

TOWN OF PATTERSON
PLANNING BOARD MEETING
July 26, 2012
Work Session

APPROVED
9.27.12 MCL

AGENDA & MINUTES

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS
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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 26, 2012 Work Session Meeting Minutes**
Held at the Patterson Town Hall
1142 Route 311
Patterson, NY 12563

APPROVED
9.27.12 MCL

Present were: Chairman Rogan, Board Member McNulty, Board Member Montesano, Board Member Taylor, Board Member Brady, Rich Williams, Town Planner and Ted Kozlowski, Town of Patterson Environmental Conservation Inspector.

The meeting began at 7:11 p.m.

Michelle Lailer was the Secretary and transcribed the following minutes.

The Secretary stated go for it.

Chairman Rogan stated okay.

Ted Kozlowski stated good evening everyone.

Chairman Rogan stated good evening everyone.

Board Member McNulty stated hello.

Board Member Brady stated hello, good evening.

1&2) NYSEG MOONEY HILL SUBSTATION – Public Hearing Site Plan/Wetlands permit/Dressler Lot line adjustment

Chairman Rogan stated so we have, the first two items will be a public hearing next meeting; we should be able to wrap those up then right.

Rich Williams stated I would think we should be able to wrap those up; I just have to go through the design drawings one last time.

3) AMERICAN LEGION #1542 – Sign Application

Chairman Rogan stated America Legion, we have a sign application. This is the building right up the road here...

Rich Williams stated down on [Route] 311 across from the Presbyterian Church, not across from the Presbyterian Church, down farther from the Presbyterian Church.

Chairman Rogan stated okay.

Board Member McNulty stated right next to Patterson Village.

Rich Williams stated yes.

Chairman Rogan stated okay, they're saying some lighting but it saying solar lighting that can be all that bright.

Rich Williams stated yeah, I, other than solar lighting I think you need to find out clarification on that, there are a couple of other issues which I identified in the memo, they are showing that it's a 40 foot tall sign but then you add up the dimension in inches, it comes up to 36 inches with 3 spaces, I don't think those spaces are supposed to be 4 inches a piece.

Chairman Rogan stated oh I see.

Rich Williams stated maybe...

Chairman Rogan stated the little gaps that are, yeah, so it's not to scale.

Rich Williams stated yeah, I'd like clarification on that.

Chairman Rogan stated okay.

Rich Williams stated the bigger issue is, you know we have some sections of our Code that semi-cover this area for signs, this is an R-1 zoning district it is not a Commercial zoning district. The first section limits the size of the size to 12 square feet, the second section is setup for non, for uses that have received a special use permit from the ZBA, now if not for the fact that this is pre-existing non-conforming it would be under that special use permit provisions and I believe that's one of the deficiencies in our Code that it doesn't go on to clarify that pre-existing, non-conforming also would have the same right to the same size sign as would other uses but I'll leave it up to you gentlemen whether you think that is a correct interpretation or not. If you agree with me, then they would be allowed to have a 20 square foot sign, they are showing 25, 24 [square feet].

Board Member McNulty stated they have an existing sign there now, don't they.

Rich Williams stated they do.

Board Member McNulty stated this is going to replace it totally.

Rich Williams stated I believe that's what their intent is, though there is nothing showing you know, the exact location, so it's an assumption on my part, the existing sign out there, the last approved sign out there was 2 feet by 3 feet, 6 square feet. That was for Office for the Aging.

Board Member Taylor stated it's bigger than that, isn't it.

Rich Williams stated the Office for the Aging.

Board Member Taylor stated yeah, isn't that sign out there now bigger than 2 by 3.

Rich Williams stated no, it's not out there, there's nothing...

Board Member McNulty stated right over my house.

Ted Kozlowski stated wow that was, that shook the building.

Rich Williams stated they've got a little American Legion plaque hanging off of a blank sign board.

Board Member Taylor stated right but the sign board, that's what I mean, the sign board, is bigger...

Rich Williams stated the sign board is very small.

Board Member Taylor stated oh okay, so they're not going to use, so they're going to have to replace the sign board with, alright so we don't have enough details then, besides the solar lighting.

Chairman Roan stated we have some questions that we have to ask.

Board Member Taylor stated yeah.

Chairman Rogan stated yeah, blue lettering, white background, pretty straight forward sign.

Rich Williams stated well remember, this is also in the Hamlet, we're got standards for colors in the Hamlet...

Chairman Rogan stated it's been a long time since we've had a sign application in the Hamlet.

Rich Williams stated yeah.

Chairman Rogan stated what was it Mike, colonial red, blue...

The Secretary stated green.

Board Member Montesano stated green.

The Secretary stated gold.

Rich Williams stated dark blue, dark red, green and gold.

Chairman Rogan stated and gold.

The Secretary stated no white.

Rich Williams stated maybe, I don't think there was white.

The Secretary stated I think there is white in...

Board Member Montesano stated I don't remember white.

Rich Williams stated I don't remember white either.

The Secretary stated because Magnolia's I think is green and white.

Chairman Rogan stated maybe we used white as a background color also.

The Secretary stated maybe.

Chairman Rogan stated you know, so blue...

Board Member Montesano stated you have to get a hold of Mark Benko, he's the problem.

Chairman Rogan stated so if they were to use the blue and the red that we, that was close, the blue and the red that are the approved colors, white background and stay within the 20 square feet and in an appropriate location then, you know.

Rich Williams stated just so you're, just so you understand the whole scope, it appears from what they've submitted they're going to do a message board where they're going to be changing things in and out...

Chairman Rogan stated which is the two center spots.

Rich Williams stated yeah, you may want to consider what limitations, if any, you want to apply to the messages that can go there...

Chairman Rogan stated yeah, well if we had, if they told us the size lettering that would be in there and the color of the lettering and then any...

Board Member McNulty stated I think he said that in there.

Chairman Rogan stated it will only fit...

Board Member McNulty stated 4, 6 and 8 inch.

Chairman Rogan stated well it's a 6 inch so it can't be 8 inch, ah, that's this because some of these letters are 8 inch letters, some are 4 and 6.

Board Member McNulty stated oh.

Rich Williams stated right.

Chairman Rogan stated but within the two slots that are 6 inch, it would be normally the lettering, obviously would only probably be 4 inches or thereabouts, so we can certainly tell them okay to use

lettering here of a certain size and a certain color, you know, they're going to be advertising spaghetti dinner or something...

Rich Williams stated yeah.

Chairman Rogan stated that's better than a flickering one, like don't you have one down by your house.

Board Member McNulty stated oh.

Board Member Montesano laughs.

Board Member McNulty stated the one they can't light.

Rich Williams stated yeah and listen, I'm sure that it's a straight up organization that's not going to do anything stupid but you never know.

Board Member Brady stated it keeps going out.

Board Member McNulty stated I'll tell you later.

Chairman Rogan stated I don't know but it makes sense to put things.

Rich Williams stated so you may want to, you know, put in other restrictions in there like no profanity or obscene language, you know...

Chairman Rogan stated good point.

Rich Williams stated anything you feel wouldn't be appropriate to be in the board.

Chairman Rogan stated we're...

Board Member Montesano stated now we're going to have...

Chairman Rogan stated that would be common sense.

Board Member Montesano stated the blue and gold is the emblem color, so that's going to be another color on there.

Rich Williams stated well the rental...

Board Member McNulty stated yeah you don't want to have political statements, so and so sucks.

Chairman Rogan stated free speech.

Board Member McNulty stated why no, I'm okay.

Rich Williams stated for rent or hall rentals are big red letters also.

Board Member Montesano stated well you can get away with the red if you want to put it on a green background or something of that nature, what I'm looking at is the symbol for the American Legion is blue and gold...

Rich Williams stated yeah.

Board Member McNulty stated it's no different than TV I think, so.

Board Member Montesano stated so you're going to have that color on...

Board Member Brady stated they'll be something to vote for.

Board Member Montesano stated then we're going to have, so how far can we, you know the colors that we allow...

Chairman Rogan stated well I think the emblem which is a National standardized American Legion, I think that we probably should not tinker with, it's not...

Board Member Montesano stated oh I don't mind it because...

Chairman Rogan stated it's not a corporate logo.

Board Member McNulty stated well the red, white and blue, we can still have red, white and blue but maybe we can incorporate the colonial colors, there's subtle red, white and blue, well not white but red and blue.

Board Member Montesano stated we have colors.

Chairman Rogan stated yeah well that, that's...

Board Member Montesano stated we have a red color, we have a blue color, we have a green color, we still don't, we have to check on that white color.

Rich Williams stated yeah.

Chairman Rogan stated all right, so there's a couple of questions and some...

Board Member Taylor stated so do we have swatches of those colors.

Chairman Rogan stated yeah.

Rich Williams stated no, we have nothing on the colors at all.

Chairman Rogan stated no, no, he's saying the approved colors, right.

Rich Williams stated oh the approved colors.

Chairman Rogan stated yeah.

Board Member Taylor stated yeah.

Rich Williams stated we've got to look for them, it's been awhile.

Chairman Rogan stated it's been awhile since we've brought them out.

Board Member Taylor stated so we can show it to them and see what their reaction is.

Board Member McNulty stated yeah.

Chairman Rogan stated and we do have the specific name of the color which we've given to people for paint stores before, you know, okay. Some questions that everybody will remember to ask next week. Patterson Library...

4) PATTERSON LIBRARY – Site Plan & Wetland Permit

Rich Williams stated Ted.

Chairman Rogan stated Teddy.

Rich Williams stated that is the library, Ted, yeah...

Board Member Montesano stated Teddy Ruxpin, Teddy Ruxpin.

Ted Kozlowski stated I'm coming.

Rich Williams stated Ted, Patterson Library has submitted an application for a shed in the southwest corner of the site, up against the property line, it does not meet zoning for side and rear yard.

Ted Kozlowski stated is this a portable shed Rich or, is there a foundation...

Rich Williams stated a portable?

Ted Kozlowski stated is there going to be a foundation.

Chairman Rogan stated yeah, it looks like it's on skid, skid material.

Rich Williams stated right.

Ted Kozlowski stated it's in the lawn.

Rich Williams stated yup.

Ted Kozlowski stated what are they going to put in there.

Board Member Montesano stated extra books.

Ted Kozlowski stated chemicals and stuff like that, right.

Board Member McNulty stated probably gardening stuff, they garden there, right.

Rich Williams stated yeah, they do garden.

Ted Kozlowski stated Andrew should probably look at it (8.49).

Chairman Rogan stated temporary...

Rich Williams stated that's weird, I'll talk to you soon.

Ted Kozlowski stated you going.

Andrew Fetherston stated I'll call you next week, I'm going to head out...

Chairman Rogan stated be careful.

Andrew Fetherston stated I just came here to get this and stay out of the rain.

Chairman Rogan stated be careful.

Andrew Fetherston stated yeah, yeah, yeah.

Ted Kozlowski stated we were hoping to have wine and cheese with you and candlelight.

Andrew Fetherston stated all right, see you all in a week then.

Chairman Rogan stated take care.

Board Member McNulty stated take care.

Board Member Montesano stated take care.

Chairman Rogan stated be careful heading home.

Ted Kozlowski stated drive safe.

Andrew Fetherston stated thank you.

Board Member McNulty stated so it's just for the shed.

Ted Kozlowski stated not that it's a big deal but I remember when we went for the wetlands permit the last time and I met with them and I said guys just put everything on this first wetlands permit that you're going to want, so...

Chairman Rogan stated well you know how that goes.

Ted Kozlowski stated yup.

Rich Williams stated just so you're all aware, also the Town Board has waived all fees for the Library.

Ted Kozlowski stated if it's on the lawn and not going into the wetland, I don't have a problem with it.

Chairman Rogan stated do you want to waive the wetlands permit as well, for public hearing and all that.

Ted Kozlowski stated we did it the last time.

Chairman Rogan stated okay, this is already a...

Ted Kozlowski stated Rich do you see anything, any reason why we shouldn't waive it.

Board Member McNulty stated do we have to do SEQRA on something like this.

Rich Williams stated excuse me.

Board Member McNulty stated do we have to do SEQRA.

Rich Williams stated if you're doing a waiver of site plan, you're essentially saying they don't need any site plan...

Chairman Rogan stated right.

Rich Williams stated so no.

Board Member McNulty stated okay.

Rich Williams stated plus it's a non-residential structure that's less than 4,000 square feet, so it would be a Type II anyway.

Ted Kozlowski stated I would just put a caveat in that, is that in that shed I wouldn't want to see chemicals or you know, not that the library would do that...

Rich Williams stated no fuel oil.

Chairman Rogan stated well you know lawn mower or something or...

Ted Kozlowski stated well you know, I, you know, if it's storage, lawn mower I don't have a problem with but I'm just saying if it's...

Chairman Rogan stated bulk chemical storage or anything.

Ted Kozlowski stated something that could be a problem...

Board Member Montesano stated how about 50 gallons of gas...

Chairman Rogan stated better out in the shed than in the building then I guess right.

Ted Kozlowski stated just common sense.

Chairman Rogan stated yeah.

Board Member McNulty stated I don't think they're storing chemicals over there.

Board Member Montesano stated is that another story.

Rich Williams stated hmmm?

Board Member McNulty stated they're not storing chemicals I don't think, cleaning supplies.

Ted Kozlowski stated I would think it's related to outdoor stuff.

Board Member Taylor stated did they specify they're putting on which shed, there's, what 8 sheds here.

Chairman Rogan stated with the sizes.

Rich Williams stated actually no, I haven't tracked that down and it's not shown on the bottom.

Ted Kozlowski stated it looks like something they get at Home Depot.

The Secretary stated it's that one.

Rich Williams stated okay, what's the size.

The Secretary stated that I have no idea.

Rich Williams stated well that's what I asked you before.

Board Member McNulty stated yeah it said on there, 10 by 16...

Board Member Taylor stated yeah, they've got a cut, there are 8 different ones to choose from.

Board Member McNulty stated oh, it said on the site plan.

Rich Williams stated no, it's not; I've got to track that down.

Board Member Taylor stated no, it says square footage.

Board Member Brady stated I thought somewhere 10 by 16.

Board Member McNulty stated no, on the application.

Board Member Taylor stated is it, it's...

Board Member Brady stated it might have been the application, because I did see it somewhere too.

Board Member Taylor stated 10 by 16...

Board Member McNulty stated yeah I saw that too.

Ted Kozlowski stated I was like...

Board Member Brady stated yeah it is, it's in the application, second page, 10 by 16 storage shed at the rear.

Board Member McNulty stated 10 by 16 shed at the rear.

Board Member Taylor stated 10 by 16, that's not on here.

Board Member Montesano stated if it's 10 by 16...

Board Member Taylor stated that's not a choice on the cut.

Board Member Montesano stated if it's 10 by 16 at the rear what is it at the front.

Board Member Taylor stated no, I'm talking about the cuts, the shed cuts, 10 by 16 is not a...

Board Member Montesano stated I just thought I'd ask.

Board Member Taylor stated 8 feet, 10 feet, 12 feet, 14 feet is the biggest one...

Board Member Montesano stated because that's exactly what he said.

Board Member McNulty stated yup.

Board Member Montesano stated 10 by 16 at the rear but there's no height.

Board Member McNulty stated will verify size.

Board Member Taylor stated well the heights are 8 to 10 feet. Yeah, no the cuts don't have a 16 footer, do they.

Chairman Rogan stated so actually rather than a site plan application, we're doing a site plan waiver.

Board Member Taylor stated put two together, oh well.

Rich Williams stated the way it sounds like everybody wants to go.

Chairman Rogan stated yeah, it seems to be...

Board Member Montesano stated well if we don't, it's going to cost us more.

Chairman Rogan stated it's funny how little issues, where there's not a lot going on, you know, in the day when we have 18 to 20 items on the agenda, we would have already approved this one and...

Board Member Taylor stated next.

Board Member Brady stated been passed, long gone.

Chairman Rogan stated with due diligence but with also, you know, all things being relative.

5) PJB DEVELOPMENT CORP. – Wetlands/Watercourse Permit Application

Chairman Rogan stated okay PJB Development Corp, this is on McManus Road North, this sounds like it's pretty close to you huh.

Board Member Taylor stated okay I, yeah I have to recuse myself from this one I'm afraid because I have a personal interest in this and what's done with this property.

Ted Kozlowski stated I really think we need to do a site walk on this one.

Chairman Rogan stated oh absolutely.

Board Member Taylor stated I'll leave the room.

Rich Williams stated that's fine but before we even do that, do, I mean you were saying earlier that the plans do not accurately reflect the wetlands.

Ted Kozlowski stated right but I, well yeah before...

Rich Williams stated and I certainly don't know about the stream.

Ted Kozlowski stated yeah before we get to that just let me fill you guys in on this, okay. It's almost I think, I can't remember the date, I think it's about two years ago that I got a call from Jay Hogan to look at this piece of property on behalf of Peder Scott because he wanted to know if there were wetlands on the property. So, I went out to this site and there's two wetlands issues on this site, one is at the top of the hill where this house is going to be, across the street there is a drainage way/stream that comes into the property and then goes into a small wetland and a structure that looks like it was some sort of well or farm cistern or something like that, they harnessed the water there...

Board Member McNulty stated still in use.

Ted Kozlowski stated well it's still there, it's not in use for anybody but so they harnessed the water that was coming down for whatever reason, probably an agricultural reason and then the water is released in like a stream corridor that goes down the hill and there is a wetland right where that septic is.

Board Member Brady stated excuse me, just give me a second.

Board Member McNulty stated isn't there a septic approved on this already, from what I read.

Ted Kozlowski stated he says he's got a septic approval.

Rich Williams stated he has indicated, we don't have the actual approvals but he has indicated that DEP, Putnam County Health Department have approved the septic.

Ted Kozlowski stated so there is definitely wetland at the base of that...

Chairman Rogan stated should know if it was recently.

Ted Kozlowski stated because if you guys just look at the topography, it's pretty steep, it comes right down into the wetland and then it flows towards Ron's house, so there is wetland down there, that's another thing

and then finally I think this is a very challenged site for a house. I know it's a pre-existing, pre-approved lot but that is a steep, challenging site, in my estimation, so I think it needs to, I need to look at this, I don't see wetland flagging on there, although he's filed a wetlands permit and I think he's calling this, if you look, between the, this...

Board Member McNulty stated give me some bearing where we are here, I see [Route] 164, where is McManus...

Ted Kozlowski stated [Route] 164 is here, Ron's house is over here, this is the top of the hill, this is the top of McManus...

Chairman Rogan stated like the cul-de-sac with the grass in the middle.

Ted Kozlowski stated it's a cul-de-sac, there's houses surrounding it.

Board Member McNulty stated oh I see it here, okay.

Ted Kozlowski stated okay and all the drainage, all the drainage up on the top, I believe, you know it's been two years so I might be a little off, but all the drainage on the top, is going right through this property so and it's right where this house is...

Board Member McNulty stated so how is he going to push it away.

Ted Kozlowski stated I don't know Tommy, this is a challenged site.

Board Member McNulty stated here's McManus...

Chairman Rogan stated where's the cul-de-sac, oh okay, this, great.

Board Member McNulty stated this is a hard map to figure here.

Chairman Rogan stated you know what, you need a bigger aerial view I think.

Ted Kozlowski stated there is a bigger, there is a slightly bigger map, then put here, then there are houses...

Chairman Rogan stated oh so the, I see, this is the road going up, the cul-de-sac is up further.

Ted Kozlowski stated see he's got watercourse here and he's going right through and there's wetland down here and this is where the septic is going.

Chairman Rogan stated that's rugged.

Ted Kozlowski stated so the thing is that what, what is also not shown on there is the wetland is on the other side of the property line, so this site needs, this needs further review by me and once that's all done and corrected, I think you guys need to, you need to go out on a site walk and look at this.

Chairman Rogan stated so this is...

Board Member Montesano stated are we going in for the rain garden, did you see this.

Ted Kozlowski stated yeah, I've seen them.

Board Member McNulty stated two of them.

Ted Kozlowski stated I'm seeing this for the first time.

Chairman Rogan stated why is it, why are there two, on the cover that I'm shown here, why is it showing a septic system...

Rich Williams stated he's got two separate septic systems, both of them primary.

Chairman Rogan stated really, so both of them...

Rich Williams stated an adjacent to the primary is the reserve.

Board Member McNulty stated are there two lots involved here.

Rich Williams stated no, one lot.

Chairman Rogan stated oh I see, the line runs all the way up.

Board Member McNulty stated it says the break line and then it goes, it's just a real narrow line.

Chairman Rogan stated oh, oh, this is a match line.

Board Member McNulty stated yes, here.

Chairman Rogan stated so this matches up to here.

Board Member McNulty stated this is all the way at the bottom of the hill.

Chairman Rogan stated I see, got it.

Ted Kozlowski stated there is not a lot of usable property on this lot.

Chairman Rogan stated yeah I see the line going down now, that is some steep...

Ted Kozlowski stated yeah, it's...

Chairman Rogan stated gotcha.

Ted Kozlowski stated whoever moves there, is not going to have much room to do anything.

Chairman Rogan stated so the primary area at the bottom of the hill is the part that close to...

Ted Kozlowski stated yeah, see when you go down here Shawn...

Chairman Rogan stated yeah, I gotcha.

Ted Kozlowski stated this is all wetland in here.

Chairman Rogan stated yeah, where's Ron, here or here.

Ted Kozlowski stated Ron's over here.

Chairman Rogan stated got it, okay, McManus runs up.

Ted Kozlowski stated yup.

Chairman Rogan stated okay, and then, so the cul-de-sac is further up.

Ted Kozlowski stated the cul-de-sac is up here...

Chairman Rogan stated okay.

Ted Kozlowski stated right here.

Chairman Rogan stated yeah I know this lot here does drain steeply...

Ted Kozlowski stated yeah, this goes right down, so it's challenged.

Chairman Rogan stated wow.

Board Member Montesano stated is that stone wall still up there.

Chairman Rogan stated it's amazing there's such a narrow lot there, that's weird how that would have been split that way.

Rich Williams stated I don't know how that came to be.

Chairman Rogan stated you know, you can't fit, they're right on...

Board Member Montesano stated well if you go back to the history of it...

Chairman Rogan stated their lines.

Ted Kozlowski stated the other thing is, there's no soil, the whole hillside is just...

Chairman Rogan stated rock.

Board Member Montesano stated rock.

Ted Kozlowski stated it's just boulders.

Chairman Rogan stated wow.

Board Member Montesano stated originally someone wanted to put North McManus and South McManus into McManus previously...

Board Member McNulty stated you all right.

Board Member Brady stated yeah.

Board Member McNulty stated you have power.

Board Member Brady stated no.

Chairman Rogan stated yeah but that doesn't seem like that would have created these lines.

Board Member Montesano stated your father-in-law was very upset over there.

Chairman Rogan stated well he was upset enough that filed through the Supreme Court to formally abandon the roadway.

Board Member Montesano stated yeah, well the trick was they wanted the Town, the person that was developing wanted the Town to absorb the cost...

Ted Kozlowski stated sorry.

Board Member Montesano stated of building a road.

Chairman Rogan stated right and I think they started too because and now this is ancillary to this lot because it's further uphill...

Board Member Montesano stated there was a lot of problems, when people found out it was going to, at the time, it was going to cost well over a hundred thousand dollars in Town taxes to build a road for a private contractor.

Chairman Rogan stated what's also interesting is that the road at the bottom of the hill is so steep where it intersects once, [Route] 311, you know, it's, you know this is not the road that you would want to have an additional big subdivision emptying out on but...

Board Member Montesano stated it used to be great hunting.

Chairman Rogan stated so the front and the back of the building both touch the setback lines.

Rich Williams stated no, that's Peder's setback line, that's not our current setback lines.

Chairman Rogan stated okay.

Board Member McNulty stated I saw your comments about the setback and the variances changed, the Code changed.

Rich Williams stated yeah.

Board Member McNulty stated without something to look at, I was very confused.

Chairman Rogan stated 50 foot stream offset, they're showing a piped section of a stream or something, see that.

Board Member Brady stated I can't, I've got brand new glasses on, I still can't read these sets.

Board Member Montesano stated this is one of those phantom deals.

Chairman Rogan stated well I think it's such a small view too.

Board Member Montesano stated go on over to [Route] 164 again and play up there.

Board Member Brady stated how long has this been here.

Ted Kozlowski stated how long has this been there.

Board Member McNulty stated this is Ron's over here, right, this is [Route] 164...

Board Member Brady stated yeah this isn't just...

Chairman Rogan stated he said here.

Board Member McNulty stated it runs behind it.

Ted Kozlowski stated this is insufficient.

Board Member McNulty stated see [Route] 164...

Chairman Rogan stated yeah, McManus...

Board Member McNulty stated McManus is on this side.

Ted Kozlowski stated guys I'm going to do a review on it, a wetlands review but...

Board Member McNulty stated Ron would right in here.

Ted Kozlowski stated this isn't going to, this isn't complete, I'll tell you right now.

Board Member McNulty stated have to do some looking at this...

Chairman Rogan stated unless this is really [Route] 311 and they mislabeled it.

Board Member McNulty stated that could be.

Chairman Rogan stated you know.

Board Member McNulty stated trying to get a...

Chairman Rogan stated right.

Board Member McNulty stated in relation to the road, where does this property run.

Rich Williams stated it's [Route] 164, it's [Route] 164...

Chairman Rogan stated so then Ron would be on the high side of him, wouldn't he.

Board Member McNulty stated over here.

Chairman Rogan stated he would be up here.

Rich Williams stated the intersection is here...

Chairman Rogan stated yeah.

Rich Williams stated and Ron is here.

Chairman Rogan stated yeah, not here.

Ted Kozlowski stated yeah but that's what I showed you, Ron's on this side.

Chairman Rogan stated oh I thought you, I'm sorry, I apologize.

Board Member McNulty stated yeah I meant...

Board Member Brady stated the intersection is here, the intersection of [Route] 311...

Rich Williams stated the intersection, yeah [Routes] 311 and 164.

Board Member Brady stated and [Route] 164, okay so they, then...

Board Member McNulty stated I've never been all the way up that road before...

Chairman Rogan stated here's what we need to do...

Board Member Brady stated oh is that on that, the big road going up the hill.

Chairman Rogan stated is...

Board Member Montesano stated yeah, you go up there.

Ted Kozlowski stated first of all, this isn't 1 to 100 is it.

Chairman Rogan stated yeah, it sure looks like it's, it says scale 1 to 30.

Ted Kozlowski stated is it one to a hundred.

Chairman Rogan stated but this is more like that, even though...

Board Member McNulty stated like that, yup.

Board Member Brady stated McManus is that big steep road.

Chairman Rogan stated that's more of what we have, forget about this part.

Board Member McNulty stated yeah, right after the intersection.

Board Member Brady stated they built a house up there, they've been building a house up there for quite a while.

Board Member McNulty stated winds uphill.

Chairman Rogan stated right.

Board Member Brady stated that's been going on and on and on and on.

Board Member McNulty stated the cul-de-sac is right up here.

Chairman Rogan stated exactly.

Board Member Montesano stated they divided it into 4 seventeen acre lots...

Board Member McNulty stated I have to get up there, I've never been up there.

Chairman Rogan stated no.

Board Member Montesano stated the original property.

The Secretary stated the one that is just a foundation is Geoffrey Shaw...

Board Member Brady stated no this is framed, it's like somebody was building it themselves.

Chairman Rogan stated once in a while I can drive up there and run through the woods to my house and not have to go all the way around.

Rich Williams stated on the other side of the road.

Board Member Brady stated going up the hill on the right hand side.

Rich Williams stated there was a big addition on to a house, not actually the house.

Board Member Brady stated is that what it was.

Rich Williams stated it was somebody who got an area variance for it.

Board Member McNulty stated as long as they're not going down that street.

Chairman Rogan stated all, so you're going to do a review, I mean obviously at some point we're going to go do a site walk on this...

Board Member McNulty stated yup.

Chairman Rogan stated and really take a look...

Board Member Montesano stated oh we're going to have fun.

Chairman Rogan stated but we want to make sure that the plan is what they're, well just get a sense, it has to be staked out.

Board Member McNulty stated is there any development on this property at all.

Chairman Rogan stated on this lot.

Rich Williams stated not that I'm aware of, I haven't been out there.

Board Member McNulty stated it's totally a bare lot.

Ted Kozlowski stated I was there like two summers ago, so I don't know what it's, happen then.

Chairman Rogan stated we got correspondence on this a while back didn't we, something on this lot.

Rich Williams stated maybe.

Chairman Rogan stated seems like it.

Ted Kozlowski stated I sent him correspondence, I sent him an e-mail saying you know there are wetlands there.

Chairman Rogan stated yeah.

Ted Kozlowski stated and...

Chairman Rogan stated so look, we need to have the, make sure the wetlands are properly flagged, make sure this, this is a unique lot, isn't it.

Board Member McNulty stated it's over 2 acres.

Chairman Rogan stated it's only, the whole lot looks like it's only about 50 something foot wide though.

Board Member Brady stated yeah.

Rich Williams stated yeah, just a hair over 2 acres.

Chairman Rogan stated the reason why lots shouldn't be this narrow.

Board Member McNulty stated that's what my lot is.

Chairman Rogan stated I know it's difficult but...

Board Member Montesano stated that's because you've got a sign there...

Ted Kozlowski stated yeah but Tom you're in the middle of the Hamlet, this is...

Chairman Rogan stated with public sewer, right, you have community water...

Board Member McNulty stated no.

Chairman Rogan stated you don't...

Board Member McNulty stated I pay taxes for nothing.

Chairman Rogan stated like the rest of us.

Board Member Brady stated hey, you could always be drilling a well like me.

Chairman Rogan stated yeah.

Board Member McNulty stated I might be soon, mines running light too.

Chairman Rogan stated so...

Board Member Montesano stated do you want to borrow my shovel.

Chairman Rogan stated this should be an interesting one and we're all on it from square one.

Board Member McNulty stated from the beginning, yes.

Chairman Rogan stated from the beginning, right, so.

Board Member Brady stated yeah and can we get, I can't read these, can we get bigger plans.

Chairman Rogan stated yeah, you want a little bit bigger.

Rich Williams stated you want bigger plans or do you want to PDF's.

Board Member Brady stated I'll take PDF's, that's fine with me.

Board Member McNulty stated the PDF is okay by me because you can expand it and print out what you want.

Board Member Brady stated right, you can get right into it.

Rich Williams stated yeah, I just, I didn't waste anybody's time because I took a look at the plans...

Board Member McNulty stated I heard.

Rich Williams stated I know the engineer and I saw there were significant deficiencies as far as knowing what the application is for, I mean, I'm not sure what the watercourses are or what the application is for and I knew Ted was not going to find it complete, so I didn't bother to call him up to say you know, send me bigger plans.

Board Member McNulty stated yeah, should get them updated.

Ted Kozlowski stated it's been a while since Peder Scott's been in this building.

Chairman Rogan stated it looks like he's half owner of the lot based on the principles thing we have, him and somebody else.

Rich Williams stated well that's a, ask me later.

Ted Kozlowski stated okay.

Chairman Rogan stated okay, moving right along...

Rich Williams stated all right...

6) ICE POND ESTATES SUBDIVISION – 62 days from Public Hearing to expire

Chairman Rogan stated spend some time on Ice Pond.

Rich Williams stated they have not yet submitted anything, 62 days from the date of the public hearing is set to expire August 10th, at which point if the Board has not taken an action they would have default approval. I sent their attorney another e-mail; I think this morning or yesterday, one or the other. Just a friendly little reminder saying you know, we don't have a waiver and 62 days is about to expire and we're going to have to make a decision. I haven't gotten a response so I'm going to give you a resolution to deny the project at the next meeting...

Chairman Rogan stated right.

Rich Williams stated you know.

Chairman Rogan stated yup.

Board Member Montesano stated sounds good.

Rich Williams stated so I'm sure when I e-mail the resolution to the attorney...

Chairman Rogan stated you'll get the waiver.

Rich Williams stated with a nice little letter saying and you're going to get charged for my time...

Chairman Rogan stated yeah, that's silly for them to let stuff like that fall by the wayside.

Rich Williams stated yeah.

Board Member McNulty stated maybe they're on vacation.

Chairman Rogan stated could be.

Board Member Brady stated and they get paid.

Chairman Rogan stated okay.

Board Member Montesano stated yeah.

Rich Williams stated what, for 6 weeks.

Board Member Montesano stated sure.

Rich Williams stated all right.

Ted Kozlowski stated is this the one with the 28 lots.

Chairman Rogan stated yeah.

Board Member McNulty stated Ice Pond.

Rich Williams stated 24.

Ted Kozlowski stated these guys were like ready to go.

Rich Williams stated yeah.

Board Member Brady stated remember they didn't even want to have another public hearing, they wanted to just flew through.

Board Member Montesano stated that doesn't mean the attorney's moving on it.

Ted Kozlowski stated that's odd.

Chairman Rogan stated can you...

Board Member McNulty stated so if it gets denied, based just say the worst case is it gets denied on a resolution, they are back to square one.

Rich Williams stated yeah, they start over.

Board Member McNulty stated wow.

Chairman Rogan stated can you or do you cc any of the other people like Joe Buschynski or the owner on that letter you sent to the attorney.

Rich Williams stated the original, what I did is I drafted up a request waiver, a waiver, yeah a request to waive the time and I sent that to Joe and the attorney, this latest one I only sent to the attorney. The next one...

Chairman Rogan stated go out to everybody.

Rich Williams stated everybody I can contact, yeah.

Chairman Rogan stated well yeah, you know, it's kind of silly. Okay and while we still have power...

7) **SUZANNE E. BRUCE – Driveway Waiver**

Chairman Rogan stated Susanne Bruce 91 Highview Drive, driveway waiver.

Rich Williams stated did I spell this right, do you have her application there.

The Secretary stated no, I do not.

Chairman Rogan stated Suzanne, not Susanne.

The Secretary stated no, you spelled it wrong, Suzanne, S-U-Z...

Rich Williams stated Z.

The Secretary stated yes, S-U-Z-A-N-N-E.

Chairman Rogan stated oh.

Rich Williams stated I was just looking at that, alright so I've got to change the agenda.

Chairman Rogan stated Z.

Rich Williams stated this is something that just came in, we were, the Building Department was notified, The Building Department was notified of a driveway extension that was going in which did not meet the 10 foot setback requirements from the side property line. So Nick Lamberti visited the site, talked to the applicant and had her come in and submit a request to the Planning Board to waive the side yard setback, a lot of the work has already been completed and Michael has the photographs.

Chairman Rogan stated cool.

Rich Williams stated we've managed to secure a survey from the Building Department but the survey is not marked up with the extent of the work they are proposing to do. Essentially they are trying to create an extended parking area for their children to ride their bikes and play in.

Board Member McNulty stated and they're within 3 feet of the neighbor.

Rich Williams stated and they are within 3 feet of the property line.

Board Member Montesano stated whose fence is that, do we know.

Rich Williams stated that is the neighbor's fence.

Board Member Montesano stated so it's right on the property line.

Rich Williams stated it is, the fence is right on the property line, there is a very narrow channel that you know, runs down through.

Board Member McNulty stated where's Highview, up off of Bullet Hole.

Board Member Montesano stated yeah.

Rich Williams stated yes, at the end.

Chairman Rogan stated oh their saying the white fence was previously, it says the white fence was previously running across our property where we are trying to expand the driveway. Sso it sounds like the neighbors fence is slightly on this person's property.

The Secretary stated not anymore.

Chairman Rogan stated oh.

The Secretary stated the fence used to go up to the house, their neighbor's house, they were completely across the line.

Board Member Montesano stated that's very nice of them, I'm glad Liz isn't there because we'd never hear the end...

Chairman Rogan stated it says they removed it after I asked them several times.

Board Member Brady stated is the neighbor going to object to it.

Rich Williams stated I don't know what the neighbor is going to do.

Board Member Brady stated because if you made them, make them move the fence, they might turn around and say okay, now it's my turn.

Board Member Taylor stated and the posts are.

Rich Williams stated well obviously the posts are set up so that they can put a high fence on to the wall that they built, the question is now are they exceeding the 6 foot maximum...

Ted Kozlowski stated so they are putting their fence up against the other persons fence.

Rich Williams stated yes, so you're going to have this narrow little 3 foot aisle between the two of them.

Ted Kozlowski stated oh god.

Board Member Taylor stated that looks a lot higher than 6 feet.

Rich Williams stated well they're limited to 6 feet.

Ted Kozlowski stated well they'll probably cut the posts, right.

Rich Williams stated yeah I would think.

Ted Kozlowski stated maybe.

Rich Williams stated but you can't put a 6 foot fence on a wall.

Board Member Taylor stated yeah.

Rich Williams stated because you're over 6 feet, then.

Board Member Taylor stated yeah.

Ted Kozlowski stated why would you want to put a fence up against an existing fence.

Board Member Brady stated especially a nice fence like that.

Ted Kozlowski stated that's not an ugly fence.

Board Member McNulty stated so this fence in this picture, this is the applicant's fence here, runs up against their house, does the backyard.

Rich Williams stated no, that's the neighbor's fence, is it white.

Board Member McNulty stated yeah.

Rich Williams stated yeah, that's the neighbor's fence.

Board Member McNulty stated and it runs right up to their house.

Board Member Taylor stated used to.

Rich Williams stated it used to be on their property.

Chairman Rogan stated let's look at the bigger pictures, maybe we'll...

Ted Kozlowski stated is that some sort of hazard.

Chairman Rogan stated to no be able to get into the back there.

Rich Williams stated listen, Nick Lamberti is aware of the application and he's not raised any issues regarding access to the rear of the property and the fire code.

Chairman Rogan stated used to go all the way across, the previous owner probably allowed it.

The Secretary stated Shawn, Liz Zuzzulo used to own 91 Highview.

Chairman Rogan stated makes sense.

Rich Williams stated now I'm not exactly sure what the intent is on what they're doing, I'm a little concerned personally about, if you look at the pictures, there is a white pipe sticking up...

The Secretary stated that's drainage that they created.

Rich Williams stated that's fine but it looks like they may be going, they may be putting more fill down...

Board Member McNulty stated it's not a conduit pipe.

Rich Williams stated and raising the grade and that's going to be the drain pipe when it's finished but that pipe is sticking pretty far out of the ground.

Ted Kozlowski stated yeah that looks like a drain pipe.

Board Member McNulty stated oh yeah.

Rich Williams stated yeah, it is a drain pipe.

Board Member Brady stated yeah.

Board Member McNulty stated in this photograph.

Board Member Brady stated but how, that's the driveway, how is that into the elevation of the entrance to the garage.

Chairman Rogan stated you might want to take a look at this one.

Rich Williams stated no it's on the side of the house, it's not...

Board Member Brady stated oh it's on the side of the house, so they can raise it.

Rich Williams stated yeah.

Ted Kozlowski stated I don't know if this is, matters but is it going to be a situation where now this fence is going to be higher than the other fence just to annoy somebody because it looks like if they're putting that fill in and that's where you start the grade and six feet from that will be higher than the other fence and now we're...

Board Member McNulty stated carpenter's dream.

Ted Kozlowski stated now it borderlines, to me this is borderline ridiculous.

Board Member Brady stated actually in this picture here, it shows the fence going up to the house before they...

Chairman Rogan stated right.

Board Member Brady stated before they had the, yeah.

Board Member McNulty stated now our Code, does it require somebody to maintain a fence.

Rich Williams stated I believe our Code says you have to maintain a fence in good condition.

Board Member McNulty stated I'm just looking at that narrow aisle way...

Chairman Rogan stated it's probably maintenance code.

Board Member McNulty stated how do you maintain something, well 3 feet, it's wide enough for a hallway so...

Board Member Montesano stated well the other side of the fence is supposed to be, the part facing the neighbor is supposed to be the good side of the fence.

Rich Williams stated the good side, good side out.

Ted Kozlowski stated now think about this okay...

Chairman Rogan stated that varies from municipality to municipality, I'm just finding that out, not everybody does that...

Rich Williams stated oh yeah.

Board Member Montesano stated yeah.

Rich Williams stated no.

Ted Kozlowski stated think about this, you've got this little narrow way, if it's vegetated, it's going to be overgrown with weeds or it's got to be maintained and now you're going to have this no man's land of vegetation, you're going to have to put a mower through there, somebody is going to be banging into another one's fence...

Board Member McNulty stated well 3 feet is wide enough.

Chairman Rogan stated yeah, I think we've got to take a look at this one.

Ted Kozlowski stated yeah for a 21 inch mower.

Board Member Montesano stated there is only question.

Board Member McNulty stated if it's wide enough for a hallway in a house, it's wide enough between fences.

Chairman Rogan stated there are houses that are only 3 feet apart, right.

Ted Kozlowski stated you can imagine what the issues might be between two warring neighbors.

Board Member McNulty stated that's beyond our control.

Board Member Montesano stated well if the fence is on the property line that means that three feet from the fence would be the property owner on that side.

Chairman Rogan stated site walk.

Board Member McNulty stated the existing fence.

Board Member Montesano stated yeah the existing fence is on the property line.

Rich Williams stated when do you want to look at it.

Board Member Montesano stated if I put a fence up here and there's 3 feet in between, that means that that property is mine.

Rich Williams stated want to wait until she comes in next meeting to do it or...

Ted Kozlowski stated Rich, can the fence be right on the property line, doesn't it have to be offset.

Rich Williams stated it can be right on the property line.

Ted Kozlowski stated well how do you do that without going on the other property.

Board Member McNulty stated that's what my neighbor did.

Chairman Rogan stated that works.

Ted Kozlowski stated if you've got to dig a hole...

Rich Williams stated very carefully. Look, it's never a good idea but...

Board Member McNulty stated take it back a foot.

Rich Williams stated give yourself enough room to do some maintenance on it, you have to go out there to patch it, paint it, repair, give yourself some room but nobody ever does, they put it right on the property line and they trespass all the time.

Board Member McNulty stated well my neighbors put up a fence, I had no objection, then she asked me to look at the gate, it wasn't working, I said did I ever tell you about the fence I never had.

Board Member Brady stated did she get, did she understand.

Board Member McNulty stated no, she didn't get it, she was looking at me, just so I don't have to take care of it, that's what I told her.

Chairman Rogan stated that's funny.

Board Member Montesano stated some people are very picky.

Chairman Rogan stated everybody wants to go take a look at this, right.

Board Member McNulty stated I think so.

Board Member Montesano stated I would think you have to.

Chairman Rogan stated it will make a lot of sense, now do we want to do this before next Thursday. I mean Ed is the only one who's got nothing going on in his life right now.

Ted Kozlowski stated you don't need me for this there are no wetlands, right.

Chairman Rogan stated no.

Board Member Montesano stated how do you know.

Ted Kozlowski stated yeah.

Chairman Rogan stated we'll let you know.

Board Member McNulty stated we'll let you know.

Ted Kozlowski stated have you been there.

Rich Williams stated no, there may be wetlands way, way down in the back but it's up on top of the hill.

Ted Kozlowski stated I don't want to get involved in the Hatfield's and the McCoy's here.

Chairman Rogan stated no.

Board Member McNulty stated you said Nick looked at this, he went out...

Rich Williams stated too late, too late.

Board Member Montesano stated I have a small howitzer for sale, sell them the howitzer and then I have the mortar on the other side...

Board Member McNulty stated did he have any comment.

Rich Williams stated no.

Board Member McNulty stated okay.

Chairman Rogan stated so the question is, do we want to do after work one evening or Saturday morning.

Board Member Montesano stated I can't do that, I don't work so I get after.

Chairman Rogan stated which is better for everyone.

Board Member McNulty stated just thinking...

Board Member Brady stated well Saturday morning I have the funeral so, I'm out of that.

Chairman Rogan stated all right, well let's shoot for...

Board Member Brady stated you know I can, I can, if I can go there, even if I can go there by myself, I don't know if that's an issue.

Rich Williams stated they, well they live there so, out of courtesy you'd have to call before you go.

Chairman Rogan stated yeah.

Board Member Brady stated call right, well I would let you know, you know maybe we can get a number to call them.

Rich Williams stated it would be on the application, that would probably, it should be on the application.

Chairman Rogan stated well what does everybody else think.

The Secretary stated it is, it's a cell phone number.

Board Member McNulty stated yeah there's a phone number there.

Chairman Rogan stated Ron.

Board Member Brady stated yeah.

Board Member Montesano stated hey.

Board Member Taylor stated whenever.

Chairman Rogan stated you have, Saturday morning would work for you.

Board Member Taylor stated yeah Saturday morning...

Board Member McNulty stated Saturday morning works for me.

Chairman Rogan stated all right, so why don't we set it up for Saturday morning with the idea that Ed is going to go out on his own, sometime in the week, with a call first...

Board Member Brady stated yeah, I'll go out Monday or Tuesday.

Chairman Rogan stated all I'd ask from you Ed is if you can send an e-mail to Rich, copy me, with your observations, we include that into the file so that we have a record that you did the site walk.

Board Member Brady stated okay, no problem, yeah.

Chairman Rogan stated and then, this way we've kind of tried to do things that way because we don't all ever make all the site walks but...

Board Member Brady stated no, that's fine, I don't have a problem with that.

Ted Kozlowski stated Shawn is that the only site walk, the only place you think you're going to on Saturday.

Chairman Rogan stated I think so right.

Ted Kozlowski stated Rich, do you see any other reason to go anywhere else.

Board Member McNulty stated the library.

Chairman Rogan stated I mean it's too early to do the McManus Road North one, so...

Ted Kozlowski stated don't do McManus Road yet.

Chairman Rogan stated no, I mean so that's it, yeah just get this one but I think this one we probably ought to go take a look at it.

Ted Kozlowski stated so I won't be there.

Board Member McNulty stated do we want to meet right there or...

Chairman Rogan stated it's up to your guys.

Board Member McNulty stated or do you want to do breakfast.

Chairman Rogan stated I think we should probably do breakfast for those that want it.

Board Member Brady stated oh man, I'm going to miss out on breakfast too.

Chairman Rogan stated well you can meet us for breakfast and then not get your feet dirty. You know if we do breakfast at 7 and we leave at 8, we'll be done 8, I have to work at 10 o'clock over at the 4H fair on Saturday morning, so I have to be out of there certainly by nine, but it isn't going to take that long.

Board Member Brady stated I have to be down in Mamaroneck by 9.

Chairman Rogan stated so yeah, no, I mean we'll have breakfast for you.

Board Member Brady stated maybe, you know, while you're there Saturday just tell her that I'll be calling her and it's you know.

Chairman Rogan stated we will, we'll do that.

Board Member Montesano stated all right, do we're going to meet Saturday morning at 7 o'clock...

Chairman Rogan stated yeah.

Board Member Montesano stated down there.

Rich Williams stated unless you hear otherwise from me.

Chairman Rogan stated the diner, yeah.

Board Member Brady stated because I might even call Sunday, you know, Sunday afternoon for Sunday...

Chairman Rogan stated we'll mention that to them and that's assuming that Saturday works well for them for us to stop at their house but I can't imagine it wouldn't. This is on Highview.

Rich Williams stated mmhmm.

Board Member Montesano stated yes.

Chairman Rogan stated okay, Highview, the diner...

Board Member McNulty stated Mr. See is finished.

Chairman Rogan stated there is nothing else really closer to that though.

Board Member McNulty stated came out nice.

Ted Kozlowski stated yeah, actually.

Chairman Rogan stated other than George's Place but that's not Patterson.

Ted Kozlowski stated it's functional...

Chairman Rogan stated so the diner's good, have to keep our business local.

Board Member Brady stated that's the garage, is that the garage down the...

Ted Kozlowski stated yeah.

Chairman Rogan stated we have to keep our business local, like in Patterson, you know, our breakfast business.

Rich Williams stated we should if we can.

Chairman Rogan stated anything from anyone else for the record.

Commerce Drive Discussion

Board Member Taylor stated can we talk about Commerce Drive a little bit.

Chairman Rogan stated sure.

Board Member Taylor I went through all the notes and everything and there were some questions that occurred to me that maybe an engineer would be asking. One of the, of course one of the big problems down there are steep slopes, can we do something about that, can we say we'll support them if they want to knock them out, they want to cut them back.

Rich Williams stated well if you think it's appropriate and they can demonstrate that they can cut them back and still maintain some sort of slope stability, sure.

Board Member Taylor stated and that's in the Code, what's required for that.

Rich Williams stated no, no, that's just good engineering practices.

Chairman Rogan stated good engineering.

Board Member Taylor stated good engineering.

Rich Williams stated on a case by case basis but there is nothing in the Code that prohibits them from, you know, re-grading a slope.

Board Member Taylor stated okay, so that's for an engineer can do that.

Chairman Rogan stated I'm glad you brought this up Ron because it gets back to what we're saying is we've thrown out there to the majority owner of the property out there that we are very willing to work with them in any way that we can and I think it's at the point where we've kind of said to them you need to come in to us with more than a letter that says here this is what I'm interested in doing, what are you going to give me, show us something that shows whether it's knocking back a slope and doing some erosion management and you know...

Board Member Taylor stated I just think we need to put it down in writing, just like what we did with Dunkin Donuts, so everybody's got everything in writing and it's agreed, we've talked about these things...

Chairman Rogan stated yeah.

Board Member Taylor stated it's never really been written up, there just a few questions that seem still unclear to me, so slopes are not a problem...

Chairman Rogan stated okay.

Board Member Taylor stated so that's, they can propose that, in the notes or in the discussion, there was some discussion about combining stormwater practices and wetlands but there was no, nothing specific about that, is there any guidance...

Board McNulty stated we talked about that one lot that was pretty wet, I guess behind Eastern Jungle Gym there...

Rich Williams stated yup, we had talked about...

Board Member McNulty stated but that's a separate owner correct, that's not in the group discussion.

Rich Williams stated that's correct.

Board Member Taylor stated well it could be in the discussion, I think we need to discuss this...

Chairman Rogan stated holistically.

Board Member Taylor as the whole thing...

Chairman Rogan stated yeah.

Board Member Taylor stated no matter who owns it and then they've got to, the owners have go to come back to us but it just, I thought that was an interesting concept because if you can combine stormwater practice and wetland creation, in a sense, you're doubling your bang for the buck but what does that mean, I mean are we talking about a rain garden, would that qualify for a wetland.

Rich Williams stated no, there are design standards for the creation of stormwater wetlands...

Board Member Taylor stated okay.

Rich Williams stated and how to do that. How to design your stormwater to flow through the system, so it's treated, removes the pollutants and it functions like a wetland and it looks like a wetland but it's really a stormwater pond.

Board Member Taylor stated but it qualifies as a wetland.

Rich Williams stated yes and I'll give you a great example, we had a very poor wetland, put your fingers in your ears for a minute, very poor wetland at the A&P Shopping center site, Patterson Commons and to the developers credit, he went down there and cut down almost all the trees in the wetlands without any permits and was stopped by Mr. Kozlowski at the very last tree and then Mr. Kozlowski walked off the site and he cut the very last tree down.

Ted Kozlowski stated cut the last tree down.

Rich Williams stated upon which time the developer then created a more functional wetland that also treated stormwater and spent much, much money on doing that along with a lot of plants.

Ted Kozlowski stated as sort of a penalty.

Board Member Taylor stated right, okay, all right so that's the sub-standards that we can point to for that, okay...

Rich Williams stated so A&P is a great site of a stormwater wetland.

Board Member Montesano stated but they never put the salamander ramps in.

Ted Kozlowski stated no.

Board Member Taylor stated all right so, did people look at my summary, I was just trying to summarize some of the points...

Board Member McNulty stated I opened it and looked at it briefly, I haven't...

Chairman Rogan stated it was a couple of weeks ago.

Board Member Taylor stated it was just, you know, you have to watch out for certain things is what I was trying to say, you have to allow for buffers, I mean once you put in a wetland, you have to consider where the buffer is going to end up because on some of those lots, you're going to push the buffers way up into neighbor's parking lots and other things. Some of that was common sense but we've agreed we're going to mitigate on a one to one basis...

Ted Kozlowski stated but you're not, you can't.

Board Member Taylor stated if it's less than half an acre.

Rich Williams stated no, you can't.

Ted Kozlowski stated the Army Corps, you can't Ron, we went to the Army Corps and we got clarification from the Army Corps, the Army Corps will not accept anything less than two for one.

Board Member Taylor stated even on less than half an acre.

Ted Kozlowski stated they will not, Army Corps does not have a minimum.

Chairman Rogan stated does it go to them...

Board Member Taylor stated oh it doesn't.

Ted Kozlowski stated no.

Board Member Taylor stated oh okay.

Rich Williams stated they have...

Ted Kozlowski stated if it's in the waters of, the navigable waters of the U.S.

Rich Williams stated they have, they have general permits for certain activities, if you were doing a residential home they would allow you to fill a tenth of an acre in before you needed to get a permit and after that you would need to get a permit and demonstrate two for one...

Ted Kozlowski stated right.

Rich Williams stated and there is a general permit also for commercial, I don't recall what it is off the top of my head but it's a very low threshold.

Board Member Taylor stated where did this half acre come from.

Ted Kozlowski stated that's ours.

Rich Williams stated no, it's much, much lower.

Board Member Taylor stated okay.

Ted Kozlowski stated our regulations are a half acre.

Board Member McNulty stated on a Town wetland.

Ted Kozlowski stated on a Town wetland.

Board Member Taylor stated a Town wetland, okay.

Ted Kozlowski stated the problem is, the Army Corps, the challenge with Commerce Drive and any other site you want to look at is that if we're going to fill in wetlands, no matter how good of a project that might be, or how bad the wetland is, if it's under Army Corps jurisdiction they are going to insist two for one.

Board Member Taylor stated and all of this is under Army Corps jurisdiction.

Ted Kozlowski stated yes.

Board Member McNulty stated why is that, why is it under their jurisdiction.

Board Member Taylor stated all right so this is all going to change.

Rich Williams stated because, because Federal government says so...

Board Member McNulty stated okay so that means...

Chairman Rogan stated so what's the trigger though...

Board Member McNulty stated yeah.

Chairman Rogan stated that you're creating or...

Rich Williams stated that the clean water act established certain guidelines which have been, there's been rule making made by the EPA and the Army Corps which grants them and it really originates by the EPA, grants the Army Corps jurisdiction over any wetlands that are associated with the waters of the State, the U.S.

Ted Kozlowski stated and it's called navigable waters and the way I look at it, is if the wetland you're looking at, if that drains and it drains into other wetlands and into larger systems and then eventually ends up in the Hudson River or the Long Island Sound or whatever, that's a navigable water and that's the watershed, we're in the watershed.

Chairman Rogan stated that's such a broad, all encompassing...

Board Member McNulty stated doesn't the watershed end up in the New York City...

Ted Kozlowski stated yeah but the New York City...

Board Member McNulty stated it doesn't end up in the Hudson...

Ted Kozlowski stated so but I'm just saying...

Rich Williams stated (*Inaudible*) boundaries...

Ted Kozlowski stated it's, when they say navigable waters, you know you're thinking boats and stuff but it's all encompassing and it's the protection of the waters because conceivably what we do here, winds up down there and that's, I don't know are we going to discuss 14 Palmyra tonight, we should appraise them...

Rich Williams stated I wanted to discuss it with you because I've got some things but...

Ted Kozlowski stated right.

Rich Williams stated but you should tell them about it.

Ted Kozlowski stated I should tell them about it...

Board Member McNulty stated so in a Town wetlands regulated area, it's really regulated by the Army Corps of Engineers.

Ted Kozlowski stated it always has been.

Board Member McNulty stated so that supersedes any of our regulations.

Rich Williams stated its concurrent jurisdiction, it doesn't supersede.

Ted Kozlowski stated but we can't lessen, in other words we can't...

Board Member McNulty stated I understand.

Ted Kozlowski stated we can't get around this, guys no matter, you can talk about it all night, we're not going to get around that, not one for one, they won't do it.

Board Member McNulty stated will they know it if we do it.

Board Member Montesano stated only when they get a phone call.

Ted Kozlowski stated now you're on record Tom.

Board Member Taylor stated yeah.

Board Member Montesano stated when you get a phone call and the FBI shows up you'll know.

Board Member McNulty stated why's he blaming me, I didn't say that.

Board Member Montesano stated but it's on the recorder.

Ted Kozlowski stated right.

Board Member Brady stated Michelle didn't get that.

Board Member Montesano stated that's all right, you'll write it up.

Board Member Taylor stated so I think that covers my questions, so I'll just write this up and seems like it's...

Chairman Rogan stated I think that everyone at least on our Board would agree that it sounds like the Army Corps has broad scope type control here where it should be a trigger level...

Ted Kozlowski stated your pants are talking.

Board Member Montesano stated I know.

Chairman Rogan stated I understand everything drainage to one area but then that, then why have Town regulations if you have such overwhelming federal regulations. So where...

Ted Kozlowski stated the thing is, the interest, Shawn...

Chairman Rogan stated let's outline, what would be a situation where that would allow us to create wetlands that would not fall under, is A&P truly an example of that, if we were doing that today, would that not pull in Army Corps.

Rich Williams stated yes, it would, back then it didn't pull in the Army Corps, even DEC wasn't exercising jurisdiction over it. We recreated that and with the latest DEC mapping, they not only went right up to the west side of the road with the wetlands but extended their jurisdictional boundary to the wetlands that are stormwater wetlands to the east side and then used that to go right across the road onto Tractor Supply.

Ted Kozlowski stated right and Shawn I've got to clear up a few things for you guys...

Chairman Rogan stated yeah.

Ted Kozlowski stated that you're not, you're kind of missing here, one is that you mentioned why have the Town wetlands regulations and all that, we don't fill in wetlands here, the Army Corps is only looking at wetlands that are getting destroyed...

Chairman Rogan stated got it, okay.

Ted Kozlowski stated okay, they're not looking at...

Chairman Rogan stated right.

Ted Kozlowski stated Tommy putting up a shed next to their wetland.

Chairman Rogan stated understood.

Ted Kozlowski stated that's not part of what they're looking at...

Board Member McNulty stated if you're going to modify the wetland.

Ted Kozlowski stated they're looking at the taking of a wetland...

Chairman Rogan stated so that's the trigger we were talking about earlier, it's not the size of the wetland, it's the action involved, that's the trigger.

Ted Kozlowski stated it's the action of filling in a wetland and then the other thing, the other interesting thing with the Army Corps is they don't recognize buffers, it's strictly wetland...

Chairman Rogan stated just whatever it is, yeah.

Ted Kozlowski stated so there are not buffers, so they won't, they don't have a hundred foot buffer or a fifty foot buffer, they have no buffers, it's strictly what is the wetland and what isn't and the only time you're going to the Army Corps for a permit is if you are destroying the wetland, so that's what we, we don't do that in this Town.

Chairman Rogan stated that makes sense and the two for one though, they're, the requirement is not that it has to be on site or adjacent, it can be an offsite mitigation, correct...

Ted Kozlowski stated yeah, right.

Chairman Rogan stated so you could create, theoretically, if somebody involved in this project, owned ten acres of property someplace else in Patterson or maybe some other, wherever, you know, the mitigation for creating wetlands could be...

Ted Kozlowski stated I don't know how, I don't know what the distance is.

Rich Williams stated generally you're got to stay in the same sub-watershed area.

Chairman Rogan stated okay.

Ted Kozlowski stated if you're on Commerce Drive and if you can work it out two for one, then it's going to work for Army Corps.

Chairman Rogan stated yeah.

Rich Williams stated if they wanted to go down to say Camp Herrlich and do something, they probably could do that.

Chairman Rogan stated that's probably the same drainage and yeah, interesting.

Ted Kozlowski stated that's not to say you can't do this on Commerce Drive, it's just that it's going to limit you to the amount you want to do...

Chairman Rogan stated yeah, okay.

Ted Kozlowski stated because you've got to find the room to do the two for one.

Chairman Rogan stated okay.

Ted Kozlowski stated but it can, there are doable things, it's just not as bright as we thought.

Chairman Rogan stated well the problem too here is we're dealing with so many compounding issues, we're dealing with steep slopes and wetlands and it's not, you know it's not, if we were just dealing with one of the issues, it would be one thing but...

Ted Kozlowski stated okay.

Chairman Rogan stated okay. Palmyra, you want to talk about.

14 Palmyra Road – Wetland Violation

Ted Kozlowski stated all right, this is an ongoing investigation, there is a serious, there are some serious implications here of an action that was done this past week, an individual allegedly has taken oil from an oil tank, dumped it into a wetland which wound up in Putnam Lake and not only that but I'm looking into

some other things along with other members of the Town, as well as the DEC, as well as the County Health Department, as well as New York City DEP, did I miss anybody...

Chairman Rogan stated Army Corps.

Board Member McNulty stated Army Corps, yeah.

Ted Kozlowski stated not the Army Corps but...

Chairman Rogan stated destroys wetlands...

Rich Williams stated DEP and DEC are driving it.

Chairman Rogan stated yeah.

Ted Kozlowski stated there are some serious things that happened, fortunately, very fortunately the Town Highway guys discovered this before it got really bad and their quick actions really did the Town a service, so I was very grateful that Russ' guys jumped on this.

Board Member McNulty stated how much do you expect is dumped.

Ted Kozlowski stated apparently there was an oil tank that was taken out of the ground and was sitting there and this individual allegedly wanted to put a pool there and needed to get rid of the oil and then took the oil and put it allegedly into the wetland which is behind his house and while I was there, I also and other people that were there, so that it looks like there is a discharge pipe from his house, into the wetland for sewage, or waste water...

Rich Williams stated grey water.

Ted Kozlowski stated grey water, that's going into the wetland as well.

Board Member McNulty stated is the wetland right up against the lake.

Ted Kozlowski stated the wetland, what I believe this individual did not realize is that this wetland that is directly behind his house which he does not own, he also allegedly trespassed on someone else's property, this wetland drains into a channel which then goes into the stormwater drainage of Palmyra Road and that all drains into Putnam Lake and that's how the Highway Department found it, yeah, go ahead.

Chairman Rogan stated Tommy has asked you quantity, I think you had, said, do you have any idea how much.

Board Member McNulty stated any idea how much...

Ted Kozlowski stated we don't know, it's still under investigation and I spoke with DEC, Tri-State Environmental is the agency the group that did all the stuff, the ENCONN officers confiscated stuff there and it's ongoing.

Chairman Rogan stated so this is being treated as a criminal act it sounds like.

Ted Kozlowski stated they are looking at all, there is, everything is on the table, so...

Chairman Rogan stated interesting.

Board Member Taylor stated this is like a house tank, like a five hundred gallon...

Ted Kozlowski stated yes.

Board Member McNulty stated steel tank.

Ted Kozlowski stated it was an oil tank that you know household heating oil.

Board Member Taylor stated heating oil, yeah, okay.

Ted Kozlowski stated apparently the neighbors complained, they've had issues there and it's all, we're all looking into it but I will do what I have to do, I believe Dave Raines has some jurisdiction there and there's a lot of people have a lot of jurisdiction in this, so we need to coordinate all that, there are expenses that are involving the Town and this is one of those situations that is very unfortunate.

Chairman Rogan stated do either you or Rich, foresee any issues with this that will have to come before the Planning Board.

Ted Kozlowski stated yes, this individual I can tell you did, has erected a fence, a shed and is looking to put a pool there, he has gotten no wetlands permits for any of these things and he will need to do that. The fence isn't just a matter of putting up a fence, he actually, I saw this, he dug pillars...

Board Member McNulty stated footings...

Ted Kozlowski stated footings, pilings, there is debris dumped in the wetland, there is all sorts of stuff. I got this, this has got all the violations that you can think of for a wetland, they are all there.

Board Member McNulty stated let's film it, you can make a Youtube video out it.

Board Member Montesano stated when's the house going up for sale.

Chairman Rogan stated I'm amazed we didn't see anything in the press about this.

Ted Kozlowski stated no, the press never showed up, I was there for four hours on Friday afternoon, I was there four hours Saturday, I met with Rob Morris from the Health Department and I have been periodically going there throughout the week, just to check the drains, it's still oozing out. What I was really kind of disappointed in is there is a lot of debris that was behind, in the wetland that has been dumped there, a lot of that debris has siding that matches the same color of this gentleman's house and it's a very unique lime green color, that debris was I believe oil was dumped in there, unfortunately Tri-State [Environmental] did not put a tarp over that for tonight, they have booms and they have absorbents all the way down the line into Putnam Lake...

Board Member McNulty stated when did this develop.

Ted Kozlowski stated this happened last Friday, Richie I think go the call from Highway.

Rich Williams stated no, actually Gene Brandon...

Ted Kozlowski stated Russ.

Rich Williams stated no, not Russ, Ralph Williams were parked along Lake Shore having lunch, they thought the truck was leaking because they smelled diesel...

Chairman Rogan stated wow.

Rich Williams stated they got out and they were looking around and Gene started looking in the storm drains and Ralph went down to the lake and made the discovery and called Russ and I was meeting Russ to go to another project out there that we had to go take a look at, so I went over to the site to meet Russ and take Russ up, while they're you know finding this...

Board Member McNulty stated yeah.

Rich Williams stated and we traced it back to the house, I had met with the gentleman a year ago about his dumping yard waste in the back, he had told me about the pipe coming over to the catch basin, so we knew there was a pipe going from the catch basin back into the wetlands in the back. We followed, we went up above, there was no oil in the catch basins, we went to the catch basin, there was oil, we went back to the wetlands on his neighbor's property because he has it all fenced in and there were pools of oil, I mean you could stick your hand in and there was an inch, inch and a half of oil in this concrete structure that's back there, that is where the pipe that goes to the catch basin originates.

Ted Kozlowski stated I called Tri-State [Environmental] today because I want to find out, they are doing testing and I want to make sure that oil that is in that wetland and going into Putnam Lake is that same oil that was in the oil tank that's on his property, just to double...

Board Member McNulty stated match it up.

Ted Kozlowski stated just to make sure, just cover the bases. The other thing which was real interesting is the neighbor across the street, whose come forward to the DEC said that this person has had septic problems in the past and last February 2011, he had a sump pump in his septic system and he was pumping it out into the storm drain. She went out to tell him to stop, he refused, she called the County Sheriff, the County Sheriff went there and they stopped him. I am trying to find out if there is a record of that and I have relayed that to Rob Morris, by the way, of the Health Department. So, this is a very unpleasant situation.

Chairman Rogan stated will he also need a wetlands permit for his proposed pool that he was, okay, that's part of it.

Ted Kozlowski stated yes, the pool, the shed and the fence.

Chairman Rogan stated the pool, the shed, and the fence, got it.

Rich Williams stated well that's assuming we go forward with the pool.

Chairman Rogan stated right.

Ted Kozlowski stated right, the pool...

Board Member Montesano stated if he's got a house left.

Ted Kozlowski stated he actually came in on Tuesday looking for his pool permit and both Rich and I urged the Building Department that there should be no pool permit because there's no wetlands permit and there are ongoing violations.

Rich Williams stated we had made mention of it but the Building Department had no intention of issuing a building permit for the pool.

Chairman Rogan stated yeah.

Ted Kozlowski stated I just can't believe with all this going on, he's still looking for a pool permit.

Board Member McNulty stated it's a big world.

Board Member Brady stated he better save his money.

Board Member Montesano stated I refuse to admit that I was breathing.

Board Member Taylor stated he could lose his house.

Ted Kozlowski stated so DEC will look to recoup all recovery costs.

Board Member Taylor stated yeah.

Chairman Rogan stated it's going to be a big one.

Ted Kozlowski stated yeah, this is ongoing and just letting you know.

Chairman Rogan stated thank you, thanks for the update, anything Michelle from you.

The Secretary stated no.

Chairman Rogan stated minutes, read your minutes.

Board Member McNulty stated I've got one thing, Rich, you know that SEQRA is under revision and it's open for public comment, you heard about that.

Rich Williams stated yeah, they're revising the forms.

Board Member McNulty stated that's all it is.

Rich Williams stated the environmental assessment forms, yeah, they revised SEQRA a year or so ago.

Board Member Montesano stated a couple years back.

Board Member McNulty stated I just got something, invited to go to a meeting for comment, I don't know if anybody's got any comments, I didn't even read through the whole e-mail yet, it's just forms...

Rich Williams stated they are revising the forms and they just...

Board Member McNulty stated it sounded like it was more than that.

Rich Williams stated they were supposed to put them into use in September, they've now pushed that back to October 1st or October 15th as they are seeking additional comments.

Board Member McNulty stated well I'll forward the e-mail around, if anybody's got comment, I'll be glad to pass it along, I'm going to try to go to the meeting.

Chairman Rogan stated thank you.

Board Member McNulty stated you're welcome, sorry I cut you off on minutes.

Chairman Rogan stated I know I was, you didn't cut me off at all, that's okay.

Board Member McNulty stated okay.

Chairman Rogan stated I was just about to ask you if you had anything to add, anything from anyone else, going once, going twice. Motion to adjourn.

Board Member McNulty seconded the motion.

Chairman Rogan asked for all in favor:

Board Member Brady	-	aye
Board Member Taylor	-	aye
Board Member Montesano	-	aye
Board Member McNulty	-	aye
Chairman Rogan	-	aye

The motion carried by a vote of 5 to 0.

The meeting adjourned at 8:12p.m.