

TOWN OF PATTERSON
PLANNING BOARD MEETING
July 28, 2005 WORK SESSION
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Planning Board
July 28, 2005 Work Session Meeting Minutes

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

Present were: Chairman Herb Schech, Board Member Mike Montesano, Board Member Dave Pierro, Board Member Shawn Rogan, Board, Board Member Maria Di Salvo, and Rich Williams, Town Planner.

Meeting called to order at 7:34 p.m.

There were 7 members in the audience.

1) DUNNING SUBDIVISION

Rich Williams stated the Board has received materials. The final subdivision plat has finally come in. I have done a memo on it; there is a number of outstanding items. We are doing a public hearing on this.

Rich Williams stated one of the biggest changes they have made to the plan is they had previously proposed a very large infiltration trench up front. They have since revised that to do some modified grass swales with bio-filters, which are addressing the water quality and quantity concerns from the site.

Chairman Schech stated that was the problem with the last time.

Rich Williams stated it was one of my concerns there was excessive disturbance on the site due to this very large infiltration trench they were proposing. Now, they are running two swales alongside the driveways to deal with the issue so I was very pleased to see it.

Rich Williams stated there are still some details that they need to provide on the design of that swale. I did have the engineer also take a look at it.

Board Member Pierro asked and we have not received comments back yet from them.

Rich Williams replied no.

Board Member Pierro stated we will probably have them for the August 4th meeting.

Rich Williams stated I would imagine.

Board Member Pierro asked any other housekeeping duties that have to be taken care of on this aside from scheduling the public hearing.

Rich Williams replied no the public hearing is scheduled for the next meeting.

Board Member Pierro asked it is scheduled.

Rich Williams replied yes.

Board Member DiSalvo asked remember when we went over there we kind of said about keeping the buffer, the tree line on 292, did we actually give them a measurement on the size of the trees, the trees that we were going to keep. We had passed by last week and some of the neighbors were concerned about that. How deep off the road where the trees are going to be kept.

Rich Williams replied there is an area out there that is actually flood plain and wetlands, which they can't go into. There is nothing I believe other than that defined on the plans.

Board Member Pierro asked what side of the property is the flood plain on.

Rich Williams replied the flood plain is on the Route 292 side.

Board Member DiSalvo asked so you think that there will be enough of a tree line buffer.

Board Member Pierro stated my recollection of it I would like to see at least fifty feet from the roadside.

Rich Williams asked from the 292 side.

Board Member Pierro replied yes un-disturbed.

Rich Williams stated they are probably a hundred and fifty feet.

Board Member Pierro stated beautiful.

Rich Williams stated that they are staying out of.

Board Member Pierro stated that is even better. I did not recall and as did Maria, we didn't recall whether we had an exact demarcation yet for protection of the tree line.

Chairman Schech asked everybody okay with Dunning.

The Board replied yes.

2) EUROSTYLE MARBLE & TILE SITE PLAN

Rich Williams stated again, at next week's meeting conducting a public hearing on the application. They have resubmitted some plans. Gene is reviewing them, I am part way through I have not given you a memo on yet.

The Secretary stated Gene did.

Rich Williams stated Gene did give you a memo. He identified a number of outstanding issues. I did start going through their Stormwater Pollution Prevention Plan and there is a number of issues with that where they don't meet the State requirements or our Town requirements.

Chairman Schech asked they did correct the grades.

Rich Williams replied Gene seemed to think that they have. I didn't see any indication where they had but you know again, I am just really starting to get into this one.

Board Member Pierro asked any other housekeeping that has to be done on that Richard.

Rich Williams replied no.

Board Member Pierro stated so we are just waiting for them to clean up those identified issues.

Rich Williams stated SEQRA has not been completed on the application yet.

Board Member Pierro asked is it necessary to do that at this juncture.

Rich Williams replied yes.

Board Member Pierro asked is it necessary to declare Lead Agency, did we do that.

Rich Williams replied yes we have done that and circulated that was done in June. You are Lead Agency at this point and in a position to make a determination of significance.

3) PATTERSON GARDEN SUPPLY SITE PLAN (a.k.a. Poppy's Place)

Chairman Schech stated the only thing that I have to say about this one is he is running full bore out there and still does not have final approval on this right.

Rich Williams stated that is correct.

Chairman Schech stated just to make everyone aware of that.

Rich Williams stated well, there are a couple of issues, there are a couple of improvements that he would like to be doing right now but he can't really do them until he has an approved site plan. He can't move the

shed right now in case the Planning Board decides well maybe we really don't want it over here, we want to put it someplace else.

Board Member Pierro asked did we require a watercourse permit as part of this.

Rich Williams replied yes.

Board Member Pierro asked and we didn't issue that yet, no.

Rich Williams replied no.

Board Member Pierro stated so he really can't do anything until we issue that permit.

Rich Williams stated similar with the site plan. The engineer of record did call me and indicate that there might be a desire to do some of the improvements now rather than wait. You can't do them until we have got an approved site plan.

Board Member Pierro stated no I don't want to get stuck in that quagmire. I mean the guy has been pretty straight forward and responsive to our requests but I still don't want to issue permits or allow him to do the work without us acting on the permits and the site plan approval because as we have said a hundred times when we try to be nice we always wind up with egg on our face and that has got to stop.

4) DEERWOOD LOT 6 WETLAND WATERCOURSE PERMIT

Rich Williams stated this is a continuation of the wetlands watercourse permit for Lot 6. The request is to install an extension on to the deck and some stairs coming down in the back. The Board went out there, took a look at it. Ted and I went out there and took a look at it. Ted had made a recommendation that the stairs be extended out a little bit further in a different area and come out to an actual pad. They have come back and said that they don't feel that is appropriate. They don't want to do that. They are back to taking a recommendation of the Board where they are going to put a little retaining wall in, bring the grade up a little bit in the back, stabilize the slopes and it is basically laid out in the memo. At the last meeting, Ted was waiting to see a plan showing how the deck was going to be extended as per his suggestion and they have not submitted anything new because they are going with the plan that they had previously submitted and are not looking to take Ted's recommendation.

Board Member Pierro asked but we have until the August 4th meeting to see if they come up with any changes.

Rich Williams replied yes but they are not. They have given you a letter saying they are not. They have given you a letter basically outlining what has been agreed upon between them and the Board.

Board Member DiSalvo asked why are they so adamant against Ted.

Rich Williams replied they should be there that night and can explain it better than I could.

Board Member DiSalvo asked is it a cost factor.

Rich Williams replied I don't know.

Chairman Schech asked have they changed it so if you make a mis-step coming off the porch you don't fall to your death off the cliff.

Rich Williams replied that would be the intent of the retaining wall and some additional fill in there to level the backyard a little bit better.

5) MEZGER WETLAND WATERCOURSE PERMIT

Rich Williams stated this is a continuation of a wetlands watercourse permit. We have received new plans from an engineer, Barry Naderman. They are now proposing to cross the stream with an open concrete, bridge type structure, put a driveway all the way in the back. Ted and I both agreed that the methods proposed for the most part were very appropriate and didn't see a real problem with any of them. I have done a memo there are some outstanding concerns that still need to be addressed. They are not substantial. One of the larger issues that the Board needs to make a determination on is they propose to do a two for one mitigation plan but the areas that they are looking to do the mitigation plan in are fairly pristine, forested areas and they have not submitted any details on what they are proposing to do for that mitigation but in general Ted and I both looked at it and we both concur that we don't feel that it would be appropriate to be doing any sort of wetland mitigation in these areas. They should be left as natural as possible. I don't know that we need mitigation on this project in the first place. He is just looking to; it is not like he is looking to do something discretionary. This is the only way into his property to install the driveway.

Chairman Schech asked this is the one off of Old 22 right.

Rich Williams replied Old Road.

Board Member Pierro stated I am not comfortable with the driveway all together. I understand the man has a right to gain a benefit out of his land.

Board Member DiSalvo stated three hundred feet that driveway.

Board Member Pierro stated yes we are talking a couple of hundred feet to a pretty wet area.

Board Member DiSalvo stated and we are going to lose about ten thousand square feet of wetland.

Chairman Schech asked he is re-directing the water underneath the bridge that he is putting up.

Rich Williams replied he is bridging over the top of the existing stream.

Board Member Pierro stated the existing stream Herb is out on the front close to the road. It is just that portion, once we get over the bridge we are still going through a very damp protected wetland area.

Board Member Montesano asked and you said Ted was satisfied with the bridge type.

Rich Williams replied we did not have a long, detailed discussion but Ted conveyed to me that he was comfortable with the application as it was.

Board Member Pierro asked will Ted be back for the meeting.

Rich Williams replied he will not.

Board Member DiSalvo stated maybe you guys should take a look at this again, go out there and refresh your memory.

Board Member Pierro stated but there is a letter in the file dated September 3rd that he does not want us back out there on the site unless he is present or a representative is present.

Chairman Schech asked who is that.

Board Member DiSalvo replied Mr. Mezger.

Board Member Pierro stated dated September 3rd.

Board Member Montesano asked then how do we,

Chairman Schech asked he is denying us access to the site.

Board Member Pierro replied no.

Rich Williams replied Mr. Mezger is here if you want to discuss it with him.

Chairman Schech asked Mr. Mezger you are denying us access to the site.

Mr. Mezger replied no.

Board Member Pierro asked please step forward Sir.

Board Member Pierro stated he didn't deny us access Herb he said that if we do go back out to the site he wanted a representative there.

Chairman Schech stated we don't usually operate that way.

Mr. Mezger asked the first time you went out for your first meeting is that what you are trying to say, what letter are you speaking to.

Rich Williams stated I think the concern is that some of the Board Members are looking to go out, it has been awhile since they have been out there and refresh their memory about what the condition of the wetlands look like.

Mr. Mezger asked where did it come up that I was denying you access to the property.

Chairman Schech stated you want to be present.

Mr. Mezger replied I would like to be yes.

Chairman Schech stated well we don't usually operate that way.

Rich Williams stated I guess the bottom line in this is do you have a problem with the Board going out and visiting the site.

Mr. Mezger replied no. Most towns you have a site walk the person is there.

Chairman Schech stated well not here.

Mr. Mezger stated okay.

Board Member DiSalvo stated we were out there during the winter right.

Chairman Schech replied I think it was spring.

Board Member Pierro stated early spring before there was foliage.

Chairman Schech asked so we can go out there without your presence.

Mr. Mezger replied sure, if that is what it takes to do what we have to do.

Board Member Pierro thanked Mr. Mezger.

Board Member DiSalvo asked whatever happened with part of Wyndham Homes draining on to the property. There were some letters back and forth on that.

Rich Williams replied the latest plans indicate that there is going to have to be some minor shifting to the swale out there. It does not look like a big deal. I was hoping we were going to get through this next Planning Board meeting see how the Board reacted to the whole thing and then talk with Mr. Mezger and his engineer and Wyndham about how that is going to proceed forward, if the Board is amenable to the latest submission.

Board Member Rogan asked Mezger is the one that abuts Wyndham Homes with the long driveway.

Rich Williams replied yes.

Board Member Rogan stated with the drainage concerns, I remember that, I remember well. That is the only access; we crossed over the pallets, over the stream.

Chairman Schech stated the temporary bridge.

Board Member Rogan stated beautiful property once you get back there, very nice.

6) DINGEE WETLAND WATERCOURSE PERMIT

Rich Williams stated I have not reviewed this. Ted did go out there; he has been working with the Applicant. He did submit a letter before he left to the Board. I understand a couple of Board Members anyway have been out there also.

Board Member Pierro stated Maria and I took a ride out there last week, this past week and walked through the back of the site. We met with the homeowner who is present. Ted has been out there a couple of times. The house is in place maybe, ten years Sir.

Mr. Dingee replied I have been there six and it say there for two years.

Board Member Pierro stated there is a wetlands, he has got a very large piece of property. It is twenty acres and it is very heavily forested and rocky immediately after his disturbed backyard area. He is looking to put a pool in there. He is within the wetlands buffer. I won't speak for Maria but I don't see a problem with the wetlands watercourse permit in order to facilitate putting in the pool.

Board Member DiSalvo stated tell them what kind of pool they are going to put in, same as Ted has.

Board Member Pierro stated they are going to put the same type as Ted put in, digging a hole and putting a one-piece fiberglass. There is not going to be any disturbance in the forested area of the yard. It is all going to be dug in a grassy area and Ted's letter is pretty clear.

Board Member Montesano stated what I am looking at is all the information that is required. There is four items that are not,

Rich Williams stated they since have been addressed. We did send that out to the Applicant as soon as we got it and we have got additional plans in here, which you all have.

Board Member Pierro stated the site map was corrected, the pool size location is already in place.

Board Member Pierro asked Mr. Dingee did you pay for a permit fee for the pool.

The Secretary stated yes.

Mr. Dingee replied my wife did.

Chairman Schech stated okay we will do a site walk on it see what it looks like.

Rich Williams stated just so you are aware I think the only real unknown is the Dingee's also submitted a request for a fill permit however, there is no amount of fill provided. I am not sure that anybody understands if fill is even needed.

Mr. Dingee stated right.

Rich Williams stated and that is one of the outstanding issues.

Board Member Pierro stated it depends on how much of an excavation is done to facilitate installing the pool in the ground. The fill that comes out of the backyard, out of the hole may be used on site to cover the pool.

Rich Williams stated right and using that fill a fill permit would not be required.

Mr. Dingee stated I may need an additional twenty yards. It is hard for me to estimate.

Board Member Pierro stated you don't know until it all settles because I have been doing the research on this after I spoke with your wife. I have been looking into it, one of the guys involved here, our ECI who you probably met has also put one in. It depends on how much settling it does over time. You may not need a fill permit for a year.

Board Member Pierro stated one thing, Mr. Chairman on this particular issue these people are waiting to try and put a pool in for the kids for the rest of the summer is it possible that we can get the site walk done before the August 4th meeting so that we can possibly react to this permit before that.

Board Member DiSalvo stated we have been out there already.

Board Member Pierro stated two of us have been out there already, I understand you gentlemen would like to see it.

Rich Williams stated there is a procedural issue in this and I am not trying to hold the permit up at all but we have to have a public hearing on it. We have to do that and the earliest we can do that is September.

Chairman Schech stated so you will be using the pool next year.

Mr. Dingee stated yes I just,

Chairman Schech stated you are better off that way the kids don't drag all the dirt in the pool.

Mr. Dingee stated I don't have a problem with waiting for next year to use it but what day would that be in September.

The Secretary replied the first.

Rich Williams stated I will take a look at the Code and see if there are any circumstances where we might be able to not have the public hearing but I am not aware of any off the top of my head.

Board Member Rogan stated it does not seem like it.

Mr. Dingee stated I just want to put the retaining wall in before the winter and I am doing that myself I am just trying to,

Board Member Rogan stated well the good thing is you will have a better idea in a week from now when have the meeting. At the meeting we will have already walked it so you will get a real good sense from the Board. We wouldn't waste your time and lead you along and said no.

Board Member Montesano asked if we go out on the site walk and we are satisfied with that we still have to have a public hearing.

Board Member Rogan stated of course.

Board Member Montesano stated what I am saying is if Mr. Dingee wants to take the chance and we contact the Building Inspector and say he wants to put the concrete in or the retaining wall in he is doing it at his risk. If something comes up that holds you up you may have to take the wall down or just fill it back in.

Chairman Schech asked you want to put the retaining wall in before the pool.

Mr. Dingee replied yes on the backside.

Board Member Rogan asked is the retaining wall in the buffer.

Rich Williams replied yes.

Board Member Pierro stated yes the whole backyard is in the buffer.

Board Member Rogan stated I think you will get a better sense a week from now at least how the Board feels about the impact to the buffer and then you can plan accordingly from there. I can't even comment on how I think you should proceed with these because we have a process that we have to follow under the State Environmental Quality Review Act and,

Mr. Dingee stated I am going on vacation. If you are going to do the site walk Saturday I am going on vacation so I won't be there for a week. I can't do anything then. The only thing I wanted to start, again I am doing a lot of this myself, was to try and dig the trench and retaining wall but if you say no, I can always fill it back in right.

Board Member Rogan replied yes except that you are doing a trench in a wetland buffer it is probably not a good idea.

Chairman Schech asked is this retaining wall at the recommendation of the people who are installing the pool.

Mr. Dingee replied yes because the property,

Board Member Pierro stated it is down gradient from the back of the house. It slopes.

Chairman Schech stated I am pretty ignorant of the pool business I was in it for forty years so I don't really know what I am talking about but usually we used to do these things after the pool was in.

Mr. Dingee stated what I was worried about was when they set the pool and then they try to back fill I didn't want all that back fill to just, the retaining wall will almost act, as a silt fence, and nothing would go into the wetlands. That was my thought.

Chairman Schech stated whoever is installing it that is their headache not mine.

Chairman Schech stated we will try to get there before although it probably won't help you.

Mr. Dingee asked so I just have to wait until you guys do the site walk.

Chairman Schech stated and the official approval will be at the public hearing.

Board Member DiSalvo stated that would be in September.

Board Member Rogan stated what would happen is we site walk it Saturday, we discuss it at this coming meeting which will be a week from tonight and set the public hearing for the following meeting which is in September which in all likelihood if there is no problems would be your approval date which is September 1st. You are looking at almost one month from today at having an approval if things go appropriately. I have not seen the site it is not really fair for me to comment one way or the other on it.

Mr. Dingee asked then the planning permit has to go through,

Rich Williams stated there is no planning permit.

Mr. Dingee asked Building Permit.

Rich Williams stated after, Board Member Pierro stated once we give the approval, Chairman Schech stated once we give the approval you will get the permit.

Board Member Rogan stated but I would think he would be able to have all that paperwork ready to go pending an approval also. Can you submit,

Rich Williams stated maybe, maybe not sometimes Paul will look at it, and sometimes he won't.

Mr. Dingee thanked the Board.

7) TRONCONI WETLANDS WATERCOURSE PERMIT

Rich Williams stated this is a very small lot over in the Putnam Lake area, actually there is a vacant lot between this and the Antroc property. It is basically right next to Antroc. He is proposing to tear down the building and reconstruct a slightly smaller building on the site.

Board Member Rogan stated he is getting ideas from his neighbor.

Rich Williams stated the property is bisected by a stream so the only way to get to the actual house site is crossing over the stream. There are two basic footbridges that provide access to the house now. The northeast corner of the rubble wall, building foundation is the stream bank and the eastern side of the rubble building wall is about a foot to two feet off of the stream bank.

Board Member DiSalvo stated it looks like a moat going around the house.

Board Member Pierro stated it looks like a moat.

Chairman Schech asked is the house still there.

Board Member Pierro replied the house is still there. It is really in poor shape.

Board Member DiSalvo stated site walk.

Board Member Rogan stated we are going to look at it on Saturday I would think.

Chairman Schech stated okay.

Board Member Pierro stated on the record I am adamantly opposed of any kind of machinery going in or on top of that stream to take this house down because it is just going to destroy the stream.

Board Member Rogan asked is it a trout spawning stream.

Board Member Pierro stated it might be who knows.

Rich Williams stated I have given you a memo on this with some of my recommendations essentially he submitted a survey, he submitted a floor plan showing the proposed building but he didn't provide the Board with any means or methods about how he is going to tear the building down, how he is going to protect the stream or how he is going to replace the building. I wanted to talk to you all about it before you did anything further. I am wondering if you don't want me to contact Mr. Tronconi to see if we can get more information from him about how he is going to do the operation before next Thursday's meeting.

Board Member Rogan stated that would be helpful. We can see the site and let him know that we don't have enough information at this point to really react to the application other than to take a look at the site. It would be in his best interest he will be further along if we have more answers. I think that would be a great idea. I would appreciate that.

Board Member Pierro stated again, gentlemen my suggestion would be maybe it is premature, maybe you guys will see this for yourself but my suggestion is that we not permit any machinery in there. At minimum he would have to cover the stream bed with steel and maybe even manually take down this house. It is not that big. It is just not that big and it is in poor condition.

Board Member Rogan stated look at what they did removing the stuff out of Rocco's Pizza site going over the stream and that is probably a bigger stream than what we are dealing with here. They plated it and removed a lot of stuff.

Chairman Schech stated the site is so small though, if you put a plate down, Board Member Rogan stated it covers the site.

Rich Williams stated this house is such that there is no way you are going to take it down even by hand without things going in the stream.

Chairman Schech stated all right let's take a look at it.

Board Member Rogan stated this is considered a drought summer it will be interesting to see how much water is in it.

Rich Williams stated it is running well.

8) PUTNAM DINER SITE PLAN WAIVER

Chairman Schech stated Putnam Diner is under construction.

Rich Williams stated Putnam Diner is looking to put up a shed. He did submit some material. He gave us a real rough sketch. I took that rough sketch and overlaid it on their approved site plan if anybody wants to take a look at what it is really going to look like.

Board Member Rogan stated of course.

Chairman Schech asked what is the purpose of this shed.

Rich Williams replied to store material in when I was talking to him he was talking about storing restaurant dry goods.

Board Member Pierro asked Rich have you had the opportunity to check our site plan from when we did the addition there to see if there were any restrictions. I recall some, I thought there were some specific restrictions about utilizing the back of that property where the septic is and we made him take the house down for that reason.

Rich Williams replied no. The restrictions related to the cabin that was there was that he could not use it for residential purposes without going to the ZBA and getting a variance, which he did. Subsequent he decided not to utilize that and that it was an eyesore and not worth the effort and he tore it down. He tore it down, when he approached Paul he tore it down with the intent of putting a shed on that foundation. That never came to pass and now he is in here looking to put the shed not on that foundation but farther away from the wetland area.

Board Member Pierro asked but still within the buffer right.

Board Member Rogan stated if the shed location doesn't impact the septic area it has got to be at the top of the slope. That slope is pretty steep but if it is off there.

Rich Williams stated I believe it is going in a portion of the gravel area.

Board Member Rogan stated like you said it pushes our impact, traffic to and from the shed further away from the wetland. It is smaller than what was existing. I would want to know what the use is for the storage, what type of storage.

Chairman Schech asked is it in the parking area.

Board Member Rogan stated that is not parking area. It is all gravel but it is not parking. The parking is this way. The parking does not extend in there. This is more like a service area. It is gravel but it is not parking area from what I recall so it does not take away from any of their parking.

Board Member Pierro asked we don't have a new layout of that septic system to verify that this isn't on top of it.

Board Member Rogan stated again just based on the tow of the slope, remember what that septic system looks like,

Board Member Pierro stated it is pretty steep.

Rich Williams stated I believe I do.

Board Member Pierro stated maybe we can look at it before the meeting.

Chairman Schech stated site walk.

Board Member Rogan stated we are going there Saturday morning.

Board Member Rogan stated if the location is amenable to the Board I don't see a problem with waiving the site plan approval on this based on that shed. It does not to me seem like a big deal relevant to their whole site and constraints in the lighting and the parking and everything else like that.

Chairman Schech stated as long as it doesn't mess up the septic system.

Board Member Rogan stated exactly. It does not seem to really affect the operation from our standpoint so I would be fine with it.

9) THUNDER RIDGE SKI AREA WETLAND WATERCOURSE PERMIT

Rich Williams stated Thunder Ridge is here for two different applications. The first is a wetland watercourse permit application. They had back in 2002 approached the Board to clean out the snow making pond on the site. It took awhile to get through the DEC permitting process and it was finally issued late 2002 and extended by the Board until October in 2003. The DEC Permit was also recently extended. I have taken a look at the application. I have taken a look at exactly what they are proposing and I have some major concerns about the way that they are proposing to do it. Basically, I am not recommending that this permit be issued at this time due to deficiencies in the means and methods that they are using to control the sediment and erosion. I would be happy to sit here and go through those if everybody would like to but you do have my memo on that.

Board Member Rogan asked so it is not the intent of the permit that you are not happy with. It is the process.

Rich Williams replied no I have no problem with them cleaning that pond out at all.

Board Member Rogan stated because we have gone through this like you said over the last two years and we are okay with that.

Board Member Pierro stated at nauseam.

Board Member Rogan asked without reading the memo yet, not that I don't plan to but is it something that we can,

Rich Williams stated let me just give you a little bit of the flavor. They are proposing to take some silt fence and hay bales and create a coffer dam basically across the stream and then using that to capture the water and around to the outlet. Silt fence and hay bales either individually or together are not going to withstand the force of water pushing against them. They are not ever designed and intended to be coffer dams so that is never going to work. Even if they started at a time of low flow if we get a thunder shower or heavy intense rainfall this is going to blow right through there. They are then proposing to excavate down four feet until they hit bedrock. I don't know why they think there is bedrock four feet down in the ground, even if we make the assumption that there is bedrock they are then planning on removing material and letting the water flow over the top of the bedrock. The bedrock is not going to be uniformed, it is not going to create a channel and it is going to let the water wander all over and the water is going to pick up and carry with it any residual sediment into the stream.

Board Member Pierro asked does this Applicant have an engineer working on this.

Rich Williams replied there is no engineer I don't know where the plans came from. They are not stamped. We are talking about working in a stream. We are now talking about hydraulics and a plan needs to be designed by somebody that is licensed; either a landscape architect or an engineer before this application is even considered.

Board Member Rogan stated then that is what we need to do. So, two years ago when we originally approved the application it was that we were not at the point of having a work plan. I am a little bit fuzzy on that.

Rich Williams stated there is a work plan, they included the work plan that got approved both by this Town and the DEC in their latest submission. I gave you all the materials from the last application so you could go through it all and see what was done. My opinion they dodged the bullet. This Town dodged the bullet because there are so many instances where something potentially could have gone seriously, seriously wrong and resulted in a discharge of significant sediment load into that stream. I think it was just the case of everybody wanting to be nice and friendly.

Chairman Schech stated well we have learned.

Board Member Rogan asked so is this a matter Rich of getting together with the Applicant and laying out what is an appropriate means of accomplishing the goal because we are okay with the goal that is not a problem it is a matter of how to accomplish it in a way that is not going to be an environmental impact. These things are done all the time so it is just a matter of laying out a reasonable process.

Rich Williams replied right and I think I have given very specific guidance on what somebody should be designing.

Board Member Pierro asked have the changes in the MS-4 Program changed the way we are doing business from the time we initially approved this application.

Rich Williams replied well yes to some extent there is a great awareness now about erosion control certainly in the past few years I have had considerable training in this now. I am certified so I have a better understanding of some of the mechanisms. We have a better understanding now about some of the things that are going on within that watershed which are a concern to everybody.

Board Member Pierro asked can there be connectivity between this permit application and the stormwater runoff coming down the road that goes across the street into the adjoining property. Would we be out of line if we said look, let's fix the whole thing. Let's try to fix the whole thing.

Rich Williams stated others have suggested that and I maintain as I have said to the Board we definitely have a runoff problem coming from Thunder Ridge. I have tried to talk to Bob about it, he doesn't want to talk about it. We are going to be addressing that but it really is not something that you really can link to this wetlands watercourse permit application. They are really two separate issues. They need to be separated.

Board Member Pierro stated they need to be separate fine but we have to say the words that are tough to say tonight that we can work on the process of getting the stream approved but as soon as we are done with that there are major deficiencies on the site that have to get taken care of and they are not going to go away. I know Bob has said that he can't make water go up hill but we can do remediation on the rest of that site. There has to be.

Rich Williams stated and we will be, Board Member Pierro stated we would be remiss if we didn't start this ball rolling and at least tell them up front that we have a problem. We have complaints. The State is watching us very carefully and we have to get things corrected and we are doing it all over Town.

Board Member Rogan asked what is the number ten item, Thunder Ridge Site Plan is that something we can tie this into.

Board Member Pierro stated that is another issue.

Rich Williams replied again based on the materials that they have submitted with that site plan, a site plan is really an entirely separate issue from the wetlands watercourse permit and the water quality impairments we have on the ski area. It is an entirely separate application.

Board Member DiSalvo asked I just have some questions on the DEC Permit. It says it expired already, is it on a grace period too.

Rich Williams replied no they have renewed it. I am not sure if you are looking at the old application or the new one.

Board Member DiSalvo showed Rich.

Rich Williams stated that is the old application. There is a new one it has been extended to October 1st.

Bob Conklin stated October 31st.

Board Member DiSalvo asked of this year.

Mrs. Conklin replied yes of this year.

Bob Conklin asked if you want me to respond you just say I am holding my tongue, do you want me to respond. Yes it has been and they only allow you to do work for a certain period of time and that is the same as it was in the previous permit.

Board Member DiSalvo asked so they have to October and if this runs out then they have to re-apply again to the DEC.

Rich Williams replied yes they will have to go to the DEC and extend it again.

Board Member Pierro stated that may be a moot point because if weather does not agree with us again they won't be able to do it.

Board Member DiSalvo asked this DEC Permit you didn't use an engineer on.

Mrs. Conklin replied no.

Bob Conklin stated this is the same permit that was okay previously. If you want me just to make a few comments I will.

Board Member DiSalvo stated only because I am going through the process that is why.

Bob Conklin stated just so you understand the person that has been cleaning the pond for all these years is the same person that is doing it again and that is the reason he is saying he is taking it to bedrock. That person also came to Richie and basically said he will do whatever you want done. There is no problem there.

Board Member DiSalvo asked when was the last time the pond was dredged.

Rich Williams replied I don't know.

Bob Conklin stated we have had the ski area approximately ten years and it has not been done.

(Unable to hear Mrs. Conklin).

Board Member Pierro stated the rules have changed.

Board Member Rogan stated I am sorry the part of the conversation that I was listening intently to the person that maintained it previously is the person providing the information so this same individual that dredged the pond say ten years ago or something to that affect.

Mr. Conklin stated yes.

Board Member Pierro stated he believes there is bedrock.

Board Member Rogan stated I see this as a simple matter honestly of getting together with the person who is going to do the work and a plan saying look this is what we need to do. You have to understand Mr. Conklin we are not objecting to you cleaning out the pond at all. We just don't want it done in a way that is not going to create a, (too many talking unable to hear).

(Unable to hear Mr. Conklin).

Board Member Pierro stated I think we are going to need an engineering design this time out Bob. That is key.

Bob Conklin stated not a problem.

Board Member Rogan stated I think it is just a matter of figuring out what needs to be done out there and getting it on paper. You already mentioned Ian's name and I spoke two years ago about Ian and said I would recommend the guy to an end. He is excellent. We just get a good plan and Ian certainly can follow it and will follow it. There isn't a better person out there for that kind of work.

Board Member Pierro stated whether you get to do this this year depends on how quickly you can generate a plan that this Board will approve and we have already shown that we are willing to go the extra mile and we did two years in the row.

Bob Conklin stated again I will say we will not clean the pond if the weather,

Board Member Pierro you can't it would cause more damage and cause more problems with DEC if you did take that tact.

Mrs. Conklin asked do you have a list for us what you want done.

Rich Williams replied sure I can give you a copy of the memo.

10) THUNDER RIDGE SKI AREA SITE PLAN

Chairman Schech stated Thunder Ridge Site Plan has to do with a flea market. The guy who is going to run it is apparently the guy who also does it in Cold Spring. He does a nice job in Cold Spring.

Board Member Rogan asked where is the one in Cold Spring.

Board Member Montesano replied right on Main Street.

A gentleman from the audience made a comment that was not audible.

Chairman Schech asked you are the guy.

The gentleman stated the one in Cold Spring is on Fair Street.

Board Member Rogan stated next to the sewage treatment plant.

The gentleman stated just down the street.

Chairman Schech stated the only objection that I have is the location of the tables next to 22. We have to get them out of there up on the other side of Thunder Ridge Road otherwise we are going to create a rather large traffic problem because people tend to stop.

The gentleman stated there should not be any traffic problem on 22.

Board Member Pierro stated I think we are premature in this discussion because this Board does not have the right to change Town Code. This is not a permitted use at that site.

Chairman Schech stated well I am just making some suggestions.

Board Member Rogan stated great point right off the bat.

Board Member Pierro stated I think it is premature.

Board Member DiSalvo stated regardless of what the newspaper said.

Board Member Pierro stated yes in spite of what is in the papers we just don't have the authority to issue the permit to do this.

Chairman Schech stated we are not issuing a permit I am just making some suggestions.

Board Member Rogan stated what Herb is saying that if he can make suggestions, with those suggestions we can make a recommendation to the Town Board one way or the other.

Chairman Schech stated yes that is what we usually do.

Board Member Rogan stated it seems fine I agree with making those recommendations. I am glad that you brought up that. I didn't know that it wasn't a permitted use.

Mr. Conklin stated yes it is a permitted use I will just correct you so you understand.

Rich Williams stated that would not be my opinion and it was also not the opinion of the Building Inspector in the letter that he did send you.

Mr. Conklin stated the thing I am saying is that we are zoned commercial recreation and that is what we are zoned for and that is what we are asking to do. You can say it is not and that would be your opinion.

Board Member Rogan stated there is a lot of commercial operations that are not allowed in the Town of Patterson in commercial development areas and in your opinion based on what you just said that would mean that the code does not apply because it is zoned commercial and it is a commercial application.

Mr. Conklin stated no we are zoned commercial recreation.

Board Member Rogan asked so the recreation precludes you from,

Rich Williams stated let me clarify one thing here just so we are all clear on what we talked about here. This is actually, they are proposing to do this in the parking lot between Thunder Ridge Road and Route 22 and that strip in there is actually zoned C-1, Commercial 1. The commercial recreation parcels are all on the eastern side of Thunder Ridge so we are actually talking about two different zones.

Board Member Pierro asked and the zoning maps are clear on this.

Rich Williams asked as far as the boundaries.

Board Member Pierro replied right.

Rich Williams stated yes.

Board Member Rogan asked are we also on two separate tax parcels, two separate tax i.d.'s.

Mr. Conklin stated they are two separate parcels.

Board Member Rogan stated they are so then this parcel then basically is a parcel that does not have anything on it.

Board Member Pierro stated it does not enjoy the commercial recreational zoning.

Board Member Rogan stated not only does it not enjoy the commercial recreational zoning it does not have any structures on it. It is a parking lot, it is a field so it does not have restroom facilities or anything like that. This unique tax parcel are we including that as the site plan for Thunder Ridge or would it be a site plan for its own individual parcel.

Rich Williams stated if you want to keep it on this parcel it would be a site plan basically for this parcel. This parcel has been used historically for parking for God only knows how long. There is no site plan actually in existence that I am aware of.

Board Member Rogan stated because there never has been a proposed use.

Rich Williams stated for Thunder Ridge for any of the parcels.

Board Member Rogan stated it comes into a bit of semantics but I am just trying to get some clarity as to what we are dealing with.

Chairman Schech asked Rich you are saying they have to go before the Town Board.

Rich Williams replied yes I mean it is not a permitted use at this point on either side of the road. In order for this to actually proceed forward they would need a change in the zoning designation. Flea Markets, the one up on 22 that was there and that type of fair activity was permitted in the 1976 Zoning Code and when we changed it in 2003 everybody talked about it and this isn't an activity that they wanted in the Zoning Code anymore so we actually took that use out of the Zoning Code.

Board Member Rogan asked does that parcel then up on 22 still enjoy some type of grandfather status.

Rich Williams stated it is pre-existing, non-conforming.

Board Member Rogan asked would that change with a change in ownership.

Rich Williams replied no it runs with the property.

Board Member Rogan stated okay that is what I thought just curious.

Board Member Rogan stated so then what we have to do is look at the plan, make our recommendations and we can make a recommendation to the Town Board one way or the other.

Rich Williams stated yes.

Board Member Rogan stated that is what they are there for.

Rich Williams stated the unfortunate part about all this is they are looking to open August 4th.

Mrs. Conklin stated the 7th.

Chairman Schech stated it ain't going to be.

Board Member Pierro stated there isn't a Town Board Meeting until,

The Secretary stated August 10th.

Rich Williams stated and that is going to be a long night to begin with. They are doing a public hearing on the Patterson Hamlet sewage treatment plant and on the Burdick Farm variance.

Chairman Schech stated so if you want to proceed we can recommend you to the Town Board.

The gentleman asked so who actually grants us permission or not, this Board or the Town Board.

Chairman Schech replied if the Town Board says okay, you come before us, we tell you what we would like and then I think you still have to go to the Building Inspector, which is no big deal right.

Board Member Pierro asked is the Town Board going to require a recommendation from this Board.

Rich Williams replied typically, Board Member Pierro asked as they do with when we make other. Rich Williams stated typically they look for a recommendation from this Board.

Board Member Pierro stated so this Board should be discussing what we want in place and where we want it in place.

Board Member Rogan stated that was Herb's whole point before.

Board Member Pierro stated with this recommendation if we make a positive recommendation to the Town we are talking about a very large piece of property there and the possibility of a lot of people. I am sure Shawn can speak intelligently as to the need for sanitary facilities.

Bob Conklin stated that has all been in the site plan already.

Rich William stated it is in the material that he has given you. That is basically why the Board is here tonight to get this material and review it over the next week.

Bob Conklin asked you are saying there is no flea markets allowed in the Town of Patterson.

Board Member Pierro stated not anymore. There is one and that is a non-conforming use because it came into for wish many years ago when it was permitted.

The gentleman asked wasn't it closed for a few years.

Rich Williams replied I don't know.

Bob Conklin asked and you are saying CR does not permit us to do a flea market.

Board Member Pierro replied no we have to make a recommendation.

Rich Williams stated that would be my opinion is that a flea market is not a commercial recreation activity. Commercial recreation activities are defined in our Code and that is not one of the uses that are listed.

Bob Conklin stated commercial recreation is defined in the Code but it does not list everything that you are allowed to do.

Rich Williams stated it gives some general guidelines.

Bob Conklin stated which is such as.

Rich Williams stated right but regardless the property that you are talking about is not a CR zoned piece of property.

Bob Conklin stated see that is my point is what you are saying is we are not allowed to do one there or we are not allowed to do one at all.

Rich Williams stated it is not a use that is permitted by the current Zoning Code anywhere within the Town.

Bob Conklin asked CR does not permit it.

Rich Williams replied that would be my opinion and that was also the Building Inspector's opinion.

Bob Conklin asked like I said and you are basing that on.

Rich Williams stated I am basing it in large part that I wrote the Code and I know what I wrote.

Bob Conklin asked okay so you didn't write that you are allowed to hike on the property so that means you are not allowed to hike on the property.

Rich Williams replied I did not write in the Code that you are not allowed to hike on the property but that would be something that everybody would assume that you can do. There are certain inheritant rights that people are entitled to do and walk across a piece of property would be one of them but that type activity,

Bob Conklin asked that activity you personally don't consider recreation.

Rich Williams replied right I don't consider a flea market recreation. If you disagree with my opinion or you disagree with the Building Inspector's opinion you certainly can go to the Zoning Board of Appeals and they would be the final decision on that interpretation of the Code.

Chairman Schech stated irregardless no matter what happens you are not going to have it for August whatever.

The gentleman stated if we could back up just a minute because we were under the impression that this was allowed, we are not trying to disrespect the Board at all.

Board Member Rogan stated you are not disrespecting.

The gentleman stated we were under the impression that this was allowed because there is a field there.

Bob Conklin stated and it has been done before as recently as two years ago.

Board Member Rogan asked you had flea markets there in the last two years.

Chairman Schech stated ignorance of the law does not make it correct.

Bob Conklin stated we have had them as recently as two years ago.

Mrs. Conklin stated the Building Inspector knew about it, he came over and inspected. It was called a country fair, it was a flea market.

Chairman Schech stated well you got away with that one.

Mrs. Conklin stated the Town sent a representative over to inspect the site and there was no problem.

Bob Conklin stated it is semantics again.

Board Member Montesano asked how long have we had the new Code.

Board Member Pierro stated 2004.

The Secretary stated 2003.

Rich Williams stated June of 2003 is when we did the major over haul to the Zoning Code.

Bob Conklin stated we have been there a lot longer than 2003 (unable to hear).

Rich Williams stated it is up on line pattersonny.org. The revisions that were done in April of this year are not on line yet.

Board Member DiSalvo asked so what are we doing.

Rich Williams stated I don't know if there is anything you want to talk about as far as the plan they have submitted, whether you like it, you don't like it, you want to make a recommendation, or you don't want to make a recommendation.

Board Member Pierro stated no.

Board Member Rogan stated neither Dave nor I can find it in our packet.

Board Member Pierro stated I have it right here.

Board Member Pierro stated there is no indication of where the parking, we are going to share the parking lot, the plan is to share the parking lot with a table area.

The gentleman stated well yes but it would be separated it.

Board Member Pierro stated roped off.

The gentleman stated parking cars would not interfere with people walking. It would actually be a snow fence or a rope or something like that. (TAPE ENDED).

Board Member Pierro stated there has got to be some no parking signs there. I am also concerned about over flow parking along Thunder Ridge Road.

Bob Conklin stated there is a parking lot across near the lodge.

Chairman Schech stated that is where we are suggesting the tables be put and park them in the front lot because I know what is going to happen we have gone through it before. People drive up 22 they see the tables they pull off the side of the road. I don't care what you do, if you put up no parking signs, cones, fences anything at all. They are going to just park there and you are going to have accidents, traffic ties up.

The gentleman stated what I plan to do is bring them in off of 22 on to Thunder Ridge Road and or Birch Hill Road. We would have signs on 22 saying no parking and I would have somebody there. This is what we do in Cold Spring to keep everything going.

Chairman Schech stated yes but Cold Spring is a different operation because you are not on a main drag like 22.

The gentleman stated I understand that.

Board Member Rogan stated that is true Fair Street is definitely not Route 22.

The gentleman stated in my experience I have been doing this for ten years, in my experience I feel comfortable that we would not have any traffic problems on 22. Nobody would park on 22.

Board Member Pierro asked Mr. Cooke can you predict or protect us from liability on this if we were to allow this to happen and somebody gets killed out there, can you. We have rules and laws that we have to abide by Sir. We have a Town that we represent that we represent without prejudice or passion. We have to look at the rules very carefully.

Mr. Cooke stated I understand.

Board Member Pierro stated I am also concerned with parking with overflow parking if in fact this does take off and becomes a very successful site and we use up all of the parking in the existing parking lot then we are going to have overflow parking on Thunder Ridge Road which they have during the winter ski season. There were no parking signs out there but those mysteriously got removed also they need to be put back.

Mr. Cooke stated part of the difference in skiing and this is our customers are going to come for an hour and leave. They are not going to all be there all day all together. Basically, the early morning shoppers are going to come for a half four, forty minutes, try to get their stuff and go. There might be five hundred or eight hundred cars but probably not all at the same time. On the east side of Thunder Ridge Road there is a parking facility right there right in front of Thunder Ridge. There is one up to the left I guess it is off Birch Hill Road and there is more parking at the bottom of the chairlift up in there. The size of this is limited by the amount of dealers that are going to be there. If there was eight hundred dealers like Stormville yes it would be very much congested. We are thinking fifty, sixty dealers and like I said it is going to be a rotating thing with people coming. It will probably be over by three, four o'clock in the afternoon because typically what they do is come in the morning to get the buys and then they go. I plan to have nine people there with walkie-talkie's I have that on the site plan, monitoring all the parking to make sure it is safe, to make sure it is not a free for all. We are not going to have people parking all over. I understand there is a lot of cars,

Board Member Pierro stated it is also done during the winter time Sir and Putnam County Sheriff's and State Trooper's have a ball out there writing tickets and it is a liability problem. It is an access problem for the Fire Department and ambulances that have to get in and out that place. We have to look at all of the variables and we are not in the business of turning away business or people from coming into our community. We have a lot of issues that we have to look at.

Mr. Cooke stated I understand and you are more than welcome to contact the Mayor in Cold Spring. I have been working with him for ten years. The difference between this site and the Cold Spring site is Cold Spring is very small and congested it is almost harder to do and we never have any problems.

Board Member Pierro stated it is not a question of your reputation Sir. Your reputation is excellent.

Mr. Cooke stated that is not what I am saying.

Board Member Rogan stated when I see an operation that goes on right up the road that is the same type of operation and I see it from my perspective, from someone who does not know anything about flea markets other than I like to go to them, I see it floundering. They can't seem to get enough vendors or people and

they have got a great location. They are on the same road as you, the visibility is pretty good. They have got food there, they have got parking, they have unlimited space and they seem to flounder for whatever reason and I have to think that maybe you have an ability that they don't have that you could do something with this site that maybe they can't do. That is kind of interesting actually. I am not objectionable to the flea market. I have a lot of the same concerns because of it being 22. I like the idea of it being off of Fair Street because it is a slower road. It is off the beaten path.

Mr. Cooke stated we can get them off of 22 by bringing them on to Thunder Ridge Road.

Board Member Rogan stated I understand that because your turn off isn't on to a field from 22 it is on to an established road. I understand that.

Mr. Cooke stated and there will be good signs there to get to it.

Board Member Rogan asked usually for skiing only allow one way in and one way out is that the way that works, that is not the way that works because that is difficult to turn certain ways.

Rich Williams stated actually the Town is getting ready to post signs out there limiting the turning radius coming in and out of Thunder Ridge Road.

Board Member Rogan stated because from what I remember when you leave Birch Hill Road heading north is fine but if you were to head south it is difficult. Certainly the conditions are probably better in the summer time for that turning than they would be when the snow is on the ground.

Board Member Pierro asked if we were to make a recommendation to change the zoning on this site to the Town Board would the Board be amenable to a cap so that,

Board Member Rogan asked a vendor cap.

Board Member Pierro stated a vendor cap so that if we reach a point where if this does take off and we lose control of it.

Rich Williams stated let me interject something here because I have been sitting here trying to reflect on how we are going to change the Code. I want to preference this by it is all hypothetical, I certainly don't know what the Board is going to do with a recommendation or what the Town Board is going to do.

Board Member Pierro stated and nothing is written in stone until we hear from Counsel on this.

Rich Williams stated but it might help to expedite things if I go down this road. The Town in 2003 made a conscience decision based in part on the flea market up on 22 that they didn't want to encourage flea markets within the Town anymore. Now, we are going back in to talk about changing it and going back to a policy that they previously didn't,

Board Member Pierro stated they made a conscience decision and we can only make a recommendation, whether they react to that recommendation that is their,

Rich Williams stated if it is held in this parking lot then to allow a flea market we are going to have to allow flea markets again back up and down 22 through out the C-1 Zoning District. You can't limit it to

just one parcel. Something the Town Board if they contemplate doing the change in zoning to accommodate this they might find it more palatable to limit it to the CR Zoning District, change your actual zoning designation to allow this because then it would really confine the flea market to the Putnam County National Bank property. This is just a hypothetical discussion.

Mr. Cooke stated it does not open a can of worms.

Rich Williams stated right and I am not suggesting that you back away from what you are doing at all.

Board Member Rogan stated you have to also think about how that is not arbitrary and capricious that you are not making a determination to meet the needs of a person who is requesting it and by doing so not allowing it for someone else who owns a piece of property who may also want to.

Board Member Pierro stated Shawn's point is well taken. I think it still gives another property owner the right to come in and file the application and file an Article 78 against us if he does not get a permit in a commercial zone.

Rich Williams stated we are well entitled to limit certain uses in certain zoning districts. If we limit flea markets to the CR Zoning District there is nowhere else in town that they are going to go because Putnam County National Bank property is the only CR Zoning District in the Town based on its existing use and features of the property.

Bob Conklin stated it is my contention that the CR Zoning already permits flea market. What I am saying is if you are saying we have to make sure it has to stay on the CR parcels then you are not opening up a can of worms. What I am saying it is still semantics of whether it has to be voted on accordingly because it is the CR Zone.

Board Member Montesano stated unfortunately we are discussing this because we can make a recommendation not that they have to abide by it. We are going to discuss this and the other five people are the ones that vote on it.

Board Member Pierro stated right.

Board Member Montesano stated what we are doing right now is building up a wall here of possibilities that we shouldn't, we can discuss it further if we want to recommend it we should.

Board Member Pierro stated this is preliminary.

Board Member Montesano stated I realize that but what we are doing here is putting in all the arguments for ourselves and then we are going to send a yes recommendation for the following reasons.

Board Member Pierro stated or a no.

Board Member Montesano stated or no for the following reasons. The idea is we are discussing it if we want to keep the reason reasonable.

Chairman Schech stated irregardless plan on putting them on the other side of the road.

Board Member DiSalvo asked Mary what about you don't want to set it up like how we have the concerts there, where you had the beer tent and everything. You don't want to do the booths at the base of the mountain.

Mr. Conklin stated we have other parcels that it could sit on that was the best chance of it going would be,

Board Member Rogan stated most visible. A sign saying flea market and seeing a flea market.

Mr. Cooke stated we are also trying to make a business, we are investing money.

Chairman Schech stated let's face it where you are in Cold Spring certainly isn't very visible. It is just that you do your job with advertising.

Mr. Cooke stated let me tell you something that site we moved it once and none of the dealers would come back. They wanted to go back to the site because of the visibility.

Chairman Schech asked from where.

Mr. Cooke replied the mountain, the Hudson River,

Board Member Rogan stated we are not talking about views.

Chairman Schech stated we are talking about people who see it driving by.

Board Member Rogan stated traffic that goes up and down Fair Street is certainly not what it is up and down Main Street.

Mr. Cooke stated Cold Spring is a tourist town that is the difference. They are in the town anyway and the town is known for antiques.

Board Member Rogan stated exactly and that is a perfect tie in, Cold Spring and flea markets go hand in hand.

Board Member Pierro stated another issue that has not been brought up in this application is sign permits I mean I have not gone through all of it I just browsed through it.

Chairman Schech stated I think that is a little premature.

Bob Conklin stated we would just use the existing sign. There is a big sign that we post things on out there.

Board Member Pierro stated it still would require a permit as per our Code, correct Rich.

Bob Conklin replied no it never has in the past.

Rich Williams stated it has gone back and forth about whether the pylon sign that they have if they can use it as a message board type sign or they can't. I don't know how to respond to that because they have put other signs there and Paul has never issued a violation on it.

Board Member Pierro stated it does not mean it is allowed though.

Rich Williams stated it does not mean it is allowed but it does not mean it is not allowed either.

Bob Conklin stated this issue came up and the Code Enforcement Officer came over and we were allowed. It is the same thing that if the guy changes his special in the restaurant he is allowed to change his sign on that sign and so we have an event. That was the rationale that he could put the sandwich of the day on his and we can put the event of the week on ours. It was the same concept and that the two signs are very similar.

Rich Williams asked Paul went over, Paul did this.

Bob Conklin replied no, no, this was,

Rich William asked John.

Bob Conklin stated no this was a few years, Paul is only here a couple of years it must have been John.

Board Member Rogan stated John is one of the Town Board Members and he will be one of the people voting on this.

Rich Williams stated I was just looking to see if he actually did memo. I will check and see if he did a memo on it.

Board Member Pierro stated my concern is you know I always try to air on the side of public safety, my concern is cars going northbound on Route 22 are not going to see a sign until they get to Alpine, they are going to lock up their brakes and try to make a right hand turn into Alpine or worse than that they are going to try to make a right hand turn on the other part. Signage has to be done and it has to be done with a permit as far as this Member is concerned because we are talking about we need to have it at a reasonable location where traffic can see it, very far south on the turn in.

Rich Williams stated just so I can clarify the issue you are not talking about whether or not they can put a sign up advertising the event on the pylon sign.

Board Member Pierro stated no I don't have a problem with that.

Rich Williams stated you are saying you want another sign erected.

Board Member Pierro stated I think it is important.

Bob Conklin stated Dave we have come in many times and asked to do that but they won't let us do it.

Mr. Cooke asked how about a temporary sign.

Board Member Pierro stated no temporary signs are not permitted.

Rich Williams stated let's be clear about that they could come in and get a sign application and erect a sign on a piece of property and change it. It does not have to stay there permanently. You say temporary signs are not permitted but they could get a sign,

Board Member Pierro stated to change the name sure.

Bob Conklin stated the posts are still out there where we had the sign and we had to take it down. I am sure several of you can remember we were before the Board asking to put a sign to get to them to turn on to Thunder Ridge Road instead of going through all that but the answer was no. We would do that immediately if we were allowed to do that.

Chairman Schech stated okay in the meantime we are just back peddling here.

Board Member Pierro stated very good Sir.

Chairman Schech stated I would suggest you plan on making a flea market in October, setting up a hundred and twenty tables because guarantee you sell them all and you will have a very successful time.

Mr. Conklin thanked the Board.

Board Member Pierro asked Rich, can we get a determination from Tony about the legalities of the use. What his opinion is whether or not it is permitted in the CR-Zone.

Rich Williams replied we can ask him but,

Board Member Montesano stated he wrote the Code.

Board Member Pierro stated I know.

Rich Williams stated I wrote the Code so Anthony will tell you that I have a lot of input on the legislative intent and Paul as the Code Enforcement Officer is the final determination. He sent them a letter saying it is not permitted.

Board Member Pierro stated I understand that Rich but,

Rich Williams stated I will get it from Anthony.

Board Member Pierro stated at least we have something to, this is what our Counsel has to stay.

The Secretary stated Anthony would just say send it to Zoning if no one is sure.

Rich Williams stated Garland Road went to Zoning. I issued an opinion on it what did Anthony say. (Too many talking at the same time unable to transcribe).

Board Member DiSalvo asked our Code actually says no flea markets.

The Secretary replied our Code is not written that way. If it is not there it is not allowed.

Board Member DiSalvo asked so it just says you could do skiing, concerts, paintball.

Rich Williams replied it does not say paintball and it does not say concerts but it lists off a number of active recreational sports. It says in the CR-Zoning District you can do active recreation such as and it lists off a number of active recreations. I would not classify a flea market as an active recreational opportunity.

Board Member DiSalvo stated there are people that go to flea markets to walk for exercise.

Rich Williams stated you go to the Danbury Mall even before they open so are we going to say that shopping centers are active recreation.

(Too many people talking at the same time unable)

Rich Williams stated the concert series they were allowed to do that out there and the Town felt at that point felt that was a permitted use on the site.

Board Member DiSalvo asked and paintball is okay.

Rich Williams replied I would consider paintball definitely active recreation.

Board Member DiSalvo asked can they do like dog shows there or something.

Rich Williams stated they did the haunted hayride that was okay.

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

11) COUCH ROAD SUBDIVISION

Rich Williams stated they have submitted an application for a preliminary subdivision approval. The Lead Agency notice will be going out tomorrow. I have reviewed it, attached to the memo on Couch Road is the Board had asked me to put together a recommendation to the Town Board on the 138 variance request. I threw something together and is attached to this memo.

Board Member Rogan asked Mike what do you think of the draft document.

Board Member Montesano replied we have an application and it is difficult.

Board Member Pierro stated Rich, I had one question about part of the conservation easement. Was there going to be access to that on 164.

Rich Williams asked are you talking about the conservation easement across the frontage.

Board Member Pierro replied no the rear wasn't there a conservation easement in the rear.

Rich Williams stated yes there is two that is why I am asking. Actually, there is no conservation easement shown at this point on the back. It is a fee simple parcel that is going to be dedicated to the Putnam Land Trust. I imagine there is going to be a conservation easement with some restrictions on that.

Board Member Pierro asked what is the access going to be to that parcel connectivity to the other parcel that is the Sterling Preserve.

Rich Williams replied yes.

Board Member Pierro asked there is not going to be any access required on the other side.

Board Member Rogan stated the draft is fine.

Rich Williams stated it extends out to 164 but it extends out at the peak of that hill where the site visibility is poor.

Board Member Pierro stated we want to discourage that kind of access there.

Chairman Schech stated I don't think that we should have anymore subdivisions on Couch Road the road isn't capable of handling it.

Board Member Pierro stated you are right.

Board Member Rogan stated I think the draft document reads fine Rich.

Board Member Pierro stated yes.

Rich Williams stated you can vote on it at the next meeting.

Board Member Rogan stated it says they did the best attempt to meet the zoning and this is the minimum that would be required to allow them to develop that.

Board Member Pierro stated exactly what we wanted I think.

Board Member Rogan stated Rich thank you for doing that.

12) FRANTELL SITE PLAN

Rich Williams stated Frantell is back in, they submitted a letter. They have not submitted any new materials. They have made a request that the Board consider making a determination of significance under SEQRA and setting a public hearing on the project.

Board Member Pierro asked is that premature Rich.

Rich Williams replied no.

Board Member Pierro asked is there anything else we have to do.

Rich Williams replied I imagine they are not going to be able to finish in sixty-two days and the Board as you are aware has to make a decision in sixty-two days but the application is substantially complete and as long as they are willing to grant a waiver.

13) PUTNAM COUNTY NATIONAL BANK SITE PLAN

Rich Williams stated Putnam County National Bank has resubmitted new materials in the interim we have worked out an agreement with an architect to take a look at the plans. The latest submission makes some revisions to the architectural plans submitted, they have been forwarded over to the architect for an opinion. There is not a lot new on the project.

Board Member Pierro asked there is movement though.

Rich Williams replied there is movement. Right now what they are doing is concentrating on getting their Stormwater Pollution Prevention Plan done because even though they wouldn't otherwise break any New York City DEP thresholds and because we all got suckered and I emphasize suckered into the Main Street Program that DEP proposed they are required to do a Stormwater Pollution Prevention Plan even though they otherwise would not have to do one. We all opted in the Main Street Program with the understanding it was designed to encourage development in our Main Streets and take it away from other areas and that is not the way it has worked out.

Chairman Schech stated put the detention pond in the middle of Front Street.

Rich Williams stated no they are actually proposing to put a storm-ceptor in which is a swirl separator. It works by the water goes in and the force of the water going in swirls around and the sediment gets,

Chairman Schech asked where are they going to put this.

Rich Williams replied in their parking in their driveway.

Board Member Pierro stated and you put a grate over the top of it.

Board Member Rogan stated a manhole.

Rich Williams stated yes it is sealed. Every once in awhile you have to go in there and clean out.

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

14) D'OTTAVIO SITE PLAN

Chairman Schech asked is this going to come to for wishing these days.

Rich Williams replied I don't know. I have not had an opportunity to take a look at it nor I have heard anything from Gene. I know Gene has been, Board Member Rogan stated pulling his hair out.

Rich Williams stated well he has been very disappointed in the quality of the work that is being submitted.

Board Member Rogan stated his last letter he was hoping we would clarify that especially in reference to Field & Forest. He was trying to be as politely blunt as possible and say that he hoped that the engineering plans would be reviewed and get the quality control measure that they need. You could see it the guy was really wore out from reviewing these. These are quite detailed plans and a review is not a simple thing and it costs the Town, the taxpayers a lot of money. It comes to a point where let's be honest I would feel comfortable if Gene's office, they are paid to work for us but if they called us and said look these plans are substantially lacking significant I wish we could pull them off the agenda and say look, the plans are not I mean that or open up and close it very quickly.

Rich Williams stated we tried to do that and we ran into problems because there was always one or two things the Board had to decide on. You know we can't move forward until the Board decides on these one or two issues even though we have ignored the other twenty.

Board Member Rogan stated exactly.

Rich Williams stated yes it is very frustrating for me, it is very frustrating for Gene, we are looking at the same plans over and over and when you get down into D'Ottavio and Forest View you know sixteen hours on a plan and you are doing it once a month on the same plan.

Board Member Rogan stated it is ridiculous. It is a complete waste of the Applicant's time, our time and the taxpayer's time.

Rich Williams stated we are billing it back.

Board Member Rogan stated the worse part is you are spending more time on the review than they are designing the plans.

15) FOREST VIEW APARTMENTS SITE PLAN

No discussion

16) KEASBEY SUBDIVISION

Rich Williams stated we have a new application that has been submitted, Edith and Tom Keasbey. They have a parcel that is slightly larger than nine acres along Couch Road. It is their intent to subdivide off a little bit more than five acres of the parcel and donate it to the Putnam Land Trust.

Board Member Pierro stated but there are issues. This is between the existing residence and Ann Smith's house, there is a culvert in front of a good portion of this property. You have to go out there and look at it. There is a culvert in front of a good portion of this property and there is problems with access to it although it backs up to the other parcel of conservancy land. Rich, my question was which land conservancy land.

Rich Williams replied the State land.

Board Member Pierro asked the three hundred acre parcel.

Rich Williams replied yes.

Board Member Pierro asked I thought the land conservancy took that, bought that just to get it bought up and then turned it over to DEC.

Rich Williams replied yes it is a State Park at this point.

Board Member Pierro asked does the State have any input on this.

Rich Williams replied no but why would they.

Board Member Rogan asked is your concern Dave that, Board Member Pierro stated there is no access to this property. Board Member Rogan asked in other words when this property is dedicated it opens up a potential access from a road to greater property but if our only concern here or our only application is they want to take land divide and sell it there is no action being proposed. The parking would be an action that would need to be proposed and dealt with appropriately.

Board Member Pierro stated my problem is the access to it because it would be un-safe because,

Board Member Rogan asked so it is un-safe now as access for the property.

Board Member Pierro replied right but they can access it from their side yard.

Board Member Montesano and Chairman Schech stated site walk.

Rich Williams stated the issue is this they are creating a public parcel where they are encouraging people to come visit the property but right now there is no formal parking lot, there is no driveway, there is no nothing. There is no way really to access the property so you are encouraging now people to actually park on Couch Road. The question the Board has to answer is that something that is going to be acceptable or are we potentially creating a safety hazard. We should be looking at this stage of the game to ensure that there is reasonable access into the property.

Board Member Rogan asked can we look at the overall plot and see if there is a more reasonable use of donating part of that property that would allow access or what they have.

Rich Williams replied you take a look at the plans it is all road frontage, you are breaking it off, there is no other way to get access except for Couch Road.

Board Member Pierro stated my point is I don't know if they really truly realize what having a piece of DEC land right next to their bedroom could possibly you know.

Rich Williams stated they are not giving it to the State. They are specifically not giving it to the State. Edie has conveyed to me she is specifically not because the State could not guarantee her that at some point they would not come in and log and clear it.

Board Member DiSalvo asked but how are they going to separate the two parcels.

Board Member Pierro stated they are going to have to put a fence up.

Board Member Rogan stated because it is two different owners. They are not going to separate them physically.

Board Member DiSalvo stated if I want to go ride my horse there I am going on Cornwall Hill Road, make the left on to the State property there,

Board Member Rogan stated it will have Putnam Land Trust signs.

Rich Williams stated here is the reality here you are talking about a public land trust and a State agency who is holding a piece of property to a park they may not want to discourage people from going back and forth between the two lands.

Board Member Pierro stated Rich but picture this a guy like me goes into the State Park in November, loads up his shotgun or in April loads up my turkey gun and goes back there deer hunting and I don't see a sign and I am walking around in the dark and walk in between Edie's property and whack a deer.

Rich Williams stated I was on the Land Trust they know they absolutely have to post their property so all their property has to be posted. This is an issue that they run across Sterling Preserve.

Board Member Rogan stated it is only a five acre parcel that you are talking about it is not very big.

Board Member Pierro stated yes but a lot of unknown's can occur.

Board Member Rogan stated I agree with that.

Board Member Pierro stated there is going to have to be some parking because I looked at it closely and the road is just too narrow down in that area. Over near the Sterling Preserve parking area there is a very wide spot with a culvert and you can get in there and there is plenty room and it does not interfere with traffic.

Rich Williams stated just so the Board understands when that Sterling Preserve subdivision went in we took a look at how they were going to park and they actually made those improvements to widen the road so that there was an area people could park and access the Sterling Preserve.

Board Member Pierro asked who made the improvements.

Rich Williams replied I think the Land Trust did.

Board Member Rogan stated in this case too if we specify that they need to put in a little dirt lot there, a gravel lot or whatever the case may be and a pull-off with four parking spaces the Land Trust probably would pay for it. That is not our concern. That facility on Ice Pond Road that the Land Trust acquired and that is one of their proudest examples I think has very poor parking. I will tell you what that gets more use that piece of property. There is always cars parked there but what I came to find out when I walked down in there this winter is that most of the people are not using the Land Trust property. They are hiking down in and then they are trespassing up on to a hill to go rock climbing on property that the Land Trust does not own. I know it because you can see the trails.

Board Member DiSalvo stated and everybody down there puts in a grievance for their assessment saying because of that people are walking around their property and parking in front of their house and ripping up their lawn.

Board Member Pierro stated my concern too is I don't know if the Applicant is going to want a three or four car parking area next to her property.

Board Member Rogan stated for the pursuit of hiking and nature how could she not, come on.

Rich Williams stated currently you could not have a parking area next to her property because they have got that stream corridor and wetland going down through there. If you look at the property any parking area is going to have to be over near Ann Smith.

Board Member Rogan asked is it still possible for them to divide off the property, no because it would be the Land Trust it would not be connected to the DEC. In other words, if they were looking to give it to the DEC let's say to the State could they divide off a five acre parcel connected to the parcel that the DEC owns and not have road frontage.

Rich Williams replied they do have road frontage.

Board Member Rogan asked no and not provide road frontage my point is.

Rich Williams replied yes.

Board Member Rogan stated the Keasbey's maintain the ownership of the property along the road so that there isn't road frontage there but it is increasing open space and it is increasing property that could be hiked from another area.

Chairman Schech stated it is accessible from the other side.

Board Member Rogan stated that is my point.

Rich Williams stated they could do a lot line adjustment with the State.

Board Member Rogan stated obviously that is not their intent.

Rich Williams stated they didn't want to do that.

Board Member Rogan stated let's go take a look.

Chairman Schech stated a site walk are we going to try it for this Saturday.

Board Member DiSalvo stated yes we have a lot lined up.

The Board replied yes.

Rich Williams stated we are going to have to list them off before we get out of here otherwise I will never remember.

The Secretary stated I have Mezger, Dingee, Troconi, and now Keasbey.

Board Member Rogan stated and Putnam Diner while we are there.

17) OTHER BUSINESS

a. Gagliardo Lot Line Adjustment

Rich Williams stated this is the issue the Board approved the lot line adjustment. They approved the lot line adjustment on the condition of that wall being moved. He comes back to me and says, well we put the note on the plat that is all we have to do. I said I am sorry but this is an improvement, it is not bonded. That improvement has to be done before the Board is going to sign off on the plat. He said well I can't do it I need to keep this open so I can put some wells in, yada, yada, what else can I do. I said you can bond it.

Board Member Rogan stated that is a pretty small price for bonding it, fifty-seven hundred dollars.

Rich Williams stated now he is upset that he has to bond it and go through the process.

Board Member Rogan stated he said to me specifically, I was told specifically and it is funny it is all in the way you say things it is already done and what that meant was the note is on the plan. Now, in retrospect I said well they are in the business it is done the wall is already moved.

Rich Williams stated and he keeps telling me that Mark at the Health Department said it was okay that all he had to do was put the note on the plat.

Board Member Rogan stated tell him there is no Mark at the Health Department.

Board Member Montesano asked tell me something if we get the bond and he gets it approved and he gives it to the Town can we tell him after thirty days we can go hire some people to go move the wall.

Board Member Rogan stated and interestingly enough Mark at the Health Department did tell him the note on the plan is fine because the wall was already moved, physically moved so Mark at the Health Department a.k.a. Shawn Rogan.

Rich Williams stated there is one more issue on this and that is now he has come back to me and said basically that the wall is a retaining wall and it is holding the soil and it is holding the trees up.

Board Member Rogan stated well then he can put a new wall up.

Rich Williams stated okay well that is what he is saying. He said I don't want to move the wall I want to put a new wall up.

Board Member Rogan stated fine. The wall is the delineation of the property line. If the old wall I mean I didn't see where that old wall is, (the tape had problems at this point unable to transcribe).

Board Member Pierro made a motion to adjourn the meeting. Board Member Rogan seconded the motion. All in favor and meeting adjourned at 9:26 p.m.