski replied I don't know. That house has been in that position for years.

Chairman Schech stated but it has not been finished because he has not had the courage to finish it.

Ted Kozlowski stated he has those piles and piles of debris and soil behind the house and I was always curious of how he is going to get that out of there.

Chairman Schech stated he is not it is going to stay there.

Rich Williams stated no he built a road in.

Ted Kozlowski stated that Conservation Easement we had him plant trees in that thing because he had accidentally quote on quote "taken them down".

Board Member Rogan asked the Secretary if she could pull the Big Elm file. The Secretary pulled the file.

Ted Kozlowski stated I don't know how he is going to do this.

Chairman Schech stated if he is going to go on to the Conservation Easement I don't want him on the Conservation Easement.

Rich Williams stated he has no other way.

Chairman Schech replied sure he does move the house to where it belongs. What do you mean he does not have any other way. Move the house where it was originally sited on the plan then he has no problem.

Board Member Pierro stated I want to hear from Counsel before we start discussing whether or not we are going to ask this guy to move this house.

Board Member Montesano stated we don't have to ask him we order him to.

Rich Williams stated he will in no way shape or form meet the grade.

Board Member Pierro asked who issued the Building Permit.

Rich Williams stated it goes from the road to the top seventeen percent straight to the driveway.

Rich Williams stated Dave, I am not saying it was right the way it was done but the current plans he submitted I checked with him were done by a Surveyor so the house and everything is survey located. They do not match what was submitted to the Building Department. He also has a setback problem because the plans he submitted to the Building Department met the side yard setback. I think the Building Permit was issued in 2000, 2001.

Ted Kozlowski stated it was before that Rich. That house has been standing, Rich Williams replied I swear it has too but the Building Permit says,

Board Member Montesano stated yes but it never had a Building Permit.

Ted Kozlowski asked well why can't we make him dig down to meet code for the driveway.

Rich Williams replied because the road is here, the house is here, and the distance between the two are, Chairman Schech interjected you all have to see this. You can't believe it.

Rich Williams stated Ted, the only way to do it is to shift the house back which is the way it was on the plans. On the plans there was a fifteen percent grade driveway but because he has pulled it forward.

Ted Kozlowski asked can he come on an angle more.

Rich Williams replied yes.

Ted Kozlowski asked from up Bradley Drive not from the Conservation Easement.

Rich Williams replied no because he is right on the property line.

Ted Kozlowski replied well whose fault is this.

Chairman Schech stated you know not every lot is really buildable. If he would have done it properly it probably was buildable but here he said I will put up my house and now you guys are stuck with it you are going to have to give me an approval.

Ted Kozlowski stated I am telling you that house and you know what I can find out I have it documented because I dealt with him with regard to those trees and that house was being built and I have that in my records and that house was before 2001.

Rich Williams replied I am just telling you what the Building Permit is.

Board Member Montesano stated excuse me, putting the house up is one thing coming back to get a Building Permit is something else. How many people have we had in front of us that have put up sheds and everything and then come in here and get approvals.

Board Member Pierro asked so Lot #3 is already built upon.

Rich Williams replied yes.

Chairman Schech stated the septic is not in the right place, the house is not in the right place there is nothing in the right place.

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

Chairman Schech stated site walk.

Rich Williams asked Gene Richards if at some point he could make a copy of the construction plans for Big Elm Subdivision. We don't have them here.

7) HANS SCHLANGE – Fill Permit

Chairman Schech stated he wants to do the same thing that the guy next door did where he was complaining about and complaining about that it should not be done.

Rich Williams replied yes.

Chairman Schech stated we don't need a site walk do we.

The Board agreed that they do want to do a site walk.

8) ROMAN SYPKO – Wetlands Permit

Rich Williams asked Gene if he has had a chance to take a look at this.

Gene Richards replied no.

Rich Williams asked that someone open up the plans and Board Member Rogan opened the plan.

Rich Williams stated I don't know what you want to do with this thing. Ted, have you looked at the plans.

Ted Kozlowski replied no I just got it.

(Too many conversations going on at once unable to transcribe for a few minutes)

Rich Williams stated based on the last set of comments that I gave him he has brought the well down from the back and he has put it over here referring to the plan which is a smart thing. He got rid of the grouted God only knows why he was doing that, the grouted swale running down the side of the drive but he has also gotten rid of the stone fill trench that he was going to use to mitigate to pick everything up off the driveway. What he now wants to do is slope the driveway down the slope so that the sheet flow runs off of the driveway and down on to the bank. He is going to put in a grass swale with check dams coming down

the inside of the driveway to pick the drainage up this way and bring it down to this sedimentation basin here.

Chairman Schech asked he is going to slope the driveway.

Rich Williams replied he is going to slope the driveway, down gradient.

Chairman Schech stated that is going to be great in the winter.

Board Member Pierro stated but he could put a rail or something.

Rich Williams stated last memo I suggested that he consider putting guard rail up and wrote back Applicant does not want to put guard rail up. In this memo, I said I took another look at it you are sloping it down gradient you really ought to consider, I don't think the Planning Board can make him do it.

Board Member Pierro stated we can suggest it. He can put wood up, eight by eight with the border across.

Rich Williams stated but then the question is even if you slope the driveway down a good portion of that driveway is going to discharge stormwater down to Stephen's Brook I would think and that is the basic concern the thermal heating of the stormwater going into Stephen's Brook which is a cold water fishery if there is Trout in that stream, God only knows where they are.

Board Member Rogan stated I have looked they are not there.

Rich Williams stated I have never seen it. I have never seen anybody fishing in it.

Board Member Shay stated there are some there all the time.

Board Member Montesano stated wait a minute I have fished in that stream.

Ted Kozlowski stated I have heard there is Trout behind Bonavenia's somewhere.

Board Member Pierro stated absolutely that is a different story.

Rich Williams asked the other thing is they need to spawn up stream don't they. How the hell do they get through Thunder Ridge with that pond.

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

Ted Kozlowski asked Rich, has he got a sequence here.

Rich Williams replied he does have a sequence I think there are things, significant things that he missed. I hit a few of the high points for him. The other thing is Gene, you might want to check in with the memo that I did because I touched on some of the design issues for the box culvert, and I don't know if it is the appropriate thing to do but based on what I know.

Ted Kozlowski stated I have always said this property is so marginal as a developable piece.

Board Member Montesano stated there is has to come a point in time when let the Judge make him put a house up there because this is ridiculous. Go to court and let the courts do it because we just say no and if it gets beaten in court at least we don't look like the horses as--- that we seem to be very appropriate of getting ourselves looked at.

Rich Williams stated I just want to caution you on that Mike when a Judge makes a decision the Judge will say go build your house when we make the decision we say go build your house with these conditions.

Board Member Montesano replied fine tell me something we are at point where we should tell this guy that he can't build a house. I don't give a crap what conditions we are going to give him he is not going to do it.

Rich Williams stated if we had a reasonable basis and a good chance of winning then I agree with you. I don't have a problem with that.

Board Member Montesano stated the property is asinine, the guy is trying to put something that does not belong where it shouldn't be put. I can understand that he bought the damn thing because he was intelligently told he can put a house up there.

Board Member Pierro stated he did not close on the property. It still belongs to Foster's wife.

Board Member Montesano stated ninety-nine percent of the people see three or four acres of property and say oh, I can put a house on that.

(TAPE ENDED)

Chairman Schech stated anything is buildable if you are willing to put enough money into it.

Board Member Rogan stated that we have codes that say you can put a septic system on x, y and z he has met that. We have a code that say you can put a driveway up to fifteen percent he is meeting that. They are putting a house on an area where they are meeting that so really I don't understand how you guys can say no. What you have to do is what Rich said is address the concerns in the best way appropriate.

Board Member Pierro stated and these are the things that we asked him to do. We asked to attenuate the stormwater runoff, we asked him to cool the water,

Board Member Rogan stated if he couldn't make fifteen percent on there I would say hey, you guys are right and I would agree with you but in this case we have to work within the Code says. He is meeting the Code and now we just have to make the best of the impacts.

Board Member Montesano stated Stormwater Management they gave a whole big class on it.

Board Member Rogan stated so you should be telling us what to do with this Mike.

Board Member Montesano replied why should I tell you.

Board Member Rogan replied because you went to the class I did not take it.

Board Member Montesano replied I have a book I will let you read it.

Board Member Rogan stated that was a waste of you going then wasn't it.

Board Member Montesano replied was it not really. If I only give you one person's opinion if you read the book.

Board Member Rogan replied one person's opinion would be very helpful here.

Board Member Montesano replied it would be.

Board Member Rogan replied sure.

Board Member Montesano stated unless he can show me how he, Board Member Pierro asked can it be done. Board Member Montesano replied can it be done I am not an Engineer. I feel that what I am looking at is not appropriate on that particular drawing. He is the Engineer he is supposed to be telling me what he can do.

Gene Richards stated Rich has asked me to look at it and I will.

Board Member Shay stated I want Gene to look at it.

Ted Kozlowski stated my biggest fear is not when it is all built but as he is building and I don't know how he is going to pull this off without getting sediment in the stream.

Rich Williams stated just so you know Ted, he laid out a construction sequencing which said basically, I am going to put my construction entrance in then I am going to go grub the site, stockpile the topsoil, I told him that he had to add in he is going to put a construction entrance in then he is going to put the box culvert in and provide a detail on how he is going to do that in the stream and not impact the stream then he is going to construct a driveway going up the grade and as he has to create a stabilized surface with erosion controls as he is going up until he gets to the bend.

Ted Kozlowski asked are we going to have enough personnel and time to stand over him and make sure that they do this. It is great that you are saying this but the reality is, is Paul Piazza or who ever going to stand there and watch this guy do every step.

Board Member Pierro replied you know that is not going to happen.

Ted Kozlowski replied I am asking a question. I don't know.

Rich Williams replied I can't answer it. Yes we are going to probably have to go out there more often than we go to other sites and Paul has a support staff. He has you, he has me, and he has the Engineer's office to help him supervise this stuff. So, yes I mean we are going to give it our best shot if it gets approved to make sure that it gets implemented the way it was approved.

The Secretary asked this is just in for a wetlands right.

Rich Williams replied no it needs a soil and erosion permit.

The Secretary replied but that does not go to this Board.

Board Member Montesano stated the next big question is if we approve this, (too many people speaking at once unable to transcribe).

Rich Williams stated the big question before you is I go back to he is proposing four sedimentation basins to manage the quality and quantity of stormwater going off the site into the stream and whether you think that is sufficient or not.

Board Member Montesano replied well if you are going to have four why not six or eight or ten I mean if that is what it takes to get the property to function properly but will they function at all.

Chairman Schech stated I thought at one time he was just putting in a level spreader and no sedimentation basins.

Rich Williams replied well he was calling it a level spreader but it was really a stone lined infiltration trench which I preferred.

Board Member Rogan asked Gene, is there and I know there must be but I am asking anyway for a square footage of a basin or for cubic foot of what the basin can handle. Is there a figure that would allow us to say each basin is going to handle a thousand square foot of impervious or something like that, that you would look at and say okay he is proposing two thousand square foot of impervious therefore he needs this much cubic or this many gallons of volume in his detention basins, he has met that plus fifty percent therefore it is reasonable. Something along those lines.

Gene Richards replied okay let's be clear on what he is showing here at least from my read of it those basins are all labeled temporary sediment traps unless he has some verbiage that says he will convert them those disappear once the site is constructed so there is no attenuation.

Rich Williams replied right.

Gene Richards stated so for the sizing of those temporary basins there is guidance and guidelines to size them based on the tributary area, the soils and all that. I don't know what he is done to size it.

Rich Williams replied he has not submitted, I have asked for them, he has not submitted them and I am asking again.

Board Member Montesano asked for arguments sake, Thursday night he walks in, we don't have the information that we requested or you requested and we can't understand how he is going to do this then why are we going to entertain him at all. He is going to bring in the stuff Thursday night who gets a chance to review it Thursday night.

Ted Kozlowski stated I see where you are going with that and I agree with that.

Gene Richards stated you don't approve it then.

Board Member Montesano stated I would tell him you brought them in, good night and I would throw him right out and I have done it to Harry before.

Rich Williams stated the issue is he submitted a set of plans we need to take a look at the plans and tell him why they are not sufficient which is why I did the review memo or sometimes Gene does the review memo.

Board Member Montesano stated but the object is he suddenly walks in Thursday night and says, Oh I have them right here and now Rich you are going to look at this, this is bullsh--.

Rich Williams replied well he does not even have my comments yet Mike so he can't.

Ted Kozlowski asked is this going to be a paved driveway all the way up.

Rich Williams replied that is an issue in itself. It crosses Stephen's Brook it is clearly regulated by the DEP, it is a perennial stream which means it needs a hundred foot setback from any impervious surface. He still says he is going to pave it anyway which means he needs a variance from the DEP. They don't give them.

Ted Kozlowski stated well I think it is a very reasonable request from this Board to the Engineer to ask how did you come up with these figures, how are you justifying these things.

Rich Williams stated the basic standards are eighteen hundred square feet of storage area per acre of disturbed area, based on that the four basins are overkill.

Board Member Pierro stated but as Gene said they are marked as temporary.

Rich Williams replied right but they are overkill right up front especially since two of them are picking up basically no drainage at all except for a little bit from water going across the driveway and they are disturbing fifteen percent slopes.

Board Member Rogan asked Gene, explain real quickly what the design of these basins, the temporary basins how they are supposed to function from when stormwater hits them, the basin allows settling and then overflow or.

Gene Richards explained it slows the stormwater down so that the sediment that is carried by the stormwater can settle out as you are saying. You get a heavy of enough storm and you have sediment in there if they are not maintained it is going to pickup that sediment and wash it down stream so it could certainly reach Stephen's Brook.

Board Member Rogan asked do we have basins like this on projects that we aware of.

Chairman Schech replied yes you can see what was the name Scott, Quaker Hill that was totally filled in he never cleaned them out.

Board Member Rogan stated that's the problem maintenance with these things I have been saying is one of our biggest pet peeves. How do we,

Rich Williams replied maintenance and design because one of the other issues is the out fall I mean you can design them so that they are just basins with earth and out falls covered by a little geo-textile and it does not do a lot or you can actually put a stone filter up over the top and that helps a little bit more.

Board Member Montesano stated basically if we say you design it this way or you use this procedure and they do it and then three weeks after the project is completed it fills up we don't have anything to say about who is going to clean it because we don't know unless we form a drainage ditch cleaning agency or some sort.

Rich Williams stated no if he is putting them on private property like this we are identifying right up front who the person is that is going to do the maintenance so we know who is going to clean them up and we are generally setting up when they need to be cleaned out. There are technical specs on how much sediment goes in if they need to be cleaned out so we can just go out and take a look. I do want to point out that these things are generally designed for and Gene correct me if I am wrong ten year storms. So, if we get a Floyd coming along these things are going to blow right out. We design to the best standards that we can design to and hope that everything works out.

Gene Richards stated you really can't design for an extreme condition like that. There is just no way it is not economic.

Board Member Pierro stated we will ask him when he comes in.

Rich Williams stated I go back to where we started my biggest question is based on the volume of stormwater coming off the site and going into Stephen's Brook are you okay with the temporary sedimentation basins or are you looking for something much more permanent and you may need to have Harry explain to you what the pollutant loading is going into the stream.

Ted Kozlowski stated Rich, personally I think he is going to have to have something permanent in there. It is a homeowner living on top of a hill. Something goes wrong up top, washes his cars every week, cleans out things that is all coming down hill heading for Stephen's Brook there should be something at least at the base before Stephen's Brook that catches whatever is coming off that driveway. He is going to be using road salts in the winter up the kazoo. I just don't want to see all that washing into Stephen's Brook down hill.

Board Member Rogan stated well I think the question that you were bringing up, my first inclination would be to defer to Gene and say Gene, what do you think would be the appropriate method of addressing the stormwater on this given the nature of the site, given that it is an individual lot and we are not talking about putting a ten million dollar filtration system. What would be an appropriate,

Chairman Schech stated he needs at least one detention basin I would think.

Gene Richards stated you can do it with a single basin at the bottom if you just grade the driveway properly so it traps the water coming off of it.

Chairman Schech stated one permanent single basin and the rest are temporary.

Board Member Rogan stated it is actually less disturbance when you are talking about building four basins.

Rich Williams asked Gene have you had a chance to see the previous plans to this.

Gene Richards replied you have not had us do any reviews on this.

Rich Williams replied what I was pushing him to do was on the plans before this was a stone lined trench on the other side of Stephen's Brook and everything from the driveway on up discharging into that. He excavates it out as a sediment trap temporary and then fills it in with stone after everything is reasonably stabilized. We just needed to size it and then you take that stone trench and put trees all the way around it so it is completely shaded out. I don't know how else to do it that was my best idea as part of addressing the pollutant loading, the driveway.

Chairman Schech stated let him come up with some ideas too. He has the initials after his name.

Board Member Shay stated that is the problem he doesn't.

Board Member Montesano stated he is also the one collecting the big paychecks and yet he does not do anything.

Board Member Pierro stated Rich had him in and was coaching him all along on this thing.

Rich Williams replied until he did this.

Board Member Rogan asked did this come out of left field with the basins.

Rich Williams replied yes because what happened was he was showing a grouted swale coming down the drive.

Gene replied a grouted swale.

Rich Williams stated I said you need to put a swale along the driveway and you need to design it with check dams and appropriate vegetation because of the steepness to slow the velocity coming down the hill. He comes back with a grouted swale. I came back with no way no how.

Gene Richards stated this is a flume.

Rich Williams stated and I understand his concern Gene by having a swale along the driveway you know he has the problem about the water coming down and going under the driveway. My response is that is why they make geo-textiles.

9) **BURDICK FARMS SUBDIVISION**

Rich Williams stated you have a new concept plan. I did not bother to take a look at it.

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

The Board reviewed the plans for a few minutes.

Rich Williams stated like I said I did not do a review because this is new and basically it is going to go to a Supplemental Environmental Impact Statement anyway so whatever you want to do.

Chairman Schech stated I think we should do a site walk. Does anyone know this area over here referring to the plan.

Board Member Rogan replied yes but I would like to do a site walk.

Rich Williams stated they have to stake this whole thing if you are going to do a site walk.

Board Member Rogan stated I will say though that this area isn't the steep slopes obviously that they are giving us. The well area where that comes in where the test holes are which they are probably showing here and here that is relatively, the grade through here isn't as bad. Some areas it is very good. This area goes pretty flat down through there.

Rich Williams stated but the soils are crap.

Board Member Rogan stated I will say that I have heard that the percs were excellent on some of these lots in the back area but I think you would expect it based on some of the soils.

Chairman Schech stated because it is all running down the hill.

Board Member Rogan stated well and it is gritty soil in the area that was not tilde the old farm land it is gritty, sandy soil and it percs under ten minutes. Now, depth might be a concern I would think you would be hitting ledge all over the place but percs are not a concern outside the fields. The areas that were tilde yes you have water problems, the wet lots.

Board Member Pierro stated and a high water table.

Board Member Rogan replied not in this area.

Board Member Pierro replied no on the tilde lots.

Board Member Rogan stated right in the fields the water is right up there at three foot below, four foot below the surface in some cases right at the surface. That is why this area is open space because the water is right at the surface most times of the year.

Board Member Pierro asked I thought it leached out over in this area too. Didn't it come down the hill.

Board Member Montesano asked we don't have the road problem anymore.

Rich Williams shook his head no.

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

Ted Kozlowski asked does this show a reduction in lots.

Rich Williams replied forty-three.

Ted Kozlowski asked from.

Rich Williams replied what got approved was forty-nine.

10) OTHER BUSINESS

a. Camp Brady Subdivision

Rich Williams stated I just threw this on just to acknowledge that there was a question when final approval was granted about whether they needed a wetlands permit, Ted has made a determination that basically it is just a dry hydrant going in that is being required by the fire department so we are not requiring a wetlands application, right Ted.

Ted Kozlowski replied right but I want to change my opinion now he misspelled my name.

Chairman Schech stated okay so we are not worried about that.

Ted Kozlowski stated well that is in your lap about whether you want to do a waiver or not. My argument is it is a dry hydrant that the fire department wants him to put in. Are we going to make him go through a permit for that.

Board Member Pierro replied I don't think so.

b. Monteiro Wetlands Application

Rich Williams stated this is a wetlands application it is kind of a little bit of a screw up down on 311. This gentleman went in got a Building Permit because Paul did not think there was any wetlands on the site, he started clearing the site and I asked Ted to go and take a look and low and behold, Board Member Montesano stated it is a wet. Rich Williams stated meanwhile he has already had Beyer & Beyer design the site, his septic, and everything else and you really can't move the septic around too much.

Board Member Pierro asked which one is this.

Board Member Montesano stated the one on the right hand side.

Board Member Pierro asked this is the lot that is partially cleared.

Rich Williams replied yes.

Board Member Montesano stated near the Murphy's.

Rich Williams stated so I don't know if you want to swing by it while we are out on Saturday.

The Board agreed to do a site walk.

Rich Williams stated I don't think Ted has had a chance to take a look at the plan. I did take a look at the plan I made some suggestions about how he could fix things up a little bit better.

Ted Kozlowski stated he is in violation but the Town let him do this so.

c. South Street Sign

The Board looked at the pictures that Mr. McNulty submitted and read his letter.

Board Member Shay stated that sign is terrible.

Board Member Pierro stated I would like to hear from Counsel on this.

Board Member Shay it is disgusting, it is too bright, it is too close to the road.

Rich Williams asked what do you want to hear from Counsel.

Board Member Montesano stated that we are not allowed to touch it.

(Too many talking at once unable to transcribe)

Board Member Pierro stated I want to hear from Counsel because we are going to hear from his Counsel.

Chairman Schech asked can we write them a letter saying that we have no control over it.

Rich Williams stated Mr. McNulty requested that the Planning Board comment on the sign that has been erected by the school. My understanding from John Taylor at last night's Town Board meeting was that the School Board understands Mr. McNulty's concerns and is attempting to address them. The sign is going to be off through the summer, it is only going to be on for a limited duration during the school year, and they are going to see if they can't relocate it eventually.

Board Member Pierro stated Tom McNulty hired an attorney I want to hear from Counsel.

Chairman Schech asked so we are not going to do anything or are we going to write a letter to the School Board.

Rich Williams replied he wants to hear from Counsel.

Board Member Pierro stated I want to hear from Counsel.

Rich Williams asked you want to write a letter to McNulty or the School Board.

Chairman Schech replied I would write a letter to the School Board and say we don't like it. We have no authority to remove it but this is our opinion.

Board Member Pierro stated I would not say that we don't have authority yet. Let's hear from Counsel.

Ted Kozlowski stated you could acknowledge that it is not your authority but your opinion is, (too many talking at the same time unable to transcribe).

Chairman Schech stated Saturday morning 7:00 at the diner for site walks.

Board Member Rogan made a motion to adjourn and Board Member Pierro seconded the motion, all in favor and meeting adjourned at 8:39 p.m.