

TOWN OF PATTERSON
PLANNING BOARD MEETING
July 2, 2013

AGENDA & MINUTES



- | | Page # | |
|---|---------------|---|
| 1) Ice Pond Estates – Final Subdivision Review | 12 – 40 | |
| 2) Haviland Farm – Sign Application | | Approved at 6.27.13 Work Session |
| 3) A&J Custom Developers – Fill Permit | 1 – 11 | Negative Determination of SEQRA granted.
Fill permit granted with conditions |
| 4) Cris DellaRipa – Fill Permit | | Approved at 6.27.13 Work Session |
| 5) Other Business | | |
| a. East Putnam Development – Extend Approvals | | Approved at 6.27.13 Work Session |
| 6) Minutes | 40 – 41 | May 30, 2013 Approved |

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

Lars Olenius, Chairman
Howard Buzzutto, Vice Chairman
Mary Bodor
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PLANNING BOARD

Shawn Rogan, Chairman
Thomas E. McNulty, Vice Chairman
Michael Montesano
Ron Taylor
Edward J. Brady, Jr.

**Planning Board
July 2, 2013 Meeting Minutes**

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

APPROVED

Present were: Chairman Shawn Rogan, Board Member Thomas E. McNulty, Board Member Michael Montesano Board Member Ronald Taylor, Rich Williams, Town Planner, Ted Kozlowski, Environmental Conservation Inspector, Town Councilman Charlie Cook, Andrew Fetherston of the Town Engineer's office, Maser Consulting, and Michael Liguori of the Town Attorney's office, Hogan & Rossi.

Chairman Rogan called the meeting to order and led the salute to the flag.

There were approximately 6 members of the audience

The meeting was called to order at 7:02 p.m.

Michelle Lailer was the Secretary and transcribed the following minutes.

3) A&J CUSTOM BUILDERS – Fill Permit

John Petrillo was present.

Chairman Rogan stated thank you everyone, good evening, with the approval from the folks from Ice Pond, if we can move the agenda and do A&J Custom Developers fill permit first. John you want to come on up here, state your name for the record please.

Mr. Petrillo stated I'm John Petrillo, A&J Builders.

The Secretary stated step a little closer to the microphone, thank, nope, that one.

Board Member Montesano stated to the microphone.

Chairman Rogan stated that microphone, there you go.

Mr. Petrillo stated John Petrillo A&J Builders, 66 Empire Drive.

Chairman Rogan stated so John, we discussed this at the work session and we wanted because we understood there were some grading concerns with the property the way it lays out and water drainage and we wanted to take a look, so Saturday morning we went out there...

Mr. Petrillo stated okay.

Chairman Rogan stated and saw that there had been a pile of material already placed that looks like it's more for a pull off pad...

Mr. Petrillo stated right.

Chairman Rogan stated because that's not the kind of fill you were planning on using.

Mr. Petrillo stated right, no.

Chairman Rogan stated and that was one of the first questions we had with the lot was where are these people going to park, certainly you want to create some type of area, you have something planned that...

Mr. Petrillo stated right where the pile of dirt is, there was an existing driveway...

Chairman Rogan stated okay, we saw that curb...

Mr. Petrillo stated it will be, yeah, it will 2 cars wide and probably about 20-25' back off the road.

Chairman Rogan stated now is that proposed to be a, more or less level.

Mr. Petrillo stated that's why we want to bring in the fill, to level up that area, basically like top dress, I met with Rich would out there initially and the front stoop, that's only that you're going to step out of the house onto a pad and then down to a platform and then it will be almost like pretty close to level going out to the road...

Chairman Rogan stated okay.

Mr. Petrillo stated but holding back, yeah.

Chairman Rogan stated so in essence you for the parking area, you don't anticipate needing any kind of retaining wall or anything like that.

Mr. Petrillo stated no, we've got all that rock there which we'll basically just cover up that rock...

Chairman Rogan stated okay.

Mr. Petrillo stated and then the existing grade that's down on the far right, closer to the big trees will remain as it is, other than, we'll just cover up some of the rocks.

Chairman Rogan stated Rich, I don't know if could catch what John was saying that, he said that he had met with you out on site to discuss the grading but no retaining wall proposed for the parking spaces, it looks like, it sounds like he's going to try in with the fill so that's, that would be, I don't know what, 2' probably, a 1 1/2', 2'...

Rich Williams stated probably 2 to 3'.

Mr. Petrillo stated 2'.

Rich Williams stated we did go out there to discuss the grading when he wanted to bury the stones in the pit...

Mr. Petrillo stated right.

Rich Williams stated that's when we went out there.

Mr. Petrillo stated right.

Chairman Rogan stated oh.

Rich Williams stated which I relayed to you many months ago.

Chairman Rogan stated okay, got it, okay. I think the Board's main concern while we were out there, there were a couple of minor things, like the concrete block that's in a pile in the back, that that doesn't end up being...

Mr. Petrillo stated that all comes out.

Chairman Rogan stated that that comes out, that doesn't end up being fill. It doesn't sound like you're proposing any fill at the back of the property...

Mr. Petrillo stated no.

Chairman Rogan stated but it looks like the old retaining wall or whatever was built right up against a fence and we were worried that if you were going to add fill that that...

Mr. Petrillo stated no.

Chairman Rogan stated you know the chain link fence that's there, okay. So really the main concern that everybody expressed was making sure that we don't change the finished grade to concentrate the water flow off this property to the neighbor below with the pool because that low corner....

Mr. Petrillo stated well right now...

Chairman Rogan stated certainly some water is going to go that way.

Mr. Petrillo stated right now, all the water, anything that goes on that lot is going down there currently.

Chairman Rogan stated but it's kind of like a sheet flow, it's not directed to one common point and it's not a directional flow and I think that's and correct me...

Rich Williams stated channel, channelized flow.

Chairman Rogan stated channelized, so the main concern would be to not create a channelized flow with the final grade.

Board Member McNulty stated in any direction really, just to continue the sheet flow that you have.

Chairman Rogan stated just a nice consistent, because it doesn't look like the water comes off the road, there was a curving, if I remember correctly out there.

Rich Williams stated there was a shallow curve, yes.

Chairman Rogan stated yeah, so that, you know.

Mr. Petrillo stated the water, well during the heavy runs the water comes onto the property and runs right across and that will be eliminated to keep it in the road because we're going to raise it right there.

Chairman Rogan stated okay and then a question was brought up about the quality of the fill that you were proposing, the street sweepings of some sort with all the organics and things, is that still the case or...

Mr. Petrillo stated well, we were, we didn't know if the Town needed to get rid of any, if not we'll just get, you know dirt...

Chairman Rogan stated okay.

Mr. Petrillo stated I mean if it was available and it was free, we would take it, I've got a couple of guys that have fill that they need to get rid of, so it's clean fill.

Chairman Rogan stated yeah, Mike, from what I've seen from the piles that have been dumped in the past from the Town anyway, they are usually more leaf debris and organics than sand, it seems like they pick up a lot of the road debris.

Rich Williams stated they do both, it depends on where they're getting it, I mean you know, certainly they've got the road sweepings but then also when they're cleaning out the drainage swales, you know...

Chairman Rogan stated oh okay.

Rich Williams stated they usually get rid of that, that is more clay, silty, leafy material.

Chairman Rogan stated okay.

Board Member McNulty stated you are going to cap everything with top soil right.

Mr. Petrillo stated yes.

Chairman Rogan stated okay, so Rich, anything that we didn't cover...

Rich Williams stated the only thing I would suggest is that when the final determination is made, where the fill is coming from that he submit something to the [Planning] Department, identifying where it's coming from, so we know.

Chairman Rogan stated okay.

Mr. Petrillo stated as far as, you had asked me about the block, the block would be used under the driveway as a base, it will be broken up.

Chairman Rogan stated the concrete block in the backyard.

Mr. Petrillo stated right, right, there's cinderblock, there's rock...

Rich Williams stated as long as you can get it compacted, the problem is you know, the material if you can't get it compacted because, you know you've really got to build it out much wider than and jump in here anytime.

Mr. Petrillo stated it would be used...

Rich Williams stated it's, what he's doing is he's got recycled asphalt, alright and then he's got some concrete...

Mr. Petrillo stated no, no, not asphalt.

Rich Williams stated excuse me.

Chairman Rogan stated the piles out there are asphalt and brick.

Rich Williams stated the piles of asphalt, yeah, it's recycled asphalt...

Board Member McNulty stated it looks like recycled material.

Rich Williams stated and brick.

Chairman Rogan stated broken up asphalt and brick.

Mr. Petrillo stated where the...

Chairman Rogan stated the pile that's there currently, that already got dropped off.

Mr. Petrillo stated oh, oh, okay, okay, that's not asphalt but...

Rich Williams stated right, so my concern would be compaction so that, you know, when he puts the driveway in because it's got to be asphalt, that it doesn't then start settling and breaking up, the only way to do that is to pack it and I don't know that that material is going to pack well unless you've got a wide enough area...

Mr. Petrillo stated it will actually serve on the outside edge of the driveway, is where they'll put that material, the broken block and then fill over it because remember we had talked, you had said stay far away from the roots of the trees.

Rich Williams stated right.

Mr. Petrillo stated so when the driveway goes in on the right hand side, we've got to build that up anyhow, so they'll with a backhoe, just dig down a little bit, take the dirt, put the block down in there and it's not going to, the driveway's not going to sit on top of it, it's just going to be on the edge of the driveway.

Rich Williams stated so you're going to bury the block.

Mr. Petrillo stated bury the block on the edge of the driveway, on the side of the driveway.

Board Member McNulty stated you're using the bulk of your material to, around the perimeter.

Mr. Petrillo stated yeah, the same as if you were to take rocks and bury the rocks right along there. We just didn't want to go over into, close to the trees when you and I had spoken because...

Rich Williams stated yes, that's what I had recommended to you...

Mr. Petrillo stated yeah, not to go near them.

Rich Williams stated was if you were going to do any excavating, stay away from the trees, correct.

Mr. Petrillo stated yeah.

Rich Williams stated yeah, just listening to you about how this driveway is going to get constructed, I've got some real reservations about how it's going to get constructed, what's the base going to be under the driveway.

Mr. Petrillo stated oh we'll have bank run, processed material.

Rich Williams stated okay, so the recycled asphalt that you brought in.

Mr. Petrillo stated is just the top dressing and it compacts...

Rich Williams stated top dressing for what.

Mr. Petrillo stated for the driveway.

Chairman Rogan stated they brought it to you, too early then because it's in the way of where you're going to...

Mr. Petrillo stated we didn't realize at the time that we needed a permit so they brought us a load and they were going to do it and I said no, no, don't, because we need to raise the driveway, I need to make it a little bit more level, that's why it just sat there like there.

Rich Williams stated so then the recycled asphalt is going to be in between a layer of bank run and the asphalt surface.

Mr. Petrillo stated correct and we just did that up in Millbrook and the stuff is fantastic, it's like concrete.

Board Member McNulty stated you're using it as your sub base.

Mr. Petrillo stated yeah.

Rich Williams stated to a depth of how much.

Mr. Petrillo stated they put up there about 3" down...

Rich Williams stated that's not going to be terrible but...

Andrew Fetherston stated you're hitting me cold with this, I haven't looked at anything...

Rich Williams stated yeah, I know, I know that.

Andrew Fetherston stated I didn't look at anything, yeah.

Rich Williams stated no, well there's nothing to look at.

Chairman Rogan stated well there's nothing to look at, it's all conversation.

Andrew Fetherston stated oh.

Board Member McNulty stated 3" compacted, you said, mean.

Mr. Petrillo stated yeah, I mean the stuff is fantastic, I mean even with all the rain up there we're driving in and out of the job, I mean not even a tire mark goes on there, so.

Rich Williams stated yeah, that's, for what you're using it for up there, that's fine but you're talking about a compacted sub base for construction of the driveway, if it's probably 3" or less, I would say it's fine but...

Andrew Fetherston stated what is the driveway serving.

Board Member McNulty stated just parking...

Chairman Rogan stated a single family residence.

Mr. Petrillo stated two cars...

Andrew Fetherston stated a residence.

Mr. Petrillo stated for a residence.

Chairman Rogan stated just pull off, off the road, two cars just to get them off the road.

Andrew Fetherston stated yeah.

Rich Williams stated my concern is to have a level driveway there, he needs to about 2 to 3' of fill, if you have 2 to 3' of recycled asphalt...

Mr. Petrillo stated no, no, no, it would be first dirt, then processed material, bank run and then that will be top dress because that compacts almost to concrete when it's done.

Rich Williams stated to a depth of how much.

Chairman Rogan stated a couple of inches, is 3”

Mr. Petrillo stated well its 3”.

Rich Williams stated overall.

Chairman Rogan stated and then top coat it with asphalt.

Rich Williams stated overall, overall.

Mr. Petrillo stated oh, overall, it will be like 6” of processed material, 6 to 8” of bank run put down, and then this goes on top.

Rich Williams stated 2 to 3’ of fill.

Mr. Petrillo stated the fill underneath it will be like 18”.

Rich Williams stated okay, alright, I understand what you’re going, as long as you’ve got bank run and/or item four under it and then you’re just using this for 3”...

Mr. Petrillo stated yeah.

Rich Williams stated I imagine it wouldn’t be a big deal but it’s not going to be the finished surface either.

Mr. Petrillo stated no, there again depends on whether or not...

Chairman Rogan stated well that’s it, it will be...

Mr. Petrillo stated somebody wants it paved, you know but it will be ready to be paved at that point.

Chairman Rogan stated don’t you have to pave it as part of...

Rich Williams stated yeah, you have to pave it.

Mr. Petrillo stated off the road, down...

Rich Williams stated yeah.

Mr. Petrillo stated I thought that if it was below the road, you didn’t but okay, not a problem.

Board Member McNulty stated that’s for all driveways I believe, right.

Rich Williams stated yes.

Chairman Rogan stated yeah.

Mr. Petrillo stated okay.

Chairman Rogan stated okay so...

Board Member McNulty stated I think our biggest concern is just to be careful when you're grading, as not to channelize the flow of water, either too much back into the street or to the neighbor's property.

Mr. Petrillo stated well nothing will go back into the street.

Andrew Fetherston stated is the Board more concerned about the drainage or like a warranty for the people that are going to have the home. What is the nature of your concern.

Board Member McNulty stated well more of the drainage to the neighbor's, I think...

Chairman Rogan stated no, not them the neighbor.

Board Member McNulty stated you know, we don't want to change things, any drastic amount that would create a problem for the neighbors.

Chairman Rogan stated we just didn't want it to be graded in a way where we get that directional flow...

Andrew Fetherston stated yeah, right.

Chairman Rogan stated and it go, the neighbor below has a pool and the use of their property right there, so, right the natural drainage is already that way but again it's more of, it's got some topography to it, so it's not just a straight grade. Okay...

Rich Williams stated one more quick question.

Chairman Rogan stated yeah.

Rich Williams stated one of the things that came up when we were out on the site that we happened to notice that really isn't relevant to this but was an issue. John, you're going to put roof gutters on...

Mr. Petrillo stated yes.

Rich Williams stated where are they going to drain off to.

Me. Petrillo stated they'll drain off to, the only place you can drain them is off to the right, can't go out the back because then it will be a direct flow right to the house. I figured we would bring them at the edge of the, when the driveway is here, they'll come out here and just let it sheet flow over the land.

Rich Williams stated alright.

Mr. Petrillo stated initially, if you remember I wanted to put a trench down and let it go into the trench and let it soak into the ground but the concern was the roots...

Rich Williams stated you'd be damaging the root systems of the very large tulip tree that we saw out there.

Chairman Rogan stated oh on that right said.

Rich Williams stated right.

Chairman Rogan stated in fact it looks like the old house had like a concrete, on the high side we noticed, like a concrete gutter system that...

Mr. Petrillo stated yeah.

Chairman Rogan stated you know, it didn't look like the house had gutters, the water would hit that...

Mr. Petrillo stated no, it had gutters.

Chairman Rogan stated oh, it did.

Mr. Petrillo stated yeah.

Chairman Rogan stated oh.

Mr. Petrillo stated yeah, it did have gutters, we actually took all the gutters off.

Chairman Rogan stated okay.

Board Member McNulty stated can you flow all the gutters from the entire house to the right side.

Mr. Petrillo stated yes, well except that back one, the back one has to go out the back, there's no way to bring it, you know and that's where it's been draining right along.

Board Member McNulty stated I don't recall how big of an area it is.

Mr. Petrillo stated it's not a big area and it's pretty far away, it's actually the furthest point away from the pool or away from the house, it's actually where the fence, if I can look at the...

Board Member McNulty stated this side, drop all the way around.

Mr. Petrillo stated okay, right off the back, right off the back of here is where the roof gutter was, this roof gutter dropped off into that trough of concrete...

Chairman Rogan stated oh okay.

Mr. Petrillo stated we're going to take that and bring that around to this side, so the only one that will be going directly off the back will be this back part of the roof, the rest will be brought up into here and just let it on the end of the driveway, come out.

Chairman Rogan stated okay and John, on that back corner, there was a round concrete lid, actually two of them catty-cornered...

Mr. Petrillo stated that was for, those were for, they had gas tanks there, the...

Board Member McNulty stated they were just pads.

Mr. Petrillo stated pads, yeah.

Rich Williams stated propane tanks.

Mr. Petrillo stated yeah one was a square pad and one was a round pad, they had propane tanks on it.

Chairman Rogan stated do you have an idea where the septic and well are.

Mr. Petrillo stated septic is on the left side and the well is on the right side.

Chairman Rogan stated oh the septic is on the left.

Mr. Petrillo stated yup, it's actually, the well is actually buried through a, they built right in the corner of the house, where that wall comes down then goes out...

Chairman Rogan stated yeah.

Mr. Petrillo stated like about 6', right there they built a block foundation, drilled the well and then put a concrete cap over it with a plug in the top, so that if ever you had to get a rig, you could back it down and go right into, basically the basement of the house.

Chairman Rogan stated wow.

Mr. Petrillo stated that's where the well is. It's not under the house, it's on the side of the house in an area, in a well area.

Chairman Rogan stated we need SEQRA on this, right, okay, so in the matter of A&J Custom Developers Incorporated, 7 Pheasant Crossing Lane, I make a motion the Planning Board grants a negative determination of significance for SEQRA for the fill permit application.

Board Member Montesano seconded the motion.

Chairman Rogan asked for all in favor. The motion carried by a vote of 4 to 0.

Chairman Rogan stated and move the we approve the fill permit with the, for 100-200 yards of clean fill with the conditions that the finish grade not create a directional flow of water to any neighboring property and that the applicant provide to the Town that the fill comes from a clean and reputable source.

Board Member Montesano seconded the motion.

Chairman Rogan asked for all in favor. The motion carried by a vote of 4 to 0.

Chairman Rogan stated okay, thanks John.

Mr. Petrillo stated that's it.

Chairman Rogan stated that's it.

Mr. Petrillo stated thank you very much, thank you everybody, guys thank you very much for allowing us to go first.

1) ICE POND ESTATES – Final Subdivision Review

Mr. Chris Fisher of Cuddy & Feder, Mr. Geoff Ringler, principal of Ice Pond Estates, Ms. Judy Terlizzi of the Putnam County Land Trust, and Mr. Joe Buschynski and Mr. Rick Lamontagne of Bibbo Associates, were present.

Chairman Rogan stated okay, Ice Pond Estates. Did you notice John, we haven't seen him in a long time.

The Secretary stated Shawn, I think 2 years.

Rich Williams stated yeah, it's been 2 years.

The Secretary stated yeah it's been a long time, he hasn't gotten any better.

Rich Williams stated nobody wants to go first.

Mr. Fisher stated I was asking if he wanted to talk.

Chairman Rogan stated good evening.

Mr. Fisher stated I haven't done anything in a year so, how are you Chairman.

Chairman Rogan stated good, how are you, pleasure to see you.

Mr. Fisher stated good to see you again, Chris Fisher with Cuddy & Feder on behalf of the applicant, Geoff Ringler here and Joe and Rick, I think you know as well, from Bibbo Associates.

Chairman Rogan stated yes.

Mr. Fisher stated so this particular project historically has preliminary plat approved and a SEQRA determination, in fact the Board last year held a hearing on the final plat, we had additional comments received, the plat has been consistent all along since it was preliminary approved and since the time of the last meeting before the Board, it really has been Bibbo Associates working with DEP and other agencies to fine tune the plat. My understanding in having conversations with them is that at this point a lot of the engineering that's gone into the plat, whether it be stormwater or DEP requirements, is shown on what you've been resubmitted, from a lawyers point of view there is not a material change in the overall plat but there are obviously some changes that are more detailed orientated whether its drainage design, some lot line adjustments but they were all, unit count and layout is essentially the same. I will defer to them on questions you might have about it at this point, the applicant is looking to work with your consultants, we did receive just memos this evening, to try to get the plat in final, final form so that it's ready for resolution to be recorded and we know there is some work to do on that as far as the details and I'll have to work with Mr. Liguori's office also on some easements and things of that nature.

Chairman Rogan stated yeah, it sounded like there were quite a number of drainage easements, so we can certainly talk about that in as much detail as the Board needs to. Where do we want to start with this for tonight's discussion. Do you want to start, Andrew, do you want to start with your memo and some of the points that you may want to discuss with the Board.

Andrew Fetherston stated I can start, we had a couple of cleanup issues, I guess is what I would call them, our major concern is we're certainly, I think the Town is certainly pleased that the applicant has agreed to do a substantial amount of work out on Ice Pond Road and the vertical and the horizontal alignment, there are some existing drainage pipes there, we noticed that in doing some of the alignment, it may remove some of the cover that makes those culverts structurally stable to carry the loads across the road. The other thing that comes to mind is all of these torrential downpours that we're getting lately, I mean the wash outs and the, I guess one of my concerns would also be if we're taking some of the cover off of those pipes, that there, it doesn't become a speed bump after time or the type of pipe that's there, the depth, could it be adjusted, could it be made any deeper, you get tight with the right of way, if you make it deeper, can you still drain it, it's got issues, it's got, you know, it's just something that I wanted to look at before it became a problem for DPW, really. We were just, we were looking at the basins, we had some comments on some of the easements where there were improvements in the easement that certainly you wouldn't want to have DPW have rights to go in on an easement where the house even slightly encroaches or even the pool where it's only schematically shown that it could possibly go...

Chairman Rogan stated right.

Andrew Fetherston stated the easements are tough, I mean they've got a lot of drainage improvements going in on the individual lots, you know, dictated by DEP and all that are, it makes it difficult, it puts a lot of stuff on these lots. We had a, one of the road profiles, the intersection inside the site doesn't quite meet the code requirement, I don't know that it's that dramatic but the main road going in is at 10% at that point, I'd almost like to talk to Russ about it and get his opinion, he will be maintaining them. Let me see on one of the lots we noticed that there was a well line in the easement and I thought that that could just be adjusted so that if the DPW goes in there, they don't knock the water out in that house...

Chairman Rogan stated sure.

Andrew Fetherston stated simple stuff like that.

Chairman Rogan stated simple things.

Andrew Fetherston stated some top to bottom wall stuff, I guess one of the notes said that there would be no encroachment into the 100' buffer off of the, I guess that's, Road B goes is more horizontal on the plan...

Mr. Lamontagne stated yes.

Andrew Fetherston stated a couple of the lots there had, you know because of the drainage, they had the drainage going through the lots and the outfalls going to the buffer, so I thought maybe if they could just be pulled back a little bit and then there'd be no encroachment into those buffers, at least how we saw them, I believe that's what's proposed. I don't think, there's nothing catastrophic here, these are can we do a couple of tweaks to make some improvements and that's it, that's all I think it is.

Mr. Buschynski stated while we're on the issue of the outfalls beyond the buffer.

Andrew Fetherston stated right.

Mr. Buschynski stated we made that change because the buffer is going to be delineated by a stone wall and we didn't think it a good idea to discharge at the upstream face of the wall.

Andrew Fetherston stated right, right.

Mr. Buschynski stated we can, it will eventually pass...

Andrew Fetherston stated yeah.

Chairman Rogan stated Joe, we had a comment about that on the, at the work session because and at some point tonight we're going to ask Ron to chime in for the vast amount of work that was done with the phase 1B but I think when we were reviewing this for preliminary, we were saying a stone demarcation, it says stone wall on the plans but that wasn't the requirement from the Board because we certainly can use...

Rich Williams stated well just to be clear here...

Chairman Rogan stated sure.

Rich Williams stated it was something that Ted Kozlowski was pushing for through the process.

Mr. Lamontagne stated that is correct, we had changed it per that...

Chairman Rogan stated okay.

Ted Kozlowski stated and I was about to say thank you very much for doing that.

Chairman Rogan stated yeah, oh okay.

Mr. Lamontagne stated Ted's memo...

Ted Kozlowski stated because a stone demarcation is not going to keep residents out of the wetland.

Chairman Rogan stated well and my point was, my point was I wasn't sure whether they were planning because we didn't want to have a situation where they were showing stone walls and then wanted to come in and put stones touching each other that would because I know your concern is access...

Ted Kozlowski stated well...

Chairman Rogan stated you know, somebody going in with a four wheeler or something but...

Ted Kozlowski stated the question I had, I can't read these plans because I don't have my glasses with me, the stone and I appreciate you putting that stone wall, is there a detail for that stone wall on the plans...

Mr. Lamontagne stated yes.

Ted Kozlowski stated because I didn't see it but I can't see the plans, so...

Mr. Ringler stated they're going to be consistent with the other stone walls.

Ted Kozlowski stated it's not just going to be a pile of rocks...

Mr. Ringler stated we're going to make consistent with the other stone walls on the...

Ted Kozlowski stated with the stone walls that are on the...

Mr. Fisher stated just aesthetically they're, right...

Mr. Lamontagne stated on site, right.

Ted Kozlowski stated right, I appreciate that...

Chairman Rogan stated that means not letting the masons be perfectionists because you notice the natural stone walls are, you know, they served a purpose at the time and they weren't trying to make them square.

Mr. Lamontagne stated that was our intention.

Andrew Fetherston stated not in kind with the one wall that might be 8' thick, I believe.

Mr. Lamontagne stated no.

Chairman Rogan stated okay, fair enough.

Mr. Lamontagne stated there is one point if we do outfall above the wall, the way the grade goes, the way that wall follows, we're very concerned about ponding up above.

Andrew Fetherston stated yeah, I think that that 100', you see what it does, here's the back of the lot, that 100' just comes way up into the lot...

Chairman Rogan stated right.

Andrew Fetherston stated if they were to outfall any farther up, you could have the wall here, come in, do their outfalls, stone to spread it out, it just brings everything back up into the lot, so that is that stone placed into the buffer, I mean I guess it's really for Ted to tell you that it's detrimental or not, really, can you get around it, you can but it's, there's a lot of stuff going on with those lots.

Chairman Rogan stated right.

Andrew Fetherston stated you got the wells, you got septics, the Board asked for recreational improvements on the lots, so there's a lot going on there and now the septics are more set and even they've got you know, crazy shapes just to get them in the slopes and there is a lot of considerations, so.

Chairman Rogan stated yeah.

Mr. Lamontagne stated there is a little more recreational area on the lots because of the septic requirements in the County were reduced and so this reflects the smaller septic systems, more room, so in the cases of some of the easements, like a well line in the easement, I'll double check that and just be able to move it out, there should be plenty of room on this lots now...

Andrew Fetherston stated sure.

Mr. Lamontagne stated to wiggle some stuff around.

Board Member Taylor stated so what was the resolution with this discussion you just had, I'm unclear what we're saying, you don't want to pull the outfall above the wall...

Andrew Fetherston stated I'm saying you can, I mean you can, you know...

Mr. Buschynski stated and then pull the wall above the actual outfall, it would be slightly off the 100' line.

Andrew Fetherston stated you can have the wall like this, you know dimple and then have your stone and everything is held back from the 100' line.

Board Member Taylor stated or...

Board Member McNulty stated Andrew, what's the issue with the outfalls as designed.

Andrew Fetherston stated nothing, the stone goes, it's really a wetland issue, the stone goes into the buffer, the stone to spread it out to make sure it doesn't become erosive and cut a channel, then you have a mess.

Mr. Lamontagne stated yeah they, both sets of comments commented on that...

Chairman Rogan stated right.

Mr. Lamontagne stated because we are, we're stating there's no disturbance in here and yet we show the outfall, the level spreader in there.

Chairman Rogan stated that would be up to...

Board Member Taylor stated and what did Ted say about that, is that acceptable to you.

Ted Kozlowski stated all I'm, what I'm saying, is I don't want to see a mess and I don't want to see residents using the wetland, so you know, the magic line is the 100' buffer, if we lose a little a bit of that because of outfalls and stuff, that really doesn't bother me as long as it's engineered right.

Chairman Rogan stated yeah.

Ted Kozlowski stated because the bigger picture is keeping the integrity of that buffer.

Board Member Taylor stated right.

Ted Kozlowski stated as opposed to just having it encroached upon, so...

Board Member Taylor stated what they're proposing won't encourage the residents to come into it.

Ted Kozlowski stated right, right.

Board Member Taylor stated you're just saying that...

Mr. Lamontagne stated just during construction we're going to put the pipe, do the level spreader and the stone wall and we're done, we're out of there.

Ted Kozlowski stated and the other thing about the stone wall is you want it to be aesthetic...

Board Member Taylor stated yes.

Ted Kozlowski stated you want it to conform with the topography and the history of the site so I would prefer that the stone wall be aesthetic and visually appealing so the people that buy that house are going to appreciate that wall and not consider it some sort of ugly structure.

Board Member Taylor stated alright, so as proposed then, based on what you've told us, what they've proposed is acceptable.

Ted Kozlowski stated yes, as long as it's engineered right.

Chairman Rogan stated thank you for running through that.

Board Member Taylor stated I was not clear on what, you know you guys have these discussions and we kind of sit here and we wonder okay, did they decide something or didn't they.

Board Member McNulty stated I was with you on that one Ron.

Ted Kozlowski stated nod your head.

Rich Williams stated we can clarify this a little bit for you, there's two additional issues here, one is there are also outfalls that don't involve any stone walls that are within the buffer, so regardless of the stone wall or not, at this point because there are intrusions in the wetland buffer we still need now a wetlands permit and we need to go through that whole process which we didn't go through before because we weren't aware there were going to be intrusions into the wetland...

Mr. Buschynski stated buffer.

Rich Williams stated buffer.

Chairman Rogan stated buffer, right.

Rich Williams stated so there is additional process, we are going to have to have another public hearing.

Mr. Lamontagne stated no, we were instructed to put them by the DEP because of the, this is our juggle back and forth...

Board Member McNulty stated yeah, I sympathize with you.

Mr. Lamontagne stated the DEP because of the less sloped area down below, so that's we had to go find that area and that's why some barely go in, some go all the way down, some go halfway.

Rich Williams stated I think, you know I hate to start a fight here but the DEP doesn't have the authority to tell you to violate somebody else's regulations regardless of what their regulations say.

Board Member McNulty stated yeah but he needs their approval.

Mr. Lamontagne stated but their regulations say something generally stating...

Rich Williams stated but their regulations don't say that you have to put it in a wetland buffer, their regulations say you have to design it, if there are other regulations, Mike [Liguori] jump in if you think I'm out of line here but if the Town has regulations that say you can't do this, DEP can't tell you to go do that and set up that kind of a conflict, they can't do that.

Board Member McNulty stated they just did.

Rich Williams stated no, they did it because.

Mr. Lamontagne stated well we can take them back out and then we'll have to fight with DEP again because their code says to a generally flat slope, discharge to a generally flat and it's not defined so we headed uphill, we created the level spreader or dissipater and it was engineered to their specs and they still didn't like it.

Mr. Ringler stated how many sections do we have that in, two that I'm looking at...

Mr. Lamontagne stated three.

Mr. Ringler stated three.

Mr. Lamontagne stated three.

Mr. Buschynski stated one, two, about three.

Board Member McNulty stated it's hard for me to get a grasp because I don't know how much disturbance we're looking at it based on.

Rich Williams stated to be honest with you, not a lot, not a lot.

Chairman Rogan stated right.

Rich Williams stated and you know, I don't have a problem with the outfalls being in the buffer...

Board Member McNulty stated yours is the procedural issue.

Mr. Lamontagne stated procedure, yeah.

Rich Williams stated and you know what, if this does go forward, I will have that conversation with Mary Galasso.

Mr. Lamontagne stated okay.

Chairman Rogan stated well then they owe us one.

Board Member McNulty stated why don't we defer to Ted for his advice on it.

Ted Kozlowski stated I'd just like to see, it seems like a long run through a buffer zone.

Mr. Lamontagne stated this down here.

Ted Kozlowski stated and the one that's going halfway.

Mr. Lamontagne stated oh yeah.

Rich Williams stated that one is a long way.

Ted Kozlowski stated and what's, and what's...

Mr. Buschynski stated the slope is relatively steep here, their point, Mary's actually...

Ted Kozlowski stated erosion and...

Mr. Buschynski stated it's, she can point to a number of examples, especially in Southeast where they've had discharges at the top of their reservoirs and horrendous gorges have been created by little 15" pipes and they are in the process of fixing those now...

Mr. Ringler stated I was just going to...

Mr. Buschynski stated that's what their point...

Mr. Ringler stated if these are discharged into the buffer and I know it's not perfect but if the long term result is that we're not creating an issue that's ultimately going to disturb the buffer, you know, it doesn't make sense to allow us to go in during the construction and have a better result at the end. To me, I think it may be better.

Board Member Taylor stated I would agree with you as long as other people agree with you also.

Mr. Ringler stated yeah, no, I...

Chairman Rogan stated yeah.

Mr. Lamontagne stated and that's Mary's point, is bring it all the way down there and this way if there are...

Chairman Rogan stated because that's where it's going to end up anyway.

Mr. Lamontagne stated ruts created or then you can do it right (*Inaudible – Spoken over by T. Kozlowski*).

Ted Kozlowski stated the only question I have is though, is she comparing apples to apples, I mean, is, you're only talking about 3 lots or so that's draining through a forested area as opposed to what is draining through the areas that she is citing, are they big developments that are blowing these areas out.

Mr. Lamontagne stated we had it out here, right, just right next to the little bio-retention, it's a little bio-retention for one lot and now we have to go and bring it all the way down the hill, all that disturbance.

Ted Kozlowski stated that's not something I would favor because now you're going to disturb, look how much area you're going to disturb just to go all the way down, spend all that money and this is for one lot.

Mr. Lamontagne stated right.

Rich Williams stated and just so you're all clear, that's a 20' wide swath they've got to clear all the way down.

Mr. Lamontagne stated yup.

Ted Kozlowski stated so that's a machine and people and I mean to me, that doesn't make sense, you know.

Andrew Fetherston stated that's downhill too, the pipe doesn't have to go into the buffer, I mean if you're going to go that long, it could go that way too, does it take some re-working, does it have to go into the basin, no maybe not but you know it can go, you know this is downhill also...

Mr. Lamontagne stated we did try that, it doesn't make any...

Andrew Fetherston stated you know but it's a terrible long way to go.

Ted Kozlowski stated but Andrew, Andrew...

Mr. Lamontagne stated either way it's long.

Andrew Fetherston stated it's a tremendously long way to go.

Ted Kozlowski stated Andrew, how much water are we talking about on one lot.

Andrew Fetherston stated well I'm just, I don't want to play, redesign, but I mean can they see fit to spread it out, let it collect, spread it out, go out there with some rocks...

Board Member Taylor stated well that's what you proposed originally, correct.

Andrew Fetherston stated you know, something to, you know if they're concerned about the slope, maybe spread it out four times and not have a 20' trench with the easement and everything and you know, 50 years later they've got to go back and replace the pipe...

Board Member McNulty stated well how far down would you have to do that, if you're halfway down the hill then maybe...

Andrew Fetherston stated what's the scale of this, is this 200 scale or...

Mr. Lamontagne stated 70, so you...

Andrew Fetherston stated that's hundreds of feet going down, I don't know it seems really excessive for that little bit, what they're asking you to do.

Rich Williams stated while we're here, one more question, there is a catch basin on the downhill side of the bio-retention area, I assume that's meant to be a manhole...

Mr. Buschynski stated for the break in grade.

Rich Williams stated is that what it is.

Mr. Lamontagne stated yeah, for the, you're right.

Rich Williams stated so it's a manhole for the break in grade, okay, it's not a catch basin.

Mr. Lamontagne stated it's a, if you look at the detail...

Rich Williams stated there's no water going in it...

Mr. Lamontagne stated there is no water going in it, solid top catch basin because we didn't want to put a full manhole there unless we get...

Rich Williams stated a rose by any other name...

Mr. Lamontagne stated right.

Rich Williams stated okay, got it.

Mr. Lamontagne stated right exactly, that's exactly it, it's a solid top.

Mr. Ringler stated my reaction to all of this, I'm happy to save the money in the long term...

Chairman Rogan stated sure.

Mr. Ringler stated if we can come up with a solution and we can get some support by you folks to go back to DEP, we're happy to do that, so...

Chairman Rogan stated sure, just based on the comments tonight, we'll support it.

Mr. Ringler stated yeah, I mean it's...

Rich Williams stated you have something.

Andrew Fetherston stated if their real concern is a point discharge, it got there before and the same amount is going to get there at a later date, that's the whole drainage thing but if it, but now it's coming out in one shot, it will disperse...

Rich Williams stated it comes out into a level spreader.

Andrew Fetherston stated and I mean dispersed over a big area to quiet their, quell their concerns...

Ted Kozlowski stated that one particular lot just disperses once it gets on the other side of that property on number seven and just disperse it, I don't see...

Mr. Lamontagne stated that's the way we had it.

Ted Kozlowski stated I don't see the need to go through hundreds of feet...

Andrew Fetherston stated and the cost.

Ted Kozlowski stated trenching and all this other stuff.

Andrew Fetherston stated and in the future.

Board Member McNulty stated I think we're all in agreement.

Chairman Rogan stated Rich, can you...

Rich Williams stated Chris, what do you think Mary is going to say when the Town denies it.

Mr. Fisher stated we're going to try to avoid that.

Chairman Rogan stated right.

Mr. Fisher stated what I was going to suggest as a possible solution, if the Board can authorize Rich or whomever, Mike or others to correspond with us and the DEP and make strongly known that these three outfalls that we've been talking about are not something based on the clearing, the fact that we would need a wetlands permit, I think we could try to at least come back at those three outfall areas with Bibbo's office back to DEP and say look, you know, we have to go back to this other design and see if we can get them to conform to that.

Rich Williams stated I can draft a strongly worded letter, run it past Mike and run it past you and run it past Chris, basically saying based on the concerns expressed by the Town consultants and the Board, it is highly unlikely these outfalls are going to get approved. Just throw the gauntlet down...

Chairman Rogan stated Ted is there, right...

Rich Williams stated not deny it but just coming from me, not the Board.

Chairman Rogan stated is there a way to word a letter that explains that from the wetlands consultant, the ECI that...

Ted Kozlowski stated yeah, I'll send Rich, I'll send the Board a letter why I would object to going this route...

Chairman Rogan stated you know and that will add it in and then I think that's great, you know.

Ted Kozlowski stated you know I think they have to you know, I know their citing examples but I really don't think they're comparing, you know, similar instances.

Mr. Liguori stated obviously to confirm...

Board Member McNulty stated it comes back to your question, how much water are we talking about.

Mr. Liguori stated Ted's comment before about the examples and if Joe and Rick, if you're thinking what I'm thinking, I'm thinking of Brewster Heights...

Mr. Buschynski stated yes.

Mr. Liguori stated Joe and I were on a project the same, we were on the same team, representing an applicant in the Town of Southeast where a drain pipe from Brewster Heights, what was that a 15" pipe...

Rich Williams stated is this the one in the MS4 program now.

Mr. Liguori stated I hope so.

Rich Williams stated the one off of Bloomer Road.

Mr. Buschynski stated no.

Mr. Liguori stated no, this is one that drains right down to 6 by the Middle Branch Reservoir.

Rich Williams stated yeah, yeah.

Mr. Lamontagne stated yeah, Bloomer.

Chairman Rogan stated I don't even...

Mr. Liguori stated alright so, anyway, we have a mutual client that owns the property at the base of that ravine that now exists but that is road drainage, it's the roads from Brewster Heights that drain to that 15" pipe, it's not Road A...

Chairman Rogan stated it's not right, right.

Mr. Liguori stated correct.

Board Member McNulty stated we're only talking about one lot.

Ted Kozlowski stated that someone's lot, it's going to be grassed and landscaped and...

Chairman Rogan stated and it's certainly incumbent upon this Board to try to minimize these wetlands permit issues...

Ted Kozlowski stated right.

Chairman Rogan stated so if we can figure out a way to help along this process and not have these then I think this Board is all in full support of that.

Andrew Fetherston stated I mean, it's against the Town's law to go into the buffer, its not what the Town wants to own in perpetuity...

Chairman Rogan stated its unnecessary.

Andrew Fetherston stated you know, these kind of lengths, it's not what you want to build, the disturbance to the wetland to get down there, just the first time and then in maintenance...

Ted Kozlowski stated now this is the pipe.

Andrew Fetherston stated there is another way to do it, there is another way to do it.

Rich Williams stated this is the pipe and, and, and, assuming that the Town is going to take some form of ownership of all of this, going forward, if there is an erosion problem, the Town is going to have to fix it.

Ted Kozlowski stated you know the other thing is and this is on a smaller scale but now we're directing a pipe from somebody's property, right into the wetland, what if that property owner decides to use excessive herbicides and fertilizers and stuff like that...

Chairman Rogan stated clean out their oil tank.

Ted Kozlowski stated that's all going to go right, straight into the wetland instead of being mitigated by forest, you know several hundred feet of forest...

Mr. Lamontagne stated hundreds of feet...

Ted Kozlowski stated this makes no sense to me, I'm sorry.

Mr. Fisher stated especially the volume that we're talking about, right.

Ted Kozlowski stated right.

Mr. Fisher stated and trying to actually do a cut in order to get a pipe in or to get it down to somewhere.

Ted Kozlowski stated or god forbid that person has an oil spill, an oil tank leaks and it goes right in, I mean it, I've seen it all, so why are we doing this, it makes no sense.

Chairman Rogan stated well, if I can include Michelle in this, it sounds like all 13 of us are in agreement, so let's move forward with the documentation and send it on down...

Rich Williams stated okay.

Mr. Lamontagne stated just one question, will we still need a wetland permit if we leave this outfalls just on the other side of the wall.

Chairman Rogan stated no.

Ted Kozlowski stated I would recommend a waiver to that, for the purpose of...

Rich Williams stated I would say we need to go through the permitting process because it's a wetland intrusion but the Board has some flexibility about public hearings and everything else.

Ted Kozlowski stated and waiving it based on good, sound review...

Chairman Rogan stated correct me if I'm wrong but weren't you saying that if you leave them above the wall, just now, which would be outside the buffer...

Mr. Lamontagne stated no, below, below.

Chairman Rogan stated I'm sorry, I apologize...

Mr. Ringler stated if you pull them back just to the other side of the wall I guess.

Chairman Rogan stated let's go through it and see if it meets, rises to the insignificance of a waiver and you know...

Rich Williams stated yeah well the first thing is to make a determination about the other three...

Chairman Rogan stated right.

Rich Williams stated and understand 25 has to be included on this, they have a stone wall with an outfall on the other side so let's not forget 25.

Mr. Lamontagne stated so that will be included with this thinking.

Rich Williams stated yeah.

Chairman Rogan stated okay because obviously if we ultimately end up with what's shown on the left side of the plan, then we're going to have to go through the full process anyway.

Rich Williams stated yes.

Chairman Rogan stated okay, alright, so it sounds like we're, we've beaten that one to death.

Rich Williams stated you done.

Mr. Lamontagne stated well initially the road...

Andrew Fetherston stated yeah.

Mr. Lamontagne stated the intersection, we it is a little bit off, we talked about it two, three years ago, the way because we were cutting in there and it just helped us get out, you know, maybe we don't have the 50', we have 35' or 37' I believe it is and then it transitions in a long vernal curve, so...

Andrew Fetherston stated yeah, I'll call Russ, I'll speak to him about it.

Chairman Rogan stated thank you.

Andrew Fetherston stated yup.

Chairman Rogan stated great, okay, so that's Maser, Rich do you want to go through any issues that you brought up in your memo.

Rich Williams stated I do, I've got a number of issues that we probably should discuss tonight.

Chairman Rogan stated sure.

Rich Williams stated try to go down the list here. Well let's get the simple things out of the way, a lot stormwater infrastructure, a lot of it is outside of the road right of way, typically in the past when we've got more than 6 or 8 lots, we create a drainage district, assuming that we're going to go down that road again, I would suggest that the Board send a recommendation over to the Town Board to get their concurrence so

that we're all on board that that's the track we're taking and then we can do some additional steps that the applicant is going to need to take to effectuate that.

Chairman Rogan stated okay, so and this is what's typically done is creating these drainage districts for these larger subdivisions.

Andrew Fetherston stated and I, 100% agree on this, it's large, there's a lot there.

Chairman Rogan stated okay, why don't we do that. Make a recommendation Ice Pond Estates Subdivision that the Planning Board recommends that the Town Board consider creating a drainage district for this subdivision, the stormwater for this subdivision.

Board Member McNulty seconded the motion.

Chairman Rogan asked for all in favor. The motion carried by a vote of 4 to 0.

Chairman Rogan stated okay.

Rich Williams stated one of the things that the Town Engineer that picked up and I was saw as well and am very concerned with are the access roads into the stormwater ponds, the sufficiency of them to handle the large equipment and well 2 other issues I saw, going back to that pipe with the manhole and the rain garden and even the septic systems back there, from the site walk, if you remember that's the area where the sharp, steep rock outcrop was, so getting access back in there is somewhat challenging and the access way coming down off the road is somewhat challenging and I was wondering if it wasn't a better plan to just extend the access road to dry swale number one, all the way back along that line because it's relatively level in that area to provide access...

Mr. Lamontagne stated to get to this.

Rich Williams stated yeah, if that's not an easier way to do it.

Mr. Lamontagne stated as opposed to coming across...

Rich Williams stated to skin the cat...

Mr. Lamontagne stated over here.

Rich Williams stated yeah and then if you do extend that access way, you can put some sort of swale along that access way to dump that pipe.

Andrew Fetherston stated yeah, just to think that you have an easement for the DPW to go across your backyard and that's...

Mr. Fisher stated so basically what you're saying is to come from up here...

Chairman Rogan stated follow it down towards.

Rich Williams stated well going across your backyard is a hell of a lot better than going through your backyard.

Andrew Fetherston stated well that's what I mean, going through is what I meant.

Chairman Rogan stated well you're a deed behind...

Rich Williams stated yeah, okay okay, I'm sorry.

Board Member McNulty stated what's the disturbance there, is that high on the hill, is that...

Board Member Taylor stated yes, on the hill.

Rich Williams stated yeah.

Board Member Taylor stated yes, it's on the hill.

Andrew Fetherston stated I mean...

Board Member Taylor stated it's halfway up the hill.

Mr. Lamontagne stated clearly we didn't grade out the access pad here, this is the easement.

Chairman Rogan stated right.

Mr. Ringler stated but we could easily put an easement across this, which is the access.

Mr. Lamontagne stated well we don't need, we don't need to put an easement there...

Mr. Ringler stated or the access is there.

Rich Williams stated see what I'm saying and don't answer it tonight but you know, take a look at it.

Mr. Ringler stated off the cuff I don't...

Rich Williams stated I just thought it might be an easier way to get access to the back, back there, even for putting the septic systems in, I don't think we'd have a problem with that.

Andrew Fetherston stated you know maybe two birds with one stone, if you're doing an access road that whole way, there's, they have a road and a gravel pit, maybe that could be a level spreader and we rid of that pipe, you know.

Rich Williams stated well, didn't I just say that, put a swale and dump the pipe in.

Andrew Fetherston stated I'm looking for two birds with one stone, try to get rid of those pipes, that would certainly do it and spread it out over many hundred feet.

Mr. Liguori stated don't worry Rich, I heard you say it first.

Chairman Rogan stated I did too.

Rich Williams stated that's okay, I don't care, as long as he gets some right, I don't care.

Board Member Montesano stated read it back.

Chairman Rogan stated the power of suggestion.

Mr. Fisher stated I acknowledged he said it.

Rich Williams stated right, the other issue is, the infiltration...

The Secretary stated Switzerland.

Rich Williams stated the infiltration trenches...

Board Member Taylor stated are they keeping track...

Mr. Lamontagne stated down here.

Rich Williams stated the infiltration ponds, no...

Mr. Lamontagne stated oh the pond.

Rich Williams stated one and two, thinking about future maintenance on them, how are we going to do that, I mean, it's, you know, we know infiltration ponds are eventually going to clog up, we're going to have to go in there, we're going to have strip out the top layer and re-do it, agreed.

Mr. Lamontagne stated that's in the maintenance of them, right.

Rich Williams stated and how we're going to do that, I would envision, somebody jump in if they've got a better way to do this, then we'd run the grade-all up there, just reach out with the arm, strip the top layers off and lay something new down in or just dig it up and move it around to reduce some of the...

Andrew Fetherston stated to the extent you could reach it because the plan is at 70, as it's sitting up there and you know with the reach...

Rich Williams stated right.

Andrew Fetherston stated but...

Rich Williams stated but my comment is, we want the access road to go all the way around it...

Andrew Fetherston stated yeah, yeah.

Rich Williams stated and if we have access all the way around it, then we can reach in with the grade-all, I don't know how else, I wouldn't want to run a machine into an infiltration pit because now you're compacting the soils.

Mr. Lamontagne stated there is access all the way around these.

Rich Williams stated right.

Mr. Lamontagne stated and there's access all the way around here, all the way up through here, in between them, now the distance, I don't know it reaches but there are access pads all the way around...

Rich Williams stated but the first one, number two, it doesn't go all the around number two and I can't reach all the across, right and I'd rather have it on the high side anyway.

Board Member Montesano stated this look good.

Rich Williams stated okay.

Mr. Lamontagne stated okay.

Rich Williams stated road names, they don't work, so we've got to come up with something else. I couldn't even get them through Putnam County, OEM wouldn't take them, so with that...

Board Member Taylor stated well...

Mr. Ringler stated we had some up with some names and then I read the code.

Board Member Montesano stated ding dong.

Board Member Taylor stated okay, I'll give you a little background, I'm president of the Historical Society and for years now I've been doing research, my specialty is the old records, 1730's up to about the 1800's but I looked at some of the old stuff that we have that isn't in your archeological, it goes back, I've got some maps and references that go back before that, back into the 1750's, it looks like the property was owned in the early days by just two families, the first family which was right along Ice Pond which was then called Hinkley Pond was the Hinkley Family and the green outline, I think is probably the original farm lot outline, the original farms are 300 to 500 acres and then you can see how it got subdivided but the red outline is where the Mabie comes in early on and then they acquire the lots next to the pond, a little later on, it may, I don't know the genealogy with family but they may be sons of the original Mabie who was farther in the red area. So you've got two roads, you got two families, Mabie and Hinkley, it seems like a good match that way, of course you can go forward in time and pick up names from 1870 on, I only went up to 1870, this from 1750 to about 1870 you've got those two family names in the area.

Mr. Ringler stated sounds like a good plan.

Chairman Rogan stated okay.

Board Member Taylor stated now the question is are they going to be roads or circuits or ways or paths or...

Board Member McNulty stated courts or lanes.

Board Member Taylor stated yeah.

Rich Williams stated you can do road, drive, one of them you can do court.

Board Member Taylor stated so, I was going to leave it up to the Board.

Rich Williams stated and you can do lane.

Chairman Rogan stated whatever sounds most aesthetically, what rolls off the tongue.

Board Member Montesano stated Beekman Falls Road Extension Number 2.

Rich Williams stated I think you can do ways.

Mr. Lamontagne stated Mabie Way, come on, roll with it, Hinkley Hill.

Board Member McNulty stated that sounds nice.

Ted Kozlowski stated Hinkley Hill is nice.

Rich Williams stated Hinkley Hill Road, I like.

Board Member Taylor stated there we go.

Mr. Lamontagne stated okay, there's one.

Board Member Taylor stated Mabie Way...

Chairman Rogan stated Mabie Left, Mabie Right.

Board Member McNulty stated Mabie.

Chairman Rogan stated Mabie.

Board Member McNulty stated Mabie Court.

Ted Kozlowski stated I like Kozlowski Court.

(Inaudible – too many speaking).

Chairman Rogan stated you don't have to decide tonight.

Board Member McNulty stated yeah, you don't have to decide now, this...

Chairman Rogan stated this is just having fun.

Mr. Ringler but it makes sense.

Mr. Lamontagne stated Hinkley Hill Road, alright.

Board Member Taylor stated make that the long one.

Mr. Ringler stated yeah.

Mr. Lamontagne stated Hinkley Hill Road here...

Board Member Taylor stated that would make sense.

Chairman Rogan stated Mabie Lane.

Mr. Lamontagne stated Mabie...

Board Member McNulty stated court.

Mr. Lamontagne stated Mabie Court.

Chairman Rogan stated whatever you guys think.

Board Member Taylor stated well it was Mabie Villa, so Mabie Court kind of fits in with the pretension.

Mr. Lamontagne stated okay.

Board Member Taylor stated right.

Board Member Montesano stated its better than dead end.

Chairman Rogan stated think of all the people that have to write these addresses on their envelopes, well I guess we probably don't write too many envelopes these days but you know, but who came up with these names.

Mr. Buschynski stated so Ice Pond was Hinkley Pond.

Chairman Rogan stated yeah, it's interesting.

Mr. Lamontagne stated and then it was another name too, right.

Board Member Taylor stated Croton...

Rich Williams stated Croton Lake.

Board Member Taylor stated it used to be called Croton Lake.

Mr. Buschynski stated or Croton Lake.

Mr. Lamontagne stated I read up on it too.

Board Member Montesano stated now Joe's finally learning after all these years.

Chairman Rogan stated do you want, Ron do you want to roll right into the...

Board Member Taylor stated well if you want me to I can.

Chairman Rogan stated sure, I keep wanting to call it an architectural and I know it's not, archeological...

Board Member Taylor archeological, yes let's look at the archeological, he found what I think we expected him to find, is that the...

Chairman Rogan stated or not find.

Board Member Taylor stated what's there is what we knew was there, the house the barn, there doesn't seem to be much of anything else in terms of the area that you're going to disturb. I, he's recommending going on and doing another study, I think I saw somewhere that you request that could avoid that.

Mr. Ringler stated yes.

Board Member Taylor stated I see no reason to not, to, let me rephrase that, I see no reason to do that study, if you're going to preserve it then that's the objective anyway, that's the objective of the study, is to re, so why do the study because I don't think we're going to find any significant, it's not like we're going to find 1600 foundation buried underneath the old foundation or even an 1800 foundation, I think the most we could say there might be an old house dating from the 1750's but it's unlikely you're going to find any remains to that. So if we can figure out a way to preserve it, we were trying to figure where exactly this house is on this thing...

Mr. Buschynski stated larger map.

Mr. Lamontagne stated what.

Mr. Buschynski stated a larger map.

Rich Williams stated it's right about 23...

Mr. Lamontagne stated its right where 23 is.

Rich Williams stated I did figure it out.

Mr. Lamontagne stated yeah, this is it right here.

Board Member Taylor stated alright, so this is, is this an archeological easement we'll put on 23 in addition to all the other easements, what are you proposing as how to preserve it.

Board Member Montesano stated plan.

Mr. Lamontagne stated we had no preservation designation on it.

Mr. Ringler stated our big goal up until now, was not have to disturb it on the lot, so we don't have any plans moving forward of how we would like disturb it, obviously we don't want it to be a safety issue...

Board Member Taylor stated right.

Mr. Ringler stated so we would be kind of looking for some ideas.

Board Member Taylor stated could you fill it in up to about 1' and just leave 1' exposed.

Mr. Ringler stated I think that would probably be fine...

Board Member Taylor stated it would satisfy you.

Mr. Ringler stated I mean it would, to me it would go along with the character of the property anyway because it's nice old stone and I think it would really...

Chairman Rogan stated yeah.

Board Member Taylor stated and we then could...

Chairman Rogan stated put a marker there or something.

Mr. Lamontagne stated right.

Mr. Ringler stated and the well, do the same.

Board Member Taylor stated well the well I think you need to fill in, don't you...

Mr. Ringler stated well up to the 1' thing...

Board Member Taylor stated well it's already on grade isn't it, it doesn't come up above grade.

Mr. Ringler stated yeah, it's basically at grade.

Chairman Rogan stated I think he meant fill the inside up to within 1'.

Board Member Taylor stated fill the inside and then just leave the top where it's visible, you know.

Mr. Ringler stated right because it's still, it's nice stone as well.

Board Member Taylor stated yeah, that would make sense.

Mr. Lamontagne stated the only one we would have an issue with is the old garage or barn...

Board Member Taylor stated the barn, it's a barn I think.

Mr. Lamontagne stated which is right here on the property line, there is no way of filling it in because it's only 2 sides or maybe a little bit of a 3rd side...

Board Member Taylor stated right.

Mr. Lamontagne stated so we were just going to leave that as the wall, it's not as much of a safety hazard as the old foundation.

Mr. Ringler stated well I guess my only comment on that would be and I know exactly what you're talking about and I think it gets a little bit tall in a couple of areas...

Mr. Lamontagne stated in the back, yes.

Mr. Ringler stated we may want to slope up to it, get it to 30" or something, so it's not quite a drastic bump...

Mr. Lamontagne stated we can fill in, up into the corner, you know the path coming, you can use the corner on the right side.

Board Member Taylor stated that's fine, the same thing, the same idea, you just leave the top exposed.

Chairman Rogan stated the kids won't have anything to jump off of.

Mr. Ringler stated yeah, there's nothing to get hurt on anymore.

Chairman Rogan stated where's the rope swing going then, come on.

Board Member Taylor stated from the road, I'm trying to remember, it's almost on the road, is it not, the house.

Mr. Lamontagne stated the house, yes.

Board Member Taylor stated on Ice Pond.

Mr. Ringler stated it's close.

Board Member Taylor stated so could you put a sign in along the road, just a historic marker kind of thing.

Mr. Lamontagne stated do we want to invite somebody onto private property.

Mr. Ringler stated I wouldn't want to promote somebody going onto somebody else's land.

Board Member Taylor stated no, I'm not saying, well you think that would invite them on, you think you could see it, can you see it from the road or...

Mr. Lamontagne stated no, you can't see it from the road.

Board Member Taylor stated you can't, okay, then you wouldn't want to...

Mr. Lamontagne stated because the (*inaudible – spoken over*) goes up too high.

Board Member Taylor stated alright, then that makes sense, you wouldn't want to, okay.

Rich Williams stated here's what I would like to see, is a separate breakout drawing of just that area, enlarged maybe 20 scale...

Mr. Lamontagne stated okay.

Rich Williams stated which shows the house, the pool, all the other features of the lot and superimposes on that, the archeological improvements with some dimensions, so in the future we know where they were in relation to say, property lines and other features of the site.

Mr. Lamontagne stated okay.

Board Member McNulty stated basically just detail that area.

Rich Williams stated right, just that one area.

Mr. Lamontagne stated so just in case they fill it in all the way, some time, you'll know where the foundation was.

Rich Williams stated at least we know, yes.

Board Member Taylor stated so you've got, you'd have the house, probably what was a carriage house or a stable to the south of it and then what you were calling a barn.

Mr. Lamontagne stated yes.

Board Member Taylor stated those would be the three structures we would be concerned about.

Mr. Lamontagne stated well the barn, you have the house and then the other two structures were near each other, correct.

Board Member Taylor stated well, no, there's another structure south, just south of the house, it looks like probably what was the carriage house or something, right behind...

Mr. Lamontagne stated just on the other side of the well.

Board Member Taylor stated yeah.

Mr. Lamontagne stated yeah, okay, yeah some sort of root cellar or something, that's what I, it looked like it went down and under last I saw it.

Board Member Taylor stated so just identify those and then fill them up so there's no safety hazards.

Board Member Montesano stated borrow the rocks, it will be that.

Board Member Taylor stated and if you don't do any more archeological, would you, are you willing to donate what he did recover to the Historical Society so we can put it in our archives.

Mr. Ringler stated yeah, what was it that he found.

Board Member Taylor stated some pottery shards.

Rich Williams stated a bottle cap.

Mr. Lamontagne stated oh yeah.

Chairman Rogan stated I was thinking about that.

Board Member McNulty stated I think were some glass bottles, some bottles.

Board Member Taylor stated some pieces of glass. He didn't list the gold that he found.

Mr. Lamontagne stated they never do.

Chairman Rogan stated they never do.

Mr. Ringler stated I've got to talk to him this week, he's sending me an electronic version of the 1B.

Board Member Taylor stated okay.

Mr. Ringler stated so I will ask him.

Chairman Rogan stated and then you had one final question about this cost.

Board Member Taylor stated oh I was curious, what the cost of this was, we were all kind curious, in terms of weighing this versus...

Mr. Lamontagne stated the report.

Board Member Taylor stated yes.

Chairman Rogan stated all the work.

Board Member Taylor stated preparing these different reports.

Mr. Ringler stated I, it's been a couple of years now but I want to say around 20...

Board Member Taylor stated for each report or total.

Mr. Ringler stated I think total, the first report was cheaper than the second.

Chairman Rogan stated it was just, Ron was pointing out that you know, you see all these holes that are dug and the methodology behind that seems to be not something that he would necessarily agree with, rather than pointing your, you know keying in on the areas where it seems most likely to find something rather than a broad based approached and he was concerned about the amount of money that this cost, that it is somewhat unnecessary in a lot of way and so that, you know.

Board Member Taylor stated I was just saying that in the future, I think, I wasn't on the Board when this was proposed, that I would recommend that they kind of skip one and two, 1A and B, in a sense for sites where we know that the stuff is there and concentrate their money on actually doing...

Chairman Rogan stated yeah.

Mr. Ringler stated I'll double check what it actually was because it's been awhile now but that number kind of sticks out.

Board Member Taylor stated okay but that gives us an idea of what we're talking about here, yeah.

Chairman Rogan stated a ballpark, yeah, a lot of work, very extensive.

Board Member McNulty stated yeah, 600 shovels to go through there.

Board Member Taylor stated but it's a nice report, he did a nice report, it's much more lucid than a lot of reports I've read, so it's...

Chairman Rogan stated well Eugene is a much more lucid person than a lot of people in that...

Board Member Taylor stated yes.

Board Member Montesano stated you got your monies worth.

Chairman Rogan stated okay, Rich back to you.

Rich Williams stated I have one last thing I'm going to save until it's the very end, if you'll indulge me.

Board Member Taylor stated okay, are we at the end, do you guys have more questions.

Mr. Lamontagne stated no.

Chairman Rogan stated you've got us in suspense now.

Rich Williams stated I would just suggest that you make that recommendation to the Town Board if you think it's appropriate, if you haven't already, I don't think you did.

Chairman Rogan stated what recommendation is that.

Rich Williams stated for the drainage district.

Chairman Rogan stated we did.

Rich Williams stated oh you did.

Chairman Rogan stated right after you said it.

Rich Williams stated you made a motion.

Chairman Rogan stated yes.

Rich Williams stated I'm sorry, I apologize.

Chairman Rogan stated it was very eloquent, I'm sorry that you forgot it so soon.

Rich Williams stated yeah.

Board Member McNulty stated I'm just glad you're checking us.

Unknown Speaker stated you were orchestrated with things.

Chairman Rogan stated yeah, we did.

Rich Williams stated that's it.

Chairman Rogan stated we're waiting for your other...

Rich Williams stated just a question for Joe and for Chris, having been through this process, do you think everybody in this room has treated you reasonably and fairly and any comments on how the process has been handled.

Mr. Fisher stated Joe you want to...

Mr. Buschynski stated well, I appreciate the thought that Board and the consultants put in to assisting, giving us direction they'd like to see it go and it's useful, that's what we use as a guide, we appreciate that.

Mr. Fisher stated yeah, I think from my perspective, it's a challenging aggregation lots, re-assemblance of lots and then kind of pull it back out, so a lot of question go into it but yeah, I think the process has been overall a good one and at the end of the day, I think, I know speaking for the applicant, they hope to have a real nice product and this kind of process helps that product get to that final point.

Rich Williams stated good because I didn't want to, I didn't want to walk away, everybody walk away thinking this was an adversarial process because I was little disturbed about something I say today and I want to bring it to your attention, that we've been going through this design for a number of years now, we did a number of iterations of the plan in 2011, 2012, you came in, you submitted for final, you asked to get the public hearing out of the way quickly, we accommodated you in June. When we saw the archeological report I was a little bit disturbed because you had that report 2 years ago and didn't disclose it before the public hearing and I think that was bad form and so I just want to put that on the record.

Mr. Fisher stated I'm not sure I actually had the report but I mean I can look back...

Mr. Ringler stated I can tell you that there was nothing done on our side to hold the report back by any stretch of the imagination.

Rich Williams stated it was out there 2 years ago and I think that would have been an important piece for any public hearing that we had, you know the full disclosure on something like this should have been, should have been available.

Mr. Ringler stated I don't even know why it wasn't made available, if there was anything in...

Mr. Buschynski stated I'm sure it was an oversight.

Mr. Ringler stated yeah.

Board Member Taylor stated the Historical Society did get a letter about questioning historical features on the property after the public hearing.

Mr. Ringler stated I mean I think we were asked by the Board, we did the 1A and we were requested to do the 1B and I think we tasked it right away, went out and as soon as the weather permitted, we did that in the spring so, yeah, there was no intention to hold back from, any information.

Rich Williams stated okay.

Chairman Rogan stated I appreciate that. I think that from my, the Board's perspective the process has been one of good exchange and back and forth and we are continually talking about how complex the process, not just from the Board but with all the involved agencies and how cumbersome it gets, sometimes we feel we should all have to go through our own process to, before we can really appreciate it and Tommy

recently has been going through the process to some extent and certainly feels the pain that you guys feel with...

Board Member McNulty stated on a much smaller scale.

Chairman Rogan stated but still, it's a lot.

Board Member McNulty stated and we don't do a lot of subdivisions, it's just not happening now, so...

Chairman Rogan stated right, yeah.

Board Member McNulty stated I know I'm pretty new to the Board and Ron, it's a new experience so.

Chairman Rogan stated yeah.

Mr. Fisher stated we probably could have the conversation about New York State as a general matter...

Chairman Rogan stated yeah.

Mr. Fisher stated as opposed to any particular practice you have here and I think you know, just as a side comment, I practice on both sides of the border, Connecticut and New York and New York is a very cumbersome place to develop property.

Chairman Rogan stated yeah.

Mr. Fisher stated extremely cumbersome, so it makes it challenging, probably the only thing that makes it, I guess I'll say worthwhile in a capitalistic environment, is that we're in the Metro-New York area...

Chairman Rogan stated right.

Mr. Fisher stated so land values to a certain extent allow for that process to take place but if you get outside of Metro-New York, you couldn't possibly have this process once you get to some of the more rural areas of New York...

Chairman Rogan stated sure.

Mr. Fisher stated it couldn't be sustained; the land value just doesn't even support it.

Chairman Rogan stated sure, sure but I think cumbersome is okay if it's required to get that final result but I don't think that that's necessarily always the case I think that more you can bring people into, you know, good communication early on and get everybody so all these issues come out early, it's frustrating to see people go through and go back to one agency and have to change a plan and then come back here, that's got to be incredibly frustrating so you guys all signed on for this I guess, its but...

Board Member McNulty stated just put a target on your back, that's all you can do.

Mr. Lamontagne stated we were signed on before all that came at us.

Chairman Rogan stated yeah, right, true enough, yeah. Anything Joe, that you can think of, you want to discuss with the Board or are we pretty well put the final issues out there for tonight.

Mr. Buschynski stated I think you covered it.

Chairman Rogan stated yeah, I mean I think everybody's got a little bit of homework but we have a direction, we're going to send that, create that document to send down to our friends in the DEP and see if we can nail down those issues. If we can mitigate these wetlands impacts so that we don't, so we can see to doing a waiver, that would be great also, depends on what the final plan shows.

Mr. Ringler stated so will there be a reason to come back next month or we should do our homework and then circulate...

Chairman Rogan stated I can't see any reason to come back unless there's some change to the plan that you want before the Board, you know, get resolution to some of these things.

Mr. Ringler stated okay.

Rich Williams stated a lot of it is going to dictate what happens with the DEP...

Chairman Rogan stated right, sure.

Rich Williams stated and some of the design issues and whether we need to go through that wetland process and get that out of the way.

Chairman Rogan stated right, so, okay, so okay, everybody happy 4th of July.

Mr. Ringler stated thank you.

Chairman Rogan stated hope it's a safe one, no playing with fireworks.

Board Member Montesano stated have a day off, remember only in Connecticut...

Board Member McNulty stated oh, come on.

Board Member Montesano stated you can't do it in New York, it's illegal.

Mr. Ringler stated take care, thank you.

Chairman Rogan stated have a good evening.

Board Member McNulty stated have a good evening, thanks.

Chairman Rogan stated alright.

Board Member McNulty stated want me to make a motion on the minutes.

6) MINUTES

Board Member Montesano stated go ahead.

Chairman Rogan stated you want to wait on those.

Board Member Taylor stated no, go ahead, I trust somebody else read them.

Chairman Rogan stated no, go right ahead.

Board Member McNulty stated I'll make motion to approve the minutes of May 30, 2013.

Chairman Rogan seconded the motion.

Chairman Rogan asked for all in favor. The motion carried by a vote of 4 to 0.

Rich Williams stated done.

Chairman Rogan stated okay, we have a couple of other items.

Rich Williams stated work session.

The Secretary stated no you don't.

Chairman Rogan stated yes we do, I have a couple of other things. It's under other...

Rich Williams stated yes we do.

Board Member Taylor stated others.

Chairman Rogan stated we have an application that will be coming before the Board which we discussed at the work session which is a lot that they want to subdivide that has some issues with borders and variances et cetera but we need to make a request of the Town Board to appoint special counsel because I understand there will be a conflict of interest...

Mr. Liguori stated I have to actually, I said to Rich...

Chairman Rogan stated yeah.

Mr. Liguori stated you can make the motion, that way at least we'll have some forward progress, I don't know if Jay is a partner in the project...

Chairman Rogan stated okay.

Rich Williams stated oh no, the application just lists them as the attorney.

Mr. Liguori stated right, it lists us but I don't know if that's actually correct.

Chairman Rogan stated oh okay.

Mr. Liguori stated so if you want to make the motion...

Chairman Rogan stated well why don't...

Mr. Liguori stated so that we can at least move it forward, great and then I'll confirm with the Board whether or not that's in fact the case.

Chairman Rogan stated yeah, okay, let's, well then let's make that motion that if necessary the Town Board seeks special counsel for the Maplewood North Subdivision application, so moved.

Board Member McNulty seconded the motion.

Chairman Rogan asked for all in favor. The motion carried by a vote of 4 to 0.

Chairman Rogan stated and also I'd like to make a motion to appoint Mike Montesano to be able to sign the, any documents that need to be signed for East Putnam Development Corp. because Tommy McNulty is recused from that application. I don't have to, that's not a second or anything, that's just my appointment, right.

Board Member McNulty stated I'll recuse myself.

Rich Williams stated I, you know, I...

Mr. Liguori stated you can make the motion.

Chairman Rogan stated yeah.

Mr. Liguori stated I'd rather be safe than sorry.

Board Member McNulty stated but I have to recuse myself and Ed's not here, does that work.

Rich Williams stated I would say the appointment of Vice Chair is...

Board Member Montesano stated yes, as long as we all vote yes.

Rich Williams stated I would say the appointment of Vice Chairman is...

Board Member Taylor stated what if one of us says no.

Board Member Montesano stated like if I say no.

Chairman Rogan stated so I'll make that motion, Mike are you willing to second.

Board Member Montesano stated then I've got to vote on myself.

Chairman Rogan stated yes.

Board Member Montesano stated I have to recuse myself.

Mr. Liguori stated oh, oh, I see, guys I'm sorry, I didn't, I was just doing the math here and he...

Board Member Montesano seconded the motion.

Chairman Rogan asked for all in favor. The motion carried by a vote of 3 to 0.

Chairman Rogan stated you're recused.

Board Member McNulty stated I am back.

Chairman Rogan stated any other items for the meeting tonight, from anyone, no. Motion to adjourn.

Board Member Montesano seconded the motion.

Chairman Rogan asked for all in favor. The motion carried by a vote of 4 to 0.

The meeting adjourned at 8:10 p.m.