

Planning Board
August 4, 2005 Meeting Minutes

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

Present were: Chairman Schech and Board Member Dave Pierro, Board Member Shawn Rogan, Board Member Maria DiSalvo, Rich Williams, Town Planner, and Gene Richards, Representative from Town Engineer's Office, Anthony Molé, Town Attorney.

Minutes transcribed by Michelle Russo

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

There were approximately 21 audience members.

1) DUNNING SUBDIVISION – Public Hearing

Rob Cameron from Putnam Engineering was present.

Secretary reads the Public Hearing Notice.

Chairman Schech asked any comments from the audience.

Mr. Cameron stated Rob Cameron, Putnam Engineering, representing the Applicant, Dunning. As indicated in the notice the property is approximately 78 acres it is located on Route 292 and Harmony Road, Town of Patterson. The proposal is to subdivide the parcel with an existing residence on it into three lots creating two new lots for residential development. We received the Town Engineer's comments and the Town Planner's comments, it seems though we can address most of those comments, most of the comments have to do with storm water, we will take a look at the storm water and the storm water analysis and re-evaluate some of the criteria in there. And I think that most of the other comments can be addressed.

Chairman Schech asked any comments from the audience. Close the public hearing.

Board Member Pierro stated make a motion to.

Chairman Schech stated yes Edie.

Edie Keasby asked where is the microphone.

Chairman Schech stated it is up here, you have to come up here

Edie Keasby stated for a public hearing it was really kind of silly because the gentleman who I'm sure is delightful, had his back to the public and we could not see one thing. And that is not the way to conduct a public hearing.

Board Member Pierro stated well if you were not talking in the back of the room ma'am, then maybe we all could hear it. Do not conduct a meeting on your own in the back room.

Chairman Schech stated if that is all the comments from the audience.

Board Member Rogan stated I make a motion to close the public hearing.

Board Member DiSalvo seconded the motion.

Chairman Schech asked all in favor:

Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Chairman Schech	-	aye

Motion carried by a vote of 4 to 0.

Chairman Schech asked for any other comments.

Board Member Rogan stated I think we can address the issues in Rich's memo and the Engineer's memo. Well actually I do not have a Dufrense-Henry on this.

Board Member Pierro stated it just came tonight.

Chairman Schech stated how come you have the Town Engineer's memo already. He did not bother giving it to us until last minute. So you have the Town Engineer's comments, any comments from Rich.

Board Member Rogan stated again they were mostly drainage related concerns.

Mr. Cameron stated it is a matter of taking a better look at the storm water report and resolving some issues with the storm water report. Taking a looking at some of the calculations and maybe making some minor modifications to the plan.

Board Member Rogan stated Rich, I have to ask what is a D 50 of 3 inch riprap is that like an average, the average is a 3 inch size.

Rich Williams stated the diameter per section, by weight.

Board Member Rogan stated like an LD 50 like a weight limit, I kind of assumed that is what it was. I just thought I would ask.

Rich Williams stated you have not done SEQRA.

Board Member Rogan stated Rich your memo seems to indicate that we do not need to do lead agency because we are the de facto lead agent in this case. You do not recall that but that is what your memo says that no one has raised an objection so therefore we are lead agency by.

Rich Williams stated I think we have already circulated it.

Board Member Pierro stated we still need to declare it an unlisted action.

Rich Williams stated it is an unlisted action.

Board Member Pierro stated by default.

Board Member Rogan stated I guess my question would be that, with the comments that need addressed are we in a position to move forward with SEQRA tonight or should we wait until next month so they can be redressed.

Rich Williams stated I think most of the comments, as Rob pointed out are related to the drainage they are not, I do not believe anything I have seen, certainly not in my comments are going to have significant impact on the drainage I think we have got a good concept on how we are going to manage storm water treatment quantity and quality that I'd really like what Putnam Engineering did with the modified swale design, I like that concept a lot, I think we are good to go.

Chairman Schech stated just take care of comments and that will be it.

Board Member Rogan stated make a motion in the matter of Dunning Subdivision that the Planning Boards finds that this project will not have a significant impact on environment and issue a negative declaration of significance of SEQRA.

Board Member Pierro seconded the motion.

Chairman Schech asked all in favor:

Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Chairman Schech	-	aye

Motion carried by a vote of 4 to 0.

2) EUROSTYLE MARBLE & TILE SITE PLAN – Public Hearing

Rob Cameron from Putnam Engineering was present.

Secretary reads the Public Hearing Notice.

Mr. Cameron stated Robert Cameron from Putnam Engineering representing the Applicant, Eurostyle. I have with me the mailing notices. This project is located on Commerce Drive, Town of Patterson, it is an industrial subdivision. Eurostyle is proposing a 20,000 square foot building on one of the lots in the development, they are proposing to install a warehouse building and a small retail area for their services which is marble and tile. There is a small parking area of approximately 24 cars and a loading area and a small outdoor enclosed storage area behind the building.

Chairman Schech stated any comments from the audience.

Board Member Rogan stated make a motion to close the Public Hearing.

Board Member DiSalvo seconded the motion.

Chairman Schech asked for all in favor:

Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Chairman Schech	-	aye

Motion carried by a vote of 4 to 0.

Chairman Schech stated okay we have SEQR on this.

Board Member Pierro stated not according to the summary we received by Rich. In the matter of Eurostyle, I make a motion that the Planning Board of the Town of Patterson find a proposed action unlisted type one action and will not have a significant impact on the environment and issue a negative declaration.

Board Member Rogan seconded the motion.

Chairman Schech asked all in favor:

Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Chairman Schech	-	aye

Motion carried by a vote of 4 to 0.

3) PATTERSON GARDEN SUPPLY SITE PLAN – Public Hearing

Theresa Ryan from Insite Engineering was present.

Secretary reads Public Hearing Notice.

Ms. Ryan stated Theresa Ryan from Insite Engineering. I'm representing the Applicant, Patterson Garden Supply Center, they are lessee on a piece of property on Route 22 on the C1 zoning district it is a 9.25 acre piece of property. They are leasing just a portion of this site, they purchased an existing landscape business, they just want to continue the use add some storage in the back with bins, relocate a shed and enclose the storage area in the back with fencing and a plant buffer and that basically it.

Chairman Schech asked for any comments.

Anthony Grande stated I was just wondering, the back end of this property does it. I would just like to bring to the Board's attention, last year around this time; there was some activity on the upside of the area. I'm not saying it is that property but it seemed like there was drainage catch basins put in, I'm not sure if there was a permit for that work.

Rich Williams stated if I can jump in here, that drainage work was actual put in probably about 2000 or 2001, they may have done a little bit of maintenance up there, at the time our code did not permit, or it did permit that somebody could put a catch basin, they could put drainage in like they did. The problem is, just so everybody is aware, they actually extended the pipe down through the wetland into the stream and excavated the stream out. Hopefully next week or so I will be issuing a violation on that.

Mr. Grande stated well my point was there was activity done up there and it seemed like an attempt to dry out the area, so I would just like to bring that to the Board's attention. I'm not sure the gentleman's name, Town Planner.

Board Member Pierro stated was that on this property Richard.

Rich Williams stated it had nothing to do with this property.

Board Member Pierro asked was it done by this applicant.

Rich Williams stated no it was not done by this applicant, actually we discovered it while we were reviewing this project.

Mr. Grande stated again I was not sure of the boundaries of the property. It is on the up hill of this property.

Chairman Schech stated is it the adjacent property or the property after that it looks on.

Rich Williams stated it is immediately to the south of this property.

Chairman Schech asked for any other comments.

Board Member Rogan stated make a motion to close the public hearing please.

Board Member DiSalvo seconded the motion.

Chairman Schech asked for all in favor:

Board Member Pierro	-	aye
Board Member Rogan	-	aye

Board Member DiSalvo - aye
Chairman Schech - aye

Motion carried by a vote of 4 to 0.

Chairman Schech stated okay did we take care of the outhouse.

Ms. Ryan stated no we did not make any plan changes, but we can do that on the final plans.

Chairman Schech stated they had something to do with the location of the dumpster.

Ms. Ryan stated we located the dumpster, we did not make any plan revisions for this meeting but we will take care of it on the final plans.

Board Member Rogan stated there were quite a few things we spoke about last meeting. You are saying that those will be taken care of for next.

Ms. Ryan stated yes, the fence, there was going to be additional fence put on.

Board Member Rogan stated minor landscaping.

Ms. Ryan stated yes, the shed.

Board Member Rogan stated what concerns me more is that Rich is bringing up the concerns of certain waivers that would be required for this project. Some of what Rich is saying is that he would support issuing a waiver for and some not so. So maybe we should discuss those.

Rich Williams stated we need to understand those that I do not support, really do not material affect the plan design. It is just that giving them relief in that requirement should anything change in the future or as things are being modified, it may trigger some action and for that reason I do not support that they be granted.

Chairman Schech stated did we do SEQRA on this, no. That is why you are not aggravating us with SEQR.

Board Member Rogan stated usually Theresa is good at just asking, if she is quiet there is a reason.

Board Member Pierro stated when can we expect to get those other issues taken care of.

Ms. Ryan stated they will be on the final plans. Would the Board consider granting a conditional final.

Board Member Rogan stated we always consider everything for you, that is why we do not mind that you ask.

Chairman Schech stated on the condition.

Board Member Rogan stated I personally am comfortable with the project I think that the applicant has been sincere in his motivations in this plan, Theresa I trust you. I would kick it back to Rich and say, ultimately whenever we do these things we are putting a lot back on Rich and Gene, in terms of review. It

really is a matter of whether they feel comfortable because there are quite a few things that need to be put on to the next plan.

Ms. Ryan stated which they would review before Herb signs it.

Board Member Rogan stated so I am comfortable if they are, but I do not want to put them on the spot like I just did.

Gene Richards stated it is certainly your discretion with what you want to do with that, I guess from my view point unless there are some specific reason for doing so that maybe, Theresa could tell you, I know they are on the site and they are operating the business, I do not see what a month would do.

Board Member Rogan stated you do not see what a month would hold up on them.

Board Member Pierro stated they are already in place.

Gene Richards stated that is just my personal opinion.

Board Member Rogan stated that is why we are asking, we appreciate it, because what Gene is saying. That by waiting a month and having this wrapped up properly we are not necessarily hurting your business, you are operating as such already, I am interpreting that correct.

Gene Richards stated that is what I am trying to say.

Chairman Schech stated package it all up and come back again.

Board Member Rogan stated conditioned on Theresa and her work.

Ms. Ryan stated no problem, you got it.

Rich Williams asked have we made a decision on the waivers.

Board Member Rogan stated well I think based on what you said, that the ones that you are not agreeing with are not integral with this current plan, I would agree with those and issue the ones that we need to issue.

Rich Williams stated certainly you know they, are not showing topography of the site.

Board Member Rogan stated we were looking at relief from that except for the areas we were doing drainage, I thought we were, we went around and around on this, it seems like a year ago.

Board Member Pierro stated I thought early on we discussed having a limited plan or without topography early on.

Rich Williams stated right without topography.

Ms. Ryan stated that is what I recall.

Board Member Rogan stated so we are granting a waiver from topo.

Chairman Schech stated I thought we did that already.

Board Member Rogan stated I thought we did also, Rich, for some reason I thought we had done all that awhile ago.

Rich Williams stated it has been discussed but yeah, you actual have not done a motion on it. Just so we are clear, I mean my suggestion to the Board is that you grant the waiver on topography, not necessarily the others.

Board Member Pierro stated we have one, according to this document; it is 154-79 C, in the matter of Patterson Garden Center Supply. Make a motion that the Planning Board waive the requirement for topographic information pursuant to section 154-79 C of the Town Code.

Board Member Rogan seconded the motion.

Chairman Schech asked for all in favor:

Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Chairman Schech	-	aye

Motion carried by a vote of 4 to 0.

Ms. Ryan stated Rich does this mean that we have to provide on this particular application a drainage analysis.

4) DEERWOOD SUBDIVISION LOT 6 – Wetlands/Watercourse Permit

Mr. Darnell is present representing the Applicant.

Chairman Schech stated Deerwood, wetland/watercourse permit. Was the permit filled out properly.

Rich Williams stated we have had an application, a completed application for awhile now, there were some remaining questions. The Board did a site walk out there, Ted and I did a site walk out, one of the issues that the Board had was the slopes and further stabilization on the slopes and the other issue was perhaps putting a small retaining wall father out and cleaning up some of the debris that was down lower towards the wetlands. Subsequently, Ted and I went out there, Ted made some very specific suggestions for vegetation that could be planted out there and Ted also indicate that he would prefer to see the stairs extended out a little bit down, to a pad closer to the driveway. Ultimately, I will let Mr. Darnell explain his position on that.

Mr. Darnell stated we explored that alternative, it really did not work as well as the way we had it originally so we would like to do the way that we originally proposed.

Board Member Rogan stated for what reason Mr. Darnell, other then having to reconstruct the stairs.

Mr. Darnell stated there is nothing to reconstruct, it is all going to be new. It just worked better coming straight down and the deck is going to have a small extension over the sliding door and then the stairs will come straight down from that point. The retaining wall will make the whole area from the pier closest to the other end of the house all the way to around the stairs towards the driveway, so it is going to make that area nice and flat as well as safe.

Board Member Rogan stated so if I understand this correctly, Ted's recommendation was to extend the stairs closer to the driveway. Which in other words would either mean they extend the deck further to keep the same pitch on the stairs or they make a shallower set of stairs.

Mr. Darnell stated I think Ted wanted to extend the stairs and make some kind of platform and have them land closer to the sliding door, I think that is what he was suggesting.

Rich Williams stated that was not the sense. What I took away from that was out at the end of the deck, away from the house he wanted a landing to be constructed on to the deck. Then the stairs to come off of that so that they would be farther out towards the driveway and then put a pad down that the stairs would then come on to.

Mr. Darnell stated that sounds like what we proposed in the beginning.

Rich Williams stated your proposing it in closer to the house. For whatever reason Ted wanted it farther out away from the house.

Chairman Schech stated as long as it is going to safe that they do not walk off into that hole.

Mr. Darnell stated it will be extremely safe.

Board Member Rogan stated if it is further away from the house it puts us closer into the slope really, so I can understand a slab that gives you. I think I would be happy if we could just stabilize that bank we talked about a small retaining wall to and so you can create a little bit safe condition there.

Mr. Darnell stated it is actually about seventy feet long.

Board Member Pierro stated from the piers to the edge of the driveway.

Mr. Darnell stated just about the driveway.

Board Member Rogan stated when I said small wall, I meant this way.

Mr. Darnell stated height, it is about 3 ½ feet high.

Board Member Rogan stated which is small considering the two walls below. Yes but that would work for me. Now the planting that you and Ted discussed with Mr. Darnell, where are we on that.

Mr. Darnell stated I am agreeable to all of it.

Board Member Rogan stated do we actually have a current set, or a modified set of plans to refer to.

Rich Williams stated no, we do not have a modified set of plans showing the additional vegetation or the slope protection.

Mr. Darnell stated the slopes, we are just going to plant crown vetch with the permanent stabilization methods that he suggested, I gave a letter stating so. The machine built walls will be extended approximately ten feet I think it was and filled in with top soil. We were going to plant rhus aromatica and there was one other plant the Ted suggested as well, and we are going along with all those suggestions.

Board Member Rogan asked so what do we need to do Rich.

Rich Williams stated what I would suggest to the Board being as there is already an existing wetlands permit on this, which is, still not completed. They need too amend that current wetland permit to incorporate the new condition. The new requirements list off the new requirements so we are very clear about you are looking to have them do.

Board Member Rogan stated can we reference Mr. Darnell's letter is that a clear representation of what we agreed on.

Board Member Pierro stated I think I would rather see, the formalized wetlands permit come in with the additional items on it. I would like to see these added to the other wetlands permit, the things that on that.

Board Member Rogan stated I think that is what you are doing by making a motion. You are modifying the permit.

Rich Williams stated you are modifying the existing permit.

Board Member Pierro stated how old is that permit Rich, that application.

Mr. Darnell stated it has been about eight months.

Chairman Schech stated it is not that old.

Board Member Pierro stated have they reapplied, less then a year.

Rich Williams stated yes they have, there has been a new application with all the material.

Board Member Pierro stated we will add to it the description that is in that fax.

Board Member Rogan stated make a motion in the matter of Wyndam Homes Lot 6, that the Planning Board grant a modification to the existing wetlands permit to include building a retaining wall.

Rich Williams stated of not more then two feet. It is has to be a short one.

Board Member Rogan stated he just said it is about 3 ½ feet.

Mr. Darnell stated at its highest section it is about, it is between 3 and 3 ½ feet high.

Rich Williams stated if you are comfortable with that.

Board Member Rogan stated well 3, 3 ½ feet, it is dry laid stone.

Mr. Darnell stated yes.

Board Member Rogan stated so is that okay.

Rich Williams stated we were talking about putting it right there at the piers to the deck. That 3 ½ feet.

Board Member Rogan stated it does seem like it needed to be that tall. Especially when running the grade across, we will set it at a max of 3 feet. To include the addition of a retaining wall running parallel to the house in line with the piers of the deck, approximately 75 feet or as needed along that side and no higher than 3 feet to allow grading of the backyard. To include repairing any loose rock or stone in the existing wall below and to include the planting along then embankment which will be, rhus aromatica and grow low sumac, as per Ted Kozlowski and also crown vetch along the erosion banks, so moved.

Board Member Pierro seconded the motion.

Chairman Schech asked for all in favor:

Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Chairman Schech	-	aye

Motion carried by a vote of 4 to 0.

5) MEZGER PROPERTY – Wetland/Watercourse Permit

Barry Naderman, Engineer is present.

Chairman Schech stated Mezger. You sent a nice letter to the Town Highway Superintendent. Thanking him for directing the water, instead of having a sheet flow onto your property.

Mr. Naderman stated this is an application that has a bit of history, as you know. We are trying to see if we can do things in a way that is going to be acceptable by the Board. Well as you know folks know this is an application for a single residential driveway serving a proposed residence that extends some fifteen hundred feet in from Old Road. The property is accessed via an existing bar way if you will or an existing lane, or an existing travel way, that is flanked by two stone walls that go across all the way into the rear of the property, to where the property opens up to where the house site is going to be located. There have been some issues relative to a property line, relative to Wyndam Homes which is across this area here. What we see is that the property line which runs, following the stone wall at this location, all of a sudden made a jut into this bar way and went down the center of the bar way. With the help of some of the title companies and the attorneys we are still trying to find out exactly when that lot line change occurred, if it occurred legally and whether or not we still have rights within that old bar way or right of way. I think Rich may have had some information which we are going to try to use and get from him and also create some history and have the attorneys look into that. What we are looking to do is if we can stay within the bar way and stay within the stone wall, the applicant did acquire from the adjoining property owner an easement, across here, if necessary to kick things over, but we hoping we will not have to utilize that. We

are going to find what we can and stay within the existing bar way. I do not know if you folks had an opportunity recently to go out there, I know at the work session you said you might go out.

Board Member Pierro stated we were there on Saturday.

Mr. Naderman stated it was a lovely trip I'm sure, because it is so overgrown.

Board Member Rogan stated a lot of poison ivy.

Mr. Naderman stated I think you find that there is some, while this was an old travel way there is some trapped water spots through the course of that travel way and where by creating what is, what now would be constituted regulated wetland, there is just simply no place for that water to go. Here we see the substantial Wyndam Homes, there are two large detention areas there are adjacent, this has been all cleared out and there are embankments and swales and riprap channels and all the drainage facilities that contribute to this driveway. Part of what we have done recently is to take a look at that information, the drainage studies for Wyndam Homes, to look and see what their design flows are coming out of that portion of the site so we can be sure that we can properly channel this down to a crossing and size that culvert to accommodate well frankly, the un-detained flows should there be an event where that thing overflows we have to make sure that is not going to wash out our driveway. Another thing that we did was replace the two culverts that were originally proposed at this stream crossing with a three sided bridge, concrete bridge structure and there are some question on whether that should be widened and how we are going to protect the stream. We do acknowledge that there is a lot more detail that we have to provide for that, in fact we did read the Town Engineer's memo and the Town Planner's memo and we actually concur with 95% of it and we acknowledge that there is a bit of clean up work to do. We need it to be in a position where we knew that we could move forward on the application and then work towards those additional details. Certainly this has been going for a while and we need to get a sense of encouragement that we are going in the right direction. We did have Steve Coleman take a closer look at the wetland delineations and he had provided a wetland assessment and a discussion of those functions whatever they may be, which quite frankly were not so substantial, he described them none the less. We also were proposing for mitigation for the loss of those trapped wetland areas, we identified areas where we may need to excavate out adjacent to the existing wetlands and created new depression areas and new wetland areas and plant them and so on and so forth, as a mitigation for the loss of trapped areas that we within the driveway. At this junction we are hoping that we are heading in the right direction and that the Applicant is willing to provide the additional details that are required and I think that is what we are seeking here tonight.

Board Member Pierro stated one question I have Barry, on the portion of that bar way or farm road that you required an easement for access, are you going to be permitted to put in the necessary mediation of the adjoining property owners land if it is required.

Mr. Naderman stated well right now we are not contemplating the need to use much of it, if any at all. As pointed out in the memos there is a very tight situation in here, we do have ten feet that we can kick over a small portion of this if we need to get by this. We are hoping that we do have the ability to work within the two existing stone walls, there is plenty of room for our driveway, and there is plenty of room for that large riprap channel that Wyndam Homes had created. That channel is going to have to be reconstructed and kicked over a little bit but there is still plenty of room before we get to that stone wall for the driveway and a substantial riprap swale. I believe we do have easement rights on this side, if necessary, I think that was something that Applicant had worked out.

Mr. Mezger stated the easement itself reads, the survey, (inaudible) so that's how the easement goes through the stone wall.

Mr. Naderman stated not necessarily on the other side of the stone wall.

Mr. Mezger stated she said it is through the stone wall itself up to my property.

Mr. Naderman stated there are two things that we need to clarify. We need to find the exact location of that easement and the disposition of this strip, whether or not we do or do not have access rights through there. If we do not have any access rights to this and we do have easement rights ten feet beyond the stone wall here, what we may have to do is to kick this over a little bit, a few feet, to be able to fill that area in and construct the driveway with the shoulder and some drain swale and things like that. It is just a very tight situation.

Chairman Schech stated that is the only place that you need an easement or there is a question about easements down in there, not up front anywhere.

Mr. Naderman stated well no, certainly up in here we have enough room to do what we need to do. We are not concerned about that, as pointed out there is a tight spot right there, so we will have to take a careful look to see if we have room. Other than that it's not until we get into this stretch right in here. Here I have no concerns about working with the property, as we get into this portion, we can see there is a jog in the property line, where the property line used to go along this stone wall, and at some point in time that was kicked over, we are not exactly sure when that happened and how that happened. Certainly the owners of this strip, who is the Applicant, did not seem to be aware that, that lot line change had occurred. There are some unanswered questions here. Once we get past this point we own all of this, so if we need to kick over in here, we don't need an easement to do so, this is all entirely our property, so we are talking about this, just off the page here, this strip right here.

Chairman Schech stated hold the other one up again, please.

Board Member DiSalvo asked where would that be in relation to the map underneath. Where is that road picking up from.

Mr. Naderman stated this line right here, this faint line right here, is actually this faint line right here. We can see this little riprap spill way from their detention basing because this is the spill way.

Board Member Rogan stated Rich are we going to get into a situation on this that Paul or Dave Raines is going to want fire protection. It is a single family home.

Rich Williams stated we have not communicated with them on this. This is a wetlands issue.

Board Member Rogan stated how much water is in the Wyndam Homes basins.

Rich Williams stated you can not count on that. We have a lot of information on sprinkling houses, residential sprinklers at this point and I just received another manual from National Fire Sprinkler. I think that if we got to that situation with the Building department that, that is probably the way they would end up going.

Board Member Pierro stated as a Board we would be remiss if we did not enlighten the Applicant that sprinkling this house and putting in a tank is a possibility, if he does not already know that. We have done this on numerous occasions, a couple other projects we have worked on.

Board Member Rogan stated the length of this driveway vary from Old Road.

Mr. Naderman stated it is fifteen hundred feet, to this point right here.

Rich Williams stated just so you know there are generally standards and there were requirements placed in the ZBA resolution that there be periodic follow ups.

Mr. Naderman stated there were a couple of locations that were identified.

Chairman Schech stated I imagine you looked at alternative ways to get to this property, besides this way.

Board Member Rogan stated we requested that they look at approaching Wyndam Homes early on.

Board Member Pierro stated there was no way to get to it and Wyndam Homes did not want to open up any access, they would have had to lose a lot.

Board Member Rogan stated I am not objectionable to the approach that you are going with, it is the only means of access to this single lot. We are not talking about any possibility of subdivision and I would only be concerned that there was not anything else that would try to access this driveway in the future. It looks like with the wetlands the way they are, that I do not see where anything could attempt to access this property off this road.

Mr. Naderman stated I do not see that either. Particularly this, we get beyond the house site, there is a more substantial stream that runs through here.

Board Member Rogan stated for a single lot, I do feel that people have the inherent right to get to that lot. In this case I do not think it is a huge impact.

Board Member Pierro stated could not there be access in the area where you are receiving an easement. Could there be access allowed to an adjoining property owner on that road way.

Mr. Naderman stated you are talking about if someone were to approach us and ask for access here to get into this property.

Board Member Pierro stated sure.

Mr. Naderman stated that is not likely because there is wetlands across this portion back in here on this property and getting access to that site would not be off of this driveway.

Rich Williams stated if I could just jump in, I believe you would find that they already have that, by the fact that their property abuts this old farm road, they would have access.

Board Member Pierro stated whether they could go into the wetlands that is adjoining it, is another story.

Rich Williams stated that would be an issue for this Board at some later date.

Board Member Rogan stated that would only be a concern if there were no other access to that property, but more likely then not there are more access points. So that property that abuts that has no other.

Rich Williams stated it is a U shaped wetland. It is not going to be easy to do anything there.

Mr. Naderman stated this property fronts Old Road doesn't it, back to this point.

Rich Williams stated you walk in about fifty feet right into the wetlands.

Board Member DiSalvo asked then what is the property for sale on the corner.

Rich Williams stated I think it is this property. On either side of the road they are both for sale, the one of the other side is a DEC wetlands.

Board Member DiSalvo stated there is no access to Route 22.

Rich Williams stated this property also fronts in two different locations on either side on to Route 22.

Board Member DiSalvo stated so then there is no possibility of accessing it from Route 22.

Board Member Pierro stated we will not know until we do a site walk.

Rich Williams stated there is a substantial wetlands system that goes right down through to Foggintown Road.

Chairman Schech stated I see no problem but they have a long way to go.

Rich Williams stated a lot of what he is proposing to do is just design issues. I think one of the issues you might want to discuss briefly here tonight, is that he is proposing three areas of mitigation to off set the impact of the wetland. I have looked at it and Ted has looked at it, I am surprised we actually concur a little bit on this that the linear wetland that he is crossing through, has the hydrology, it has the vegetation but it is really not a robust ecological wetland community. Conversely, the three areas that he proposing to do mitigation they are really pristine areas in their natural condition and I personally do not support using those areas as mitigation. I question the need, do we really need to do mitigation out there at all, and it is nice where we can do it.

Board Member Rogan stated can we Rich, bringing up the point that you made about them being pristine areas, can we do something to try to preserve those areas as they exist, as opposed to clearing them for a front yard.

Rich Williams stated they are pretty close, well they are within the buffer where they are wetlands as they exist. He is not going to be able to clear without a permit anyway.

Board Member Rogan stated let us leave well enough alone. Just keep them, save a little money on mitigation and keep them as natural.

Board Member Pierro stated my concern Richard, would be if this Applicant shifts that road over and raises the road bed up, we are creating a swale on its own by raising the road bed up. Where is that water going to go.

Rich Williams stated they have addressed that within their plan. They have swales on either side of the road.

Board Member Pierro stated those swales are not in a regulated wetland at this point.

Rich Williams stated to some extent, yes absolutely.

Mr. Naderman stated right now if you look through sections here, what we see is the old bar way down low and there are some embankments that go up a few feet to the stone walls. That water that is trapped in there, it is very flat through there, finds its way to a break here and what we are looking to do is maintain that hydrology. When we look at the profile we can see that everything is filled through here and pitched towards this location where all this hydrology will go out where it essentially over flows to now. Additionally here there is a natural low point located over here that again anything that is coming down here and here is going to discharge back out through this area here, we are trying to maintain hydrology.

Board Member Pierro stated Rich, at the site walk you discussed limiting the disturbance in that area just west of where the three sided concrete bridge is going to go. You questioned whether or not it was required or needed as an overflow, the riprap swale.

Rich Williams stated the riprap swale coming down the side I know, it is on the east side.

Mr. Mezger stated you are talking about this right in here, the reason we did that was because there seemed to have been some work done on this wall and what they left was a little notch weir in the stone wall. I think we saw that at times the weir was not adequate to handle the flows and the flows therefore spilled over the stone wall back in this area and flowed through here. So we just want to take knowledge that, that may occur during a heavy rain event and create a problem along this area.

Rich Williams stated I can appreciate that, since that recently the Highway Department gone out there and put drainage improvements in, which I believe have now taken care of that issue.

Board Member Rogan stated significant drainage improvements.

Mr. Naderman stated I have no problem taking another look at that.

Board Member Pierro stated I would request that you do that. We would like to limit as much disturbance as we can. Rich, we also spoke about whether you required or felt necessary to go with a twenty four foot wide concrete structure, have you discussed that.

Rich Williams stated I think I put it in the memo.

Mr. Naderman stated just relative to the driveway and shoulders and embankment and things.

Board Member Pierro stated we are going to need wing walls at the top of the twenty four feet as Gene had mentioned at the site walk. That would make the total width of that structure sixteen feet additional.

Board Member Rogan stated much wider than what they would think would be required for a single family home.

Mr. Mezger stated we are going for the bridge itself to be twenty four feet long. The question I think is, if ten feet is wide enough to be able to construct this thing without impacting the banks of the watercourse.

Rich Williams stated we were also looking at maybe narrowing up that bridge crossing if we could at all. As to minimize the impact to the stream channel, the linear length of the stream is going to be impacted.

Mr. Naderman stated you are looking to see if we can shorten up that twenty four feet.

Rich Williams asked do you need a full twenty four feet.

Mr. Naderman stated possibly not, we are throwing this out as a concept to help mitigate the crossing. We do know that we need to provide more detail.

Board Member Pierro stated I do not think we encourage cars going side by side over that.

Mr. Naderman stated the culvert crossing is twenty four feet, but the driveway crossing itself is going to be twelve feet or so. There will be two foot shoulder on either side, fourteen, sixteen, you know you are pushing eighteen by the time you get some embankments in there. It was not a twenty four foot bridge, is in the sense that it is a decking that we are going to drive across there was material on top of that that had the road be shoulders and embankments and then the end of the twenty four feet, but if we can shorten that up. There is one other issue that we should probably discuss because we are going to need to address it sooner or later. Paving of the driveway, certainly the DEP is as mandated by the regulations is interested in keeping that gravel. I think the Town has the ability to allow a gravel but it's with a waiver or recommendation and given then gentle, very gentle slopes that we are dealing with here, I think it would be appropriate for the Board to consider allowing us.

Chairman Schech stated not the entire way, you are going to have some asphalt out towards Old Route.

Mr. Naderman stated actually DEP said that we could pave the first twenty feet of it.

Chairman Schech stated I would hope for a little more than twenty.

Rich Williams stated let me ask you a question then Barry, if they find the first twenty feet acceptable, why do they not find the rest acceptable. They find the concrete structure crossing the stream, that's okay.

Mr. Naderman stated the bridge debate with these impervious surfaces with a watercourse has been a long standing one with the DEP. You can span a watercourse two hundred feet on either side with a bridge which obviously has a solid surface on it and that's not considered an impervious surface. That is just their interpretation of it the crossing.

Rich Williams stated they recognize that they can not do anything about the Highway Superintendents, so they allow the first twenty feet to be paved but they think they can bully Planning Boards so they don't allow anything else to be paved.

Chairman Schech stated we will leave that open for discussion. In the mean time let us get back to the wetland/watercourse permit. Are we granting one.

Board Member Pierro stated no not at this point we have a lot more work to do.

Mr. Naderman stated even I acknowledge there is work to be done here.

Board Member Pierro stated I think Mr. Naderman would be happy with just a direction.

Board Member Rogan stated I honestly think we are even ready to set the public hearing on this as requested. I think there is just too much here to iron out, in terms of design and construction sequence. I think we just want to know a little bit more about what we are going and how we are doing it before we open ourselves up to a public hearing that then we are locked into a time frame. I am sure your client would be willing to waive that time frame.

Mr. Naderman stated two of the larger issues that I think we are getting close to resolving are getting the rights to this portion of the property and now specifying the rights to this portion of the property.

Board Member Rogan stated the concern with this whole paving issue is that, if we get to a gravel surface we honestly all felt as a Board, and our professional staff that the item 4, with the run off and erosion, is worse then the paved area. It is easier to deal with the run off, off the pavement, it is cleaner and we are not dealing with an erosion problem. We would like to push for the pavement, see what we can do, see if we can get a waiver from DEP. We used to have a gentleman from the DEP here at some of our meetings. That just did not last very long.

Rich Williams stated I guess Patterson is not a concern. Would it help if you got a letter of support for paving that in the variance request to the DEP.

Chairman Schech stated I would like to see sixty-two hundred feet at least.

Board Member Rogan stated I am not sure I understand what you are saying.

Board Member Pierro stated sixty to one hundred feet. We have given you a direction Barry, I think you know what we are expecting.

5) DINGEE PROPERTY – Wetland/Watercourse Permit

Chairman Schech stated Dingee

Secretary stated they are on vacation, Mr. Dingee was at the work session, remember.

Board Member Pierro stated we are not going to take any action on this, are we.

Rich Williams stated the Board this past Saturday did do a site walk, they did talk about the project with Mr. Dingee. If everything is acceptable the next step in the process would be to schedule a public hearing for September. It was a pretty minor application which I think we should probably wrap it up.

Chairman Schech stated I think we should schedule the public hearing.

Board Member Pierro stated I thought we were going to wait for Ted or are his notes in on this.

Board Member Rogan stated Ted just wanted the pool size and location on the land, erosion controls to be shown.

Rich Williams stated they submitted revised plans.

Board Member Rogan stated I make a motion that we schedule a public hearing Dingee wetland permit application for the September meeting.

Board Member Pierro seconded the motion.

Chairman Schech asked for all in favor:

Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Chairman Schech	-	aye

Motion carried by a vote of 4 to 0.

7) **TONCONI PROPERTY – Wetland/Watercourse Permit**

Applicant was present.

Chairman Schech stated Tronconi. Is it Tronconi or Troncone

Mr. Tronconi stated Tronconi like macaroni. Hello my name is Tom Tronconi. I am the applicant of the wetland permit that we are discussing tonight.

Board Member Rogan stated what a cute little cottage you have had for so many years, what a great little place you have there.

Mr. Tronconi stated except it is falling down around me.

Board Member Rogan stated for the time that it has been there and you have enjoyed it, what a great little place, you almost feel like you are in the Adirondacks, if you could get rid of all the neighbors. We are very concerned about how you are going to remove the old house and if you are going to make it smaller I would like to move it a couple of feet away from the stream because the edge is right on there.

Mr. Tronconi stated that is something that I want to discuss with the builder and use his experience and his knowledge in building. One of the problems is that the lot is small and the stream bisects it almost in half. We are stuck with only half of a place to build, the five items here, I would be happy to discuss them with the Town Planner at a future time and work these items out and hopefully get this application approved.

Board Member Pierro stated one of the suggestions that we thought of on the site was that it would be beneficial if you could manually take the house down and put it in dumpsters.

Mr. Tronconi stated that was my idea that is exactly how I thought I would get a crew of men with chainsaw and saw it into pieces and put it into dumpsters and haul it away.

Board Member Pierro stated the other alternative I thought of was to maybe, I don't know what your relationship with neighbor behind, if you take the fence down and go in that way if you could get permission and do them a favor by re-grading the back portion of their lot, when you are all done. We were going to definitely require the stream be plated because no matter what you do there is going to be debris going into the stream.

Mr. Tronconi stated you are going to have to explain to me what plated is.

Board Member Pierro stated steel sheets.

Mr. Tronconi stated steel sheets that subtracts from the natural habitat.

Board Member Pierro stated while you are doing the construction.

Mr. Tronconi stated while we are doing the work.

Chairman Schech stated let me ask a question, who did the original stone work on the house.

Mr. Tronconi stated I have no idea.

Chairman Schech asked did you purchase it that way it is today.

Mr. Tronconi stated my father purchased it, I believe in 1978 and I purchased it from in 1991.

Chairman Schech stated I see the stone work, some stone work like that as so-so, but I noticed there is a two story stone chimney that is not leaning and that is not pulling the house over, it is just standing there. So that means it is on a foundation, it is on something. Is there anyway you can conserve the old foundation.

Mr. Tronconi stated well that is something that I was going to discuss with the builder. The builder will not talk to me until after I get a permit. He says when I get a permit he can talk to me.

Chairman Schech stated who is the builder.

Mr. Tronconi stated the idea was to replace the house and there just happens to be a stream on the property and before I can get the building permit I need a wetlands permit. That is what this hearing is about the wetlands permit.

Board Member Rogan stated probably before you get a building permit they are going to run you over to the Health Department.

Mr. Tronconi stated I have an approval from the Health Department, he approved the plans already, that part is done.

Board Member Rogan stated the plans must show a floor plan, you must had to prepare some type of a floor plan, so you know what you are proposing to build.

Mr. Tronconi stated yes, there is a floor plan in the application.

Board Member Rogan stated it is just a one bedroom cottage.

Mr. Tronconi stated to answer your question, the builder is Jim Gagliardo.

Board Member Pierro stated where is the septic on this property sir.

Board Member Rogan stated we found it when we were there. It is just not on the plan.

Board Member Pierro stated in the rear, where that concrete stone instrument was.

Board Member Rogan stated what I was about to say earlier was that there is some really nice stream vegetation that you either planted or maintained over the years where both of your bridges cross and we really want to do the best we can to maintain that to not damage that. It cools the water, it provides some soil erosion control there, it is in its natural state and it works very nicely for that.

Mr. Tronconi stated the whole idea is to keep the stream the way it is now. I don't want to change anything on it.

Board Member Rogan stated that is why people were mentioning steel plates, basically come with a machine, they take out your bridges, set down steel plates that would handle the heavier traffic going back and forth, at least on the right hand side.

Board Member Pierro stated the problem is we lose the vegetation with the plate.

Board Member Rogan stated not right where that plate is though, that was six foot wide right there.

Mr. Tronconi stated I do not see that there would have to be big construction equipment, a small back hoe should be more than enough.

Board Member Rogan stated we are thinking that the back hoe would not even be able to get across your existing bridge.

Mr. Tronconi stated my cars have made it across there several times. There are railroad ties underneath bridge.

Board Member Pierro stated we do not want to see a back hoe in the stream either.

Board Member Rogan stated do you know how your water line goes from underneath the stream.

Mr. Tronconi stated there is a pipe that runs underground and it crosses the stream under the bridge. What I was hoping with the new house is to have another well dug, in the house.

Board Member Rogan stated it will be right on top of your septic though.

Mr. Tronconi stated well not if you go down far enough.

Board Member Pierro stated I do not think the Health Department will approve that.

Chairman Schech asked what kind of well is it a hand dug well.

Mr. Tronconi stated it is a dug well that goes down about fifteen feet.

Board Member Rogan stated unless he uses the front yard for septic and flip flops, which maybe depending on what the neighbors do, that is not for us. You have to come through the back side, the neighbor's property.

Board Member Pierro stated I think coming through the neighbor's property is the best route. It keeps everybody away from the stream and you can get permission to possible drill a new well back there.

Board Member Rogan stated well we are throwing around a lot of ideas here.

Mr. Tronconi stated that's what I said that I would discuss with the Town Planner, I don't want to take up your time here.

Chairman Schech stated what we can do is grant his permit with. Do the public hearing and then when we do grant the permit, if we grant the permit somebody is going to have to be there to watch.

Rich Williams stated before we go down that road we need to know what we are going to be watching for. We need to have some idea about how they are going to do this. We need to see some methods of construction, some methods of demolition.

Board Member Rogan stated why not jump ahead and say that we should call Mr. Gagliardo and have him come to the next meeting and we can discuss some of these issues with him and ask very specific questions and nail down some things.

Mr. Tronconi stated is it possible to do that before the meeting.

Board Member Pierro stated we can do that at the work session.

Rich Williams stated he can come in and I can go through this with him and they can get something roughed up for the Board.

Board Member Rogan stated okay, let's do that.

Mr. Tronconi stated can I call you and make an appointment.

Board Member Rogan stated yourself and Mr. Gagliardo can do a lot of good by meeting with Mr. Williams and we will get ready and then we can move ahead on this.

Mr. Tronconi stated okay.

Board Member Rogan stated cute little place.

Chairman Schech stated can I have a motion on this.

Board Member Rogan stated we are not doing a motion on anything right now.

Chairman Schech stated the public hearing.

Board Member Rogan stated you want to set it inlue of that.

Board Member Pierro stated in the matter of Tronconi's property wetland/watercourse permit, I make a motion we set a public hearing for the September meeting.

Board Member Rogan stated contingent upon having a set of plans that you are going to talk about with Mr. Gagliardo.

Rich Williams stated at least a sequence of construction and demolition.

Board Member Rogan seconded the motion.

Chairman Schech asked for all in favor:

Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Chairman Schech	-	aye

Motion carried by a vote of 4 to 0.

8) PUTNAM DINER – Request for Waiver of Site Plan

The Applicant was present.

Chairman Schech stated Putnam Diner

Board Member Pierro stated Mr. Grecco.

Board Member Rogan stated we took a look Saturday morning at this site. All you are looking to do is put a shed up. We noticed that you lost your dumpster enclosure because of the septic expansion.

Mr. Grecco stated we did not lose it. We are going to move it to the back before we enclose it we want to know if it is okay with the Board and then I would like to have the okay to put it more away the building.

Board Member Rogan stated we actually talked just the opposite. We talked about keeping the dumpsters a little bit closer to the building.

Mr. Grecco stated I don't like the trucks.

Board Member Pierro stated they are a necessary evil.

Mr. Grecco stated it was definitely necessary, but if we can avoid it a little bit. It would be those, it would not technically be responsibility because it was there before it was done. The grass is growing nice there on the new addition.

Board Member Pierro stated sorry to interrupt. We also discussed the possibility of putting that grease vat receptacle into an enclosure as well.

Mr. Grecco stated just to make it bigger then it was before.

Board Member Pierro stated we understand the difficulty of the garbage collection people but we do not want to see beautiful dumpsters built and then the enclosure is built and then the dumpsters parked by the garbage company outside the closed doors, we would like to see that used. I know that it is difficult but maybe you could assign someone who is going to wait out there when the garbage men come, I'm not sure when they pick up your garbage but you are a twenty-four hour operation are you.

Mr. Grecco stated yes, they do not do it when they are supposed to do it. I would not hold it open.

Board Member Rogan stated Rich what are the current regulations of the height of dumpster enclosures.

Board Member Pierro stated eight feet.

Mr. Grecco stated six feet, I think that is what it was.

Board Member Pierro stated it was, I think they changed it to eight. It is definitely going to be higher then the dumpsters and it is definitely going to be high enough to have the doors higher because the last time the doors were beginning to collapse.

Board Member Pierro stated our Town Code now says eight feet.

Mr. Grecco stated then if that is what it is.

Board Member Rogan stated so we are looking at a shed to be placed, I do not remember the exact size. I believe it was twenty by twelve.

Mr. Grecco stated I think that it is twenty-four by twelve.

Board Member Rogan stated basically where the dumpsters are currently.

Mr. Grecco stated if guys wanted to do it like that, then I think it would be much better if it was away.

Board Member Rogan stated I am honestly fine the other way, as long as the garbage stays inside the enclosure, we get the grease receptacle moved and as long as we can be assured that your trucks can maneuver in. Right now, there is a concrete block in the middle that is going to be in the way.

Mr. Grecco stated that is for a light pole that is there, but it will not cause any problems. I am going to measure it again, because we are going to need at least five feet away from the fence. Then a space for the fence, so we are going to make sure that it is do-able. We are not going to put the garbage somewhere where the trucks can not have access to it and that would be expensive.

Board Member Rogan stated Rich I am always confused on these waivers of site plan, because sometimes we get more involved then we are tonight. The process, as I understand it, that if we waiver site plan approval for the placement of an enclosure, a shed, twenty-four by twelve in the locations that we discussed. Then they meet with you and they discuss.

Rich Williams stated conditioned on that they place them in the locations as we discussed.

Board Member Rogan stated since I have already stated that on the record. Make a motion.

Secretary stated well I am a little confused though. I am confused as to where the shed and the dumpster are going to be located.

Board Member Rogan stated the shed will be placed closer to the building. We are talking about right now being along the slope of the septic system, running perpendicular from the building. I would like them to stay as close. In other words, I do not know how close we can get it because of Paul. It probably has to be ten feet minimum away.

Rich Williams stated fifteen feet.

Board Member Rogan stated so we are fifteen feet from the building, we are twenty four feet from the shed, right after the shed we probably need a few feet and then the dumpster enclosure. I would like the dumpster enclosure to be appropriate size, obviously, eight foot high but we have two dumpsters and a grease receptacle that gets pumped out. We need enough room in there for those, what we are trying to do is keep everything up and away from the wetland border of course.

Board Member DiSalvo stated you want to put the grease receptacle, how does the grease get in there now.

Board Member Rogan stated inside the dumpster enclosure, they dump it in a bucket. It is not hooked up to anything.

Mr. Grecco stated it is not used the way it used to be used, the industry has changed and the biggest waste in grease was bacon. That was a lot of waste that has been eliminated.

Board Member Rogan stated in the matter of Putnam Diner, I make a motion that we waive site plan approval and allow the placement of a twenty-four by twelve shed fifteen feet away from the building and then subsequent to that the construction of not higher then an eight foot tall enclosure.

Rich Williams stated I would just like to add two conditions in there, one is that you place a time frame in which if the improvements are not installed the waiver expires. The second thing is that they stake out the four corners of each of the improvements and if he will verify them before the improvements get installed.

Board Member Pierro asked what time frame are you looking for Rich, ninety days.

Board Member Rogan stated would ninety days be appropriate, one hundred and twenty days.

Mr. Grecco stated it takes a couple or three weeks, but I am going to measure and come talk to you before. If I see that it can not work for the garbage then we will exchange and put the garbage towards the building and we will put the shed toward back.

Board Member Rogan stated put markers where you want to put the structures, call Rich and he will verify before we start and we will make the waiver good for one hundred and twenty days.

Board Member Pierro seconded the motion.

Chairman Schech asked for all in favor:

Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Chairman Schech	-	aye

Motion carried by a vote of 4 to 0.

9) THUNDER RIDGE SKI AREA – Wetland/Watercourse Permit

Mr. Conklin, then Applicant was present.

Chairman Schech stated Thunder Ridge wetland/watercourse permit.

Board Member Pierro stated there was a new application submitted I believe.

Secretary stated the site plan we got a new one, she had dropped off revised plans of what you had suggested at the work session of moving.

Board Member DiSalvo stated but that was for the site plan.

Secretary stated yes, that was for the site plan. The wetland/watercourse you would have had from the work session.

Board Member Pierro stated we are not moving on a wetland/watercourse tonight are we.

Rich Williams stated there is not enough information.

Board Member Pierro stated we need engineering and etc. No new information came in on that yet.

Rich Williams stated no not yet.

Board Member Pierro stated very well.

Board Member Rogan stated the first one is the wetland/watercourse permit that is the snow making operation dredging.

Board Member Pierro stated we are not acting on that.

Board Member Rogan stated the second issue is the flea market situation.

Board Member Rogan stated it is tough when they are back to back, Mr. Conklin.

Chairman Schech stated we have to hold off on what.

Board Member Pierro stated wetlands/watercourse.

Board Member Rogan stated so we are going to work with Ian and Mr. Williams to come up with a reasonable, I thought that was what we discussed.

Mr. Conklin stated did you read his letter, Rich's letter.

Board Member Rogan stated I am not sure which letter you are referring to. Is this different then what we looked at a week ago.

Mr. Conklin stated well he handed a letter out at the work session.

Board Member Rogan replied yes I did.

Mr. Conklin stated do you have any questions on that.

Board Member Rogan stated it says just file a new permit application prior to commencing any work on the pond. This is the letter you are referring to, Mr. Conklin. You are confusing me.

Board Member DiSalvo stated we discussed it that night and he was going to be basically meeting Ian.

Board Member Rogan stated good that was what I was talking about.

Board Member Pierro stated this is the letter on the watercourse permit. Is that what you are referring to.

Mr. Conklin stated yes.

Chairman Schech stated so we are waiting for some engineering on that one.

Mr. Conklin stated did everybody read that letter.

Chairman Schech stated yes, I just did. You have to hire an engineer to draw some fancy lines for us.

Board Member DiSalvo stated I thought he agreed to do that last week.

Chairman Schech stated you do not have any engineering on this.

Mr. Conklin stated I had not seen this letter at the previous meeting and you had not either. I was just wondering if you had read and had any comments on it.

Board Member Pierro stated we discussed this at length at the meeting this other night, about the graphs and the information provided is not adequate now because of changes in the MS-4 Regulations and the State, we are acting under more stringent rules and regulations.

Mr. Conklin stated from the State.

Board Member Pierro stated yes and we would like engineered drawings of what you are going to do. Now you are proposing a coffer dam in that stream.

Mr. Conklin stated it was the same proposal as agreed.

Chairman Schech stated well we need some engineering on it. Professional engineering on this, before we can approve the watercourse permit. That is what we agreed to.

Board Member DiSalvo stated yes.

Board Member Rogan stated that was what Mr. Conklin agreed to last week.

Mr. Conklin stated I agreed to that before I had seen this letter.

Board Member Rogan stated I'm sorry. What does this letter do to change that.

Mr. Conklin stated did you read this letter.

Board Member Rogan stated you keep asking that sire, what are you alluding to.

Mr. Conklin stated is there anything that engineer can do to take care of anything.

Board Member Rogan stated I would be happy if we could come up with a plan that we can be assured that this is going to be done properly and we are not going to create an erosion problem. That we have a storm event, we have what you called a coffer dam, a depression area that it going to overflow, we are going to have erosion control problem. If you can assure Mr. Williams of those things and we can create a construction sequence that works then I am comfortable with that but that has not been provided and that is where it sounds like we are at right now to really cut to the chase.

Chairman Schech stated in other words you need engineering. I did read this, just now.

10) THUNDER RIDGE SKI AREA – Site Plan

Mr. & Mrs. Conklin, the Applicants were present.

Chairman Schech stated alright now we have Thunder Ridge Ski Area, tag sale or whatever this is. Are you still going ahead with that one.

Board Member Pierro stated they have modified the site plan request, Mr. Chairman. They have taken it out of the parking lot.

Mr. Conklin stated we modified the plan from the suggestions made at the work session.

Chairman Schech asked do we need a public hearing on this, Rich.

Board Member Rogan stated this needs a waiver from Town Board

Board Member Pierro stated this needs a waiver, does it not.

Mr. Conklin stated why does Zoning require getting Planning Board approval.

Rich Williams stated you have Paul's opinion, you have my opinion, and you have the Town Attorney's opinion, apparently none of that matters because Mr. Conklin's opinion is smarter than all of us.

Board Member Pierro stated our Counsel and our Town Attorney has directed us that this is not permitted and either the C-1 or the CR zone and in order for you to get an approval on this, we have to go to the Town Board and have them change our Code. Have I misspoken Rich.

Rich Williams stated no.

Board Member Pierro stated that is correct.

Rich Williams replied that is correct. Now subsequent to that, you then have a couple of other options depending on how the Code is changed by the Town Board, odds are they are going to still require site plan approval but then if there are no improvements, then it also opens the door for potentially for waiver requirements depending on the scope of the application.

Chairman Schech stated we have to kick this to the Town Board.

Board Member Pierro stated I am not comfortable with doing that, Mr. Chairman.

Board Member Rogan stated with a positive recommendation. Is that what you are saying.

Board Member Pierro stated I am not comfortable because it appears that the applicant's opinion after reviewing the current Town Code, is a permitted use and it is not. We can not change the Code all we can do is send it to the Town Board.

Chairman Schech stated that it what we are trying to do.

Board Member Pierro stated well before we do that we have to review the issues, correct Richard.

Rich Williams replied yes, I mean what we discussed about it, I believe at the work session was the Applicant is free to go to the Town Board and request a zoning change on his. It is not that the Planning Board has to send him there but typically the Town board would be looking for a recommendation from the Planning Board. It is something that you should consider formulating either now or identify what additional information you might need so you can form it in the near future and Mr. Conklin can pursue this with the Town Board.

Board Member Pierro stated in your letter Bob, with your either items on there is there a count on how many tables you will be maxed out at.

Mr. Conklin stated no but we have the facilities for over one thousand people.

Mrs. Conklin stated we could just extend across the other side (inaudible).

Chairman Schech stated if not the other side of the road.

Mrs. Conklin stated no, not the road, our property.

Board Member Rogan stated the only question I really have on this, quite honestly, if it were an approved use that they could probably do an adequate job of providing parking and getting in and out of the area. Provided, especially since they are putting it over where the ski area is and not in the front the concern was, if you are driving down twenty-two, you are going to be slowing traffic down on twenty-two. You put it in up off where the ski area is now you are reducing that concern. I guess my only concern with this would be we created a new code there was a though process behind not allowing flea markets, not any more then what already exists, just like there was a requirement to not allow any more gas stations. Someone wants to open a gas station now, there are no more permitted, they feel like there are enough in the Town. It was not something that was wanted and I would go back to that.

Mrs. Conklin stated we are trying to do is not particularly a flea market. We wanted it to be more like an arts and crafts fair.

Board Member Rogan stated I understand, I misspoke, I did not mean to give it negative connotation to those people who enjoy going to flea markets, however I think we need to look back to the people who were involved with approving the Town Code, the Town Board, the Zoning Board, and the Planning Board, and see if this is something that we want to open up to change the code to include, that really seems to be essence of what we are talking about here.

Rich Williams stated that is crux of you recommendation.

Board Member Rogan stated that is the whole crux of it, the recommendation would be whether this Board feels comfortable making a recommendation to the Town Board to proceed to allow this to be now included in the Town Code. I do not have anything against flea markets as long as they are set up in area that can deal with them appropriately, I go back to what I said at the work session, we have a facility right up the road that has one and does not seem to be able to attract, well that is not even my concern whether they can attract the business or not, you are doing something that is different. The object is whether or not this is something that the Town Board and Zoning Board feel comfortable moving forward and changing. I think that you probably have the facilities there to be able to handle an event.

Mrs. Conklin stated we do not want it to be grand, we want it to be comfortable.

Board Member Rogan stated I actually liked when you used to have the haunted hay rides and it was up in the back of the property, you had to drive up the road understandable, it was not right out on twenty-two. Facilities are not as adequate there, I understand that.

Chairman Schech stated so your next step is Thunder Ridge Ski area if you want to go for the craft fair, must be brought to the Town Board. Apparently this Board is not going to make a recommendation.

Anthony Molé stated the other option they have is to go the to Zoning Board and go for a use variance, for uses that are not permitted in zone of course the criteria are difficult to meet under the circumstances.

Chairman Schech stated or go to the Town Board and see if they can change it. That would be the first step, I would think.

Mrs. Conklin asked are you saying to go to the Town Board first.

Chairman Schech stated that is what I would do.

Board Member Rogan stated what Anthony is saying is that you have options here, there are two different ways to go. Anthony is giving you the information, going to the Zoning Board with the criteria that would need to be met, he is saying that you would probably have a hard time.

Board Member Pierro stated I am not prepared to make a recommendation.

Rich Williams stated okay, just to wrap this up. I think I did mention this to you last week, that the next Town Board meeting is this coming Wednesday, August the tenth. If you want to pursue this, you should probably put a letter to them addressing your concerns, because they are not likely going to have another meeting in August. You really need to think about if you are going to pursue this, you should approach them sooner rather than later.

Board Member Rogan stated can we copy them on the information that was submitted. The current plan, that would make sense.

Rich Williams stated it will come down the Town Board when they discuss it, if this is something they want to concern, they will direct me to make the appropriate zoning changes and make them take it to public hearing.

Board Member Rogan stated there are some very nice craft fair type festivals that go on I think are positive things for a community if done properly. This may have the potential to be one those, I think it is something that the Town Board needs to at least consider.

11) COUCH ROAD SUBDIVISION – Preliminary Subdivision Application

Joe Buschynski, Engineer was present

Chairman Schech stated Couch Road. Have the property owners been notified within five hundred feet.

Mr. Buschynski stated not yet.

Board Member Pierro stated we already declared our intent on this. Rich had copied that draft.

Board Member Rogan stated you need to go to Town Board for some waivers. You have done what we feel is the best to your ability and to ours to be able to minimize those waivers. Using the document that the Town Planner prepared to the Town Board outlining those waivers that would be required, we need a motion to send this recommendation to the Town Board.

Rich Williams stated you should do that motion.

Board Member Rogan stated in the matter of Couch Road Development, I make a motion that the Planning Board makes a recommendation to the Town Board to consider the waivers that would be required from the standards of the Open Development Overlay Zone. As well as they consider the waiver for the location of

the natural features that may influence the design of the subdivision such as flood plans, wetlands, rock outcrops, and large trees shown on the preliminary subdivision plat. I do not remember discussing that one.

Rich Williams stated is that my memo.

Board Member Pierro stated 138-33G Rich, which requires a location of pertinent natural features. I thought we were.

Board Member DiSalvo asked which memo.

Board Member Rogan stated we liked the subdivision, now Rich threw us the natural features. You have the topo, that was the most important natural feature out there.

Rich Williams stated what you are doing is you are confusing two different requests. One is you are sending a recommendation to the Town Board that the variance be granted as per the memo that was drafted on your behalf. The seconded one is a waiver from certain requirements.

Board Member Rogan stated a subdivision plat.

Rich Williams stated two separate issues.

Board Member Pierro stated do we have to grant the waiver now.

Secretary stated let us back up and go back to the recommendation.

Board Member Rogan asked can we take a ten minute break, is that allowed during Planning Board. This is getting crazy.

Rich Williams stated we need to cool down or something.

Board Member Rogan stated there is a lack of oxygen in here tonight. Everybody just exhale every other breath. I will just do the motion for the recommendation on the variance for request for the Open Space Overlay district, contained in the memo that Rich did such a nice job on, dated August 4, 2005, so moved.

Board Member Pierro seconded the motion.

Chairman Schech asked for all in favor:

Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Chairman Schech	-	aye

Motion carried by a vote of 4 to 0.

Board Member Rogan stated we will tell the Town Board that you did your best job here on minimizing those impacts. The Applicant, I think you were, it is a nice thing for us as a Board to have different options to start with, it made it a little bit complex because we had more than one. Most people give us what they

thing they want to build and that is it. Then we end up changing it, in this case we had a few different options to look at.

Chairman Schech stated he just wants final approval, he does not want to be pat on the back, he just wants final approval.

Mr. Buschynski stated would you be able to initiate the SEQR process.

Rich Williams replied again.

Mr. Buschynski stated oh we did that.

Rich Williams stated yes, if I can, you are going to be on the next agenda for determination of significance which needs to be made prior to the Town Board taking an action. About a week ago you provided my office with materials for Lead Agency Notice, they went out, they were circulated, unfortunately it is not going to be until the next meeting, until the thirty days has expired and/or the other agencies have responded. At the next meeting we will be in a position to make a decision.

Mr. Buschynski stated is there any idea whether this waiver would be considered at the August tenth meeting.

Rich Williams stated they need to schedule a public hearing on it and hold the public hearing so the most that they would do is actually review it, do an initial review and schedule a public hearing for September. Understand that the August 10th meeting they are having two very controversial public hearings, it will not be here, we expect quite a few people, it will be down at the other end of front street at the recreation center. Whether they take any other items on the agenda that night I do not know what their plans are.

Chairman Schech stated I suggest you stay home.

Rich Williams stated you will probably want to talk to the Supervisor's secretary.

12) FRANTEL SITE PLAN – Continued Review

Theresa Ryan from Insite Engineering was present.

Chairman Schech stated Frantel. We did not set the public hearing on Frantel yet. I thought we had it already.

Ms. Ryan stated you would have to declare yourselves Lead Agent first.

Board Member Pierro stated yes.

Ms. Ryan stated they do not officially have to do that. You also have the option to consider a negative declaration tonight.

Chairman Schech stated alright, let us just set the public hearing first.

Board Member Rogan stated I make a motion in the matter of Frantel that we set a public hearing for the September meeting.

Board Member Pierro seconded the motion.

13) PUTNAM COUNTY NATIONAL BANK SITE PLAN – Continued Review

Theresa Ryan from Insite Engineering was present.

Chairman Schech stated Putnam County National Bank.

Ms. Ryan stated should I put the plans up, we did not resubmit anything. Oh I'm sorry, we have no objection to the comments and we are going to be meeting with Gene, for the storm water management copies.

Chairman Schech stated I also think we have an architect.

Ms. Ryan stated yes we do.

Rich Williams stated actually have not used you and did put comments in, they have been provided to the Board.

Board Member Pierro asked who is that architect.

Rich Williams stated Mike McCormick is the principal I have been dealing with.

Board Member Pierro stated they came through.

Rich Williams stated everybody twisted their arm.

Ms. Ryan stated is that something that can be shared with the Applicant.

Rich Williams stated there was an Applicant's copy.

Secretary stated I did not have it. That was the one on the window sill then.

Board Member Pierro stated there was a new memo on that.

Board Member Rogan asked who is this gentleman that you brought with you tonight.

Ms. Ryan stated this is Mr. Kurt Johnson from Zarecki and Associates.

Mr. Johnson stated I am sure you are aware of what is going on.

Board Member Rogan stated you know what we need to do, we need to digitize Front Street into your computer and you ought to plug in these plans and do a virtual drive Front Street. Oh they have done it.

Mr. Johnson stated basically we have a mixture of buildings along this strip. The second empire, this three story structure right here.

Chairman Schech stated with a big hole in the roof right now.

Mr. Johnson stated we have a one story gabled structure down further there is a one story flat roof and we have a three and a half story gable structure there. What we are trying to do is come up with something that is going to connect the mixture. Taking a look at this data line on this building here, bringing it across and doing a covered walkway, setting the base of the building back a little bit, so we do have a shadow here with some columns in the front and then doing a gabled structure in the front here. It will actually be two stories but we have this to go back to a twelve tone pitch, get this couple of dog house markers, pick up on the ideas that are here, created a lot of glass down here on this lower level that picks up here as well. Try to bring back that New England look and hopefully we will give some interest.

Board Member Pierro stated it looks much better then the last one.

Board Member Rogan stated not an easy thing to do trying to tie in all the different types.

Mr. Johnson stated there are so many pieces here.

Board Member Rogan stated you did not mention how you tied in some of the characteristics of this building into it, since you have it in your picture.

Mr. Johnson stated well we do have some gables here, we do have tower structure and down on the opposite end here this building is quite prominent and we do have gable with a vertical so we are trying to pick that up as well. It might have an identity of its own. People do walk down Front Street, there will be interest and they will want to walk in.

Board Member Rogan stated actually the building right now with the least amount of character, once this goes in will be Jimmy's store, that is the one that needs to be raised.

Mr. Johnson stated obviously you will get more people renting out on Front Street.

Board Member Rogan stated we appreciate your input on this.

Chairman Schech stated it looks good.

Mr. Johnson stated just materials, we were thinking of architectural asphaltic roof shingle of a charcoal color which would be this. Depicts the idea of a slate material here, a dark roof go with a premium vinyl siding, architectural siding, do all white solid PVC trim. Do a nice quality vinyl, we could do a hardboard siding as an option.

Board Member Pierro stated it is made from recycled products too, which is good, so it is taking PVC out of the waste stream.

Mr. Johnson stated that is basically that is what we think with the color scheme, a darker roof with a slightly off white main building and then the pure white trim.

Board Member Pierro stated with this amount of siding that you are going to use on the front of the building, there is hardly any, I would prefer to see hardy plank.

Mr. Johnson stated I don't have a problem with that either, I think that would be fine. That is not a problem.

Board Member Pierro stated I think that it would be a little bit better of a look, it is more cohesive on what they have on this building, I believe, Rich, is it hardy plank.

Board Member DiSalvo stated there is no change to the building that had the fire that we know of.

Board Member Rogan stated not architecturally.

Board Member Pierro stated what kind of material are you talking about for the sides of the building.

Mr. Johnson stated bring it right on around, do the entire building, probably a light gage steel frame building and then do the siding all the way around, with some windows on the sides and the back.

Board Member Rogan stated it sounds like you have some pretty good nods of approval.

Board Member Pierro stated so why do we need McCormick now.

Rich Williams stated that was my question, because everybody wanted a second opinion. You might want to take a look at it and see what you want to do with it, if you want to do anything with it.

Board Member Rogan stated this comment letter is based on this.

Rich Williams stated in general, yes.

Board Member Pierro stated knowing the Applicant, he designed the building himself, you know he drew it up he told us, and we asked him for a little more detail and now we have it.

Rich Williams stated you want the Applicant to Mike McCormick's memo.

Board Member Rogan stated I think he has to some degree, in terms of colors and certain elevation drawings, talk about plantings, what we are going to see in terms finishing this along the street side.

Rich Williams stated well he has not provided that information to Mr. McCormick nor has he provided it to the Board.

Board Member Rogan stated I think we should go forward with that. Conceptually, I think we are moving in the right direction.

Board Member Pierro stated Theresa, in the upper right hand corner, what is that elevation.

Board Member Rogan stated it is a site elevation showing the front.

Mr. Johnson stated this one here is just a section view of what the building is going to look like inside, this is the gable structure here and then this is the elevation on the side here.

Board Member Rogan stated it is almost like when you look at the side of a shopping center and you see the façade.

Chairman Schech stated I am happy.

Ms. Ryan stated the Board also has opportunity to schedule a public hearing for this and to consider a negative declaration.

Board Member Rogan stated make that motion, I'm all for it.

Board Member Pierro stated in the matter of Putnam County National I make a motion we schedule a public hearing for September 1, 2005.

Board Member DiSalvo seconded the motion.

Chairman Schech asked for all in favor:

Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Chairman Schech	-	aye

Motion carried by a vote of 4 to 0.

14) D'OTTAVIO SITE PLAN – Continued Review

Harry Nichols, Engineer, was present. Mr. Steve D'Ottavio, the Applicant, was also present.

Rich Williams stated I issued a memo back in January, I have never had such hard time, that I got from Harry on my review memo.

Chairman Schech stated he is not saying nice things about you Harry.

Rich Williams stated you basically went point by point on my memo.

Chairman Schech stated Gene has Harry come through with all the things in question.

Gene Richards replied no.

Chairman Schech stated no. Harry are you here wasting our time again.

Board Member Rogan stated what color green is that.

Mr. Nichols stated we brought with us tonight, landscape plans, which we just picked up today from the landscape architect. Also includes elevations that were previously dropped off.

Board Member Rogan stated these are easier to look at than normal plans. I do not remember ever getting plans from anyone like this.

Mr. Nichols stated on this plan there are all the plantings, we have also addressed habitat plantings along the watercourse, that Ted was looking for, but he is not here tonight.

Board Member Rogan stated it is just done with a highlighter, all this color.

Mr. Nichols stated yes.

Board Member DiSalvo stated it looks good though.

Board Member Rogan stated how are you going to take the highlighter out into the field and make it all that color.

Gene Richards stated Harry have you compared Terry Collin's plan against your site plan to know if there are any adjustments needed for your plan.

Mr. Nichols stated her plan is a reproduction of my plan.

Gene Richards stated so that all fits in with your current design.

Mr. Nichols replied yes. You will notice a lot of this is photographically produced on a base.

Gene Richards stated Harry, I guess the reason I asked the question, is this going to exceed the existing house.

Mr. Nichols stated this is some of the patio area of the house, unfortunately she colored it in on the plan.

Gene Richards stated I did not see the handicap ramp that is kind of a horse show structure that goes out in front. I mean we will look at that I was just wanted to understand if you had looked at it. I just can't see it from here.

Mr. Nichols stated we also submitted, Mr. D'Ottavio, brought in copies of the elevations with concepts. It was colored in the lighter orange. This is a straight faced building, and this one here which I think is third one. That is the canopy spanning across the mid point of the building and going around on two sides. This plan is very simple, with the idea in mind, that whoever selected this building would carry over.

Board Member Rogan stated I like the plan you have up, much better than the one underneath.

Chairman Schech stated the wetland permit, did you ever file that, in whole.

Mr. Nichols stated yes we did file it.

Chairman Schech stated Ted said that it is incomplete.

Mr. Nichols stated there were some corrections to be made to it and we also have plantings that would be in the buffer area which I would assume would have to be part of that application as well.

Rich Williams stated if I might jump in here, one of my comments in the last memo which got completely ignored was the fact that though they did file a wetlands application there are no details about the stream, there are no details about the impacts, there are no details about mitigation. Basically he took the wetlands application form and he put on it, we are going to do a couple things in the buffer area. That is not a wetlands application, significant additional information needs to be provided so that the Board can reasonably assess the impacts, understand what is going to happen with the stream channel, what the impacts are going to be.

Board Member Rogan asked Harry, what do we have to do to finish this project. I just want to wrap this one up.

Mr. Nichols stated can I just say one thing.

Board Member Rogan stated sure.

Mr. Nichols stated one of the items, the impacts on the section of the stream on this location, are where it is piped, the only impact that we have is putting in a interceptor, just to take some of the water that is coming down through the area that is disturbed. We are adding nothing to the piped portion of a watercourse.

Rich Williams stated I raised the issue because currently storm water is flowing across from a much higher elevation. If you look at the topography coming all the way down across and it is going straight down through where the buildings are. Now he is intercepting that and taking it down to the stream where prior to this, it did not go into this stream channel. I need to take a look at that, he needs to take a look at that, there is a stone wall out there, it is possible that the stone wall is intercepting that and has been. There is no documentation that substantiates that.

Mr. Nichols stated we did a field walk on that, the only area that this is picking up is this triangle down here, it does not, if you look at topo maps it appears there is an area in here. When you go out in the field the ground rises up next to the stone wall and all of this is being brought down along the wall and into the watercourse, based by the stone wall.

Rich Williams stated and you have no problem with us confirming that.

Mr. Nichols stated no, not at all.

Rich Williams stated now to take it to the next level, that pipe that whole structure was put in without any sort of analysis done on it, about whether the pipe is efficient and that was one of the other issues I raised that we just need to have the engineer confirm. Take a look at whether that pipe is sufficiently sized and whether it is good condition. I know when we did the site walk a couple of years ago, the head wall on the northern end that stream channel had some deficiencies that needed to be repaired and we seemed to have forgotten about all of that.

Board Member Pierro stated it was not major but it needed attention, so can you look at that Harry.

Mr. Nichols stated my interpretation, was that we were adding or putting something else into the watercourse and the fact is that we are really not.

Rich Williams stated you may have been showing that the stone wall actually was intercepting something.

Mr. Nichols stated we can go look at it and plus look at this section and whatever is out there, it seemed like if any work should be done to it.

Rich Williams stated I realize that once we got additional information that it may require another visit to the site. One of the things I would like to ask Mr. Nichols, there are a few modifications to the overall design to the storm water pond, I wondered what was driving that. Because the same modifications have also been made also to the next project that is coming up, I was wondering if he could provide any insight as to who drove that design and what their thought processes were.

Mr. Nichols stated it was driven by DEC, meeting on these projects. They have changed their philosophy on requirements, in other words they originally used to run through the water quantity pond and then we contained the first flush in that pond and it would filter through to the second pond, he does not want the mixing of waters. He wants the first flush to be siphoned off at the initial part of the pond set into the filtration basin and then after that it will circle slow will go into the water, quantity basin for control of the rate of run off and to do that. These two plans have been totally modified to accommodate, this is where they disagree with DEP, so we have two agencies we are trying to satisfy with different requirements.

Rich Williams stated just so the Board is aware, here is my problem with this whole scenario, you definitely get better water quality improvements if you design a series of treatment train, so to speak. The way you design that treatment train, it is basically on particle size and the mechanisms that are removing those particles, i.e. you look at practices that are going to remove the larger particles first and they go first in the line then they get followed up, Gene jump in if you think I am wrong here, we have not talked about this. You look at practices that are going to take out the larger particles first then you go to practices that are going to take out the smaller particles, for example detention pond or retention pond takes out particles by settling, now if you put the filtering practice first the detention pond the retention pond that filter practice is already going to take those out there is not going to be anything there for that retention pond that is now next in line to take out.

Mr. Nichols stated let me modify my scenario first we have a four bay which will be used to take out the larger particles after that it will go through the four bay before it goes into the filter pond, actually everything goes through the four bay once the filter pond has received its initial flush the remainder through a device would go into the second pond which is a quantity pond and that also flows through the four bay. The idea and this was suggested by Rich, that we have a four bay there to try and concentrate the larger collection of particles that would be the biggest part of the maintenance, we would have to go in and dig them out once or twice a year and that really drove the four bay first before the filter pond.

Rich Williams stated I agree with that, the problem is storm water goes into the four bay and it sits there for a very short duration then it immediately goes into the other pond. The next regime of particles that are going to settle out, they go into the filtering practice and the primary removal mechanism with a filtering practice are absorption, which is going to take out the very small particles and filtering which again are taking out something, the larger particles. From there if you go into a retention pond, the only thing that is going into the retention pond are the very fine particles which are going to have to sit in there for at least fourteen days for anything significant to settle back out. You are really putting the practices in my mind out of sequence.

Mr. Nichols stated since we have a conflict with DEC.

Rich Williams stated I am not sure how we are going to end up resolving this.

Board Member Pierro stated have you communicated with DEC on this.

Rich Williams stated not at this point, this is something new that is coming up.

Board Member Rogan stated how do we resolve this. Three different agencies in theory us being one of the agencies having a difference of opinion.

Mr. Nichols stated their philosophy is you do not do the water quantity pond first. In there you are holding the water went in first it would stay in the lower layer and be held back because it would not have a secondary discharge to go out. Any water above the first wash would come in it would go out the overflow, it would be detained long enough to slow down its rate of discharge. However the DEC is saying that water coming after the first wash is going to mix with the first wash and their concern is that it is going to carry some of that first flush water and mix it up.

Rich Williams stated I agree with that.

Mr. Nichols stated so putting it that it siphons off after the flow basin the first wash volume. That is the part of the runoff that is theoretically the first wash off the parking lot, first wash coming off the lawn areas, pesticides and whatever fertilizers used and whatever is left after that is the cleanest water.

Chairman Schech stated my question is what does Harry have to do, so we can get rid of him.

Gene Richards stated Rich has raised this question to us earlier today, so we are going to do some checking into pond designs and the treatment train and all that and see what we can come up with. What Harry just said certainly helps in that regard so at we at least understand DEC's position. We will see what we can come up with. I think to answer your question though, for me the biggest thing is for Harry to take whatever time he needs and go through his plans closely look at everything, submit a set of plans that are clean. We are still seeing a lot of problems that just should not be there. Once we get the plans cleaned up and they agreed with all the various plans their components agree with each other and the storm water report is all in agreement, we will do a hard review of everything, it should just be final issues and that should wrap it up pretty quick.

Chairman Schech stated okay Harry, say yes.

Mr. Nichols stated yes.

Board Member DiSalvo stated when are we going out there.

Chairman Schech asked out where.

Board Member Rogan stated she has never been there.

Board Member DiSalvo stated I walked it when it was for sale because my friend wanted to look at it. I have never been in depth on it, he ended up with that half driveway over there where it kind of ends, right now.

Mr. Nichols stated any day you want to go out there, I will arrange it.

Mr. D'Ottavio stated does everybody like that building design.

Chairman Schech stated yes it looks good.

Mr. D'Ottavio stated so I can get those plans.

Board Member Rogan stated that is good that you asked the question.

Chairman Schech stated okay Harry, work together with Gene and get things cleaned up, will you please, because right now you are neck and neck with I think Frantel or is it Putnam County National.

Mr. Nichols stated before we go on to the next one, can we schedule a public hearing.

Board Member Rogan stated yeah we can set it for October. I do not mean to say that in front of Steve, but based on what Gene was saying we need to get a clean set of plans, which we have not been able to get, but that is not even my battle.

Mr. Nichols stated we need to talk to Gene about storm water.

Board Member Rogan stated it sounds almost like storm water has really almost nothing to do with it.

Rich Williams stated there are deficiencies right along.

Chairman Schech stated straighten out the plans then we will get to the rest.

Board Member Rogan stated we want to wrap this one up.

Mr. Nichols stated would you like copies of the landscape plan.

Chairman Schech stated you hang on to that. You have copies.

Rich Williams stated you should include them with you next submission because no one is going to look at them now if you give them out now, everybody is going to lose them.

15) FOREST VIEW APARTMENTS SITE PLAN – Continued Review

Mr. Harry Nichols, Engineer, was present.

Chairman Schech stated Forest View, Harry. What did we do about the pipe on the railroad tracks, did anyone find out anything about that.

Rich Williams stated I reviewed my last memo and I did not feel that I needed to.

Chairman Schech stated Harry, the pipe under the rail road tracks. We had some problems with the rail road.

Mr. Nichols stated well, we have not received a response back yet.

Chairman Schech stated okay.

Mr. Nichols stated you can definitely see the flow, you know there is a flow, it is the only flow going out there.

Chairman Schech stated so we are still continuing the review.

Mr. Nichols stated you don't need to be an engineer to see that, that is the way the flow goes out.

Rich Williams stated I absolutely agree you can see the flow there is no doubt where the flow is going, you just need to get the rock away from the base of the track. I could not find the pipe.

Mr. Nichols stated they dumped a lot of gravel.

Rich Williams stated I am sure they have. And I am not disputing that there is not a pipe there.

Chairman Schech stated you have Dufrense-Henry, Gene's.

Mr. Nichols stated I am not saying that, that is not important but we are detaining our flows so we are not increasing the rates.

Chairman Schech stated you have Gene's book there.

Mr. Nichols stated yes I do. The Applicant had retained an architect for the record. It is not official yet but we will have one for the next meeting.

Chairman Schech stated so we can not do too much tonight.

Board Member Rogan stated we have not even done lead agency on this one.

Board Member Pierro stated no.

Chairman Schech stated we have continued review.

Board Member Pierro stated if we do lead agency that clock starts.

Chairman Schech stated we are trying to force this guy into doing some reviews so that we can go lead agency. Okay Harry.

Mr. Nichols stated we can't do lead agency.

Chairman Schech stated next time.

Board Member Pierro stated next time, the September meeting.

Chairman Schech stated clean them up.

16) KEASBEY SUBDIVISION – Initial Application

Edie Keasbey, the Applicant, was present.

Chairman Schech stated everybody is subdividing in this Town.

Mrs. Keasbey stated good evening, Edie Keasbey, I have here your memorandum. The disclosure of interest we do not even have a bank to pay off the damn mortgage.

Secretary stated you have to do it we were required to have it.

Mrs. Keasbey stated what is it.

Rich Williams stated what you are basically attesting to is that fact that you are not working with anybody reviewing the application or involved with the Town.

Secretary stated you have to put that and you have to sign it.

Mrs. Keasbey stated what do I write, nobody.

Secretary stated write n/a, just write n/a or nobody.

Board Member Pierro stated what are you talking about.

Secretary stated the last page of the application form.

Mrs. Keasbey stated I wrote none.

Secretary stated but you did not sign it at the bottom.

Rich Williams stated you have to fill it out.

Secretary stated you have to fill it out and sign it.

Mrs. Keasbey stated what the survey does not comply for specifications required by Chapter 138, will Terry know what that means.

Rich Williams stated she should, she has done a number of lot line adjustment plats.

Secretary stated she has done all of them probably.

Rich Williams stated when I actually review these I have a check list.

Mrs. Keasbey stated I know.

Rich Williams stated I have given her the check list.

Mrs. Keasbey stated we are not constructing anything.

Board Member Pierro stated you are going to have to.

Mrs. Keasbey stated no we are not. I am not talking about buildings, I am talking about question twenty-three, the Putnam County, we are not building an septic out there.

Board Member Rogan stated we realize that, that is non-jurisdiction.

Chairman Schech stated I think the only thing we were really discussing was some place for the cars. I had suggested that we wait until they paved the road because that would probably give us enough of a shoulder where they can pull over.

Mrs. Keasbey stated they are going to have to park down at head.

Board Member Pierro stated that is not safe Edie.

Mrs. Keasbey stated well that is where they park now.

Board Member Pierro stated but they are fifteen feet from the entrance.

Mrs. Keasbey stated no, down where the entrance to the Sterling Preserve is, on the other side of the road down almost by the box.

Board Member Rogan stated so in other words to use this property.

Mrs. Keasbey stated if you, when did you come.

Board Member Pierro stated Saturday.

Board Member Rogan stated we were there Saturday morning we walked around we down where the flagging was.

Mrs. Keasbey stated if you turn your back to the bar way onto out peel, just to your left a little bit you will see where the trail comes out.

Board Member Rogan stated you are saying that this property is contiguous to the other area so it can be accessed from another area. It is not a land locked parcel that is not what I mean.

Mrs. Keasbey stated no, its not land locked, it is out in the middle of no where.

Board Member Rogan stated surrounded by other private lands.

Mrs. Keasbey stated no.

Board Member Rogan stated so it is contiguous to other land trusts.

Mrs. Keasbey stated it is across the street, I don't know how you draw contiguous from the land trust property.

Board Member Pierro stated which property are we talking about, the Sterling Property.

Mrs. Keasbey stated yes.

Board Member Rogan stated the Sterling Property is across the street.

Board Member Pierro stated that is a couple hundred yards away.

Mrs. Keasbey stated not quite, it is a little to the left if you have your back to our field.

Board Member Pierro stated if this property is posted that it is Land Trust property, people are going to be inclined to park on the street in front of it.

Mrs. Keasbey stated they do not, they park down at the parking area.

Board Member Pierro stated it is not currently used yet.

Mrs. Keasbey stated yes it is.

Board Member Rogan stated how can you say how they are going to use it. What we saw is that it is being used as a race track for four wheelers apparently.

Mrs. Keasbey stated no it is not, do you know where that it is. Do you think I have a four wheel. You know who that is, that is Ann Smith's grandson and he is a pain in the ass, if you want to know. He has broken over the stone wall and goes over the stream, we can not say a thing and I won't because Ann is a neighbor and a friend.

Board Member Pierro stated you are turning this property over to the Land Trust.

Mrs. Keasbey stated yes, Judy Tralizi is the chair.

Board Member Pierro stated I have to tell you, I honestly do not feel warm and fuzzy about taking a piece of property where there is no parking immediately next to it.

Mrs. Keasbey stated we have no intention of putting parking. We have no intention of putting a driveway. It is going to be an extension, it is a shame you didn't look across the street, of a foot path, that's all.

Board Member Pierro stated I asked you check our Code. Does our Code have some.

Mrs. Keasbey stated none of this was required when we gave the other property away, which was thirty-seven acres.

Rich Williams stated in my opinion our code requires it.

Board Member Pierro stated it requires an access point.

Rich Williams stated we actually changed the code to allow people to keep parcels as open space parcels, but there were a couple of requirements and one of them was having access to the property.

Mrs. Keasbey stated you don't want a big access because then you will get four wheelers and we don't want an access where we have to cross the stream, the way it is laid out now where no body wants to cross it.

Board Member Pierro stated no body wants that. I do not want to see people opening car doors on Couch Road.

Mrs. Keasbey stated why, it is wider there then it is on Cornwall Hill Road.

Board Member Pierro stated it is still a hazard and you are leaving yourselves open to liability and I think we discussed a two lane parking area, maybe thirty feet.

Mrs. Keasbey stated no you can't, you have wetlands on either side.

Board Member Pierro stated not where we were talking about.

Board Member Rogan stated right off the road.

Mrs. Keasbey stated right near Ann.

Board Member Rogan stated it is closer to Ann.

Rich Williams stated it is in the site walk comments.

Board Member Pierro stated on which telephone poles.

Board Member Rogan stated if you look at the telephone poles as you walk down through, you will see it very clearly.

Mrs. Keasbey stated if you make us go in there, we are going to have to cross the stream, in order to get to J.J.N.C.

Board Member Rogan stated you are doing the five acres here.

Rich Williams stated Edie the stream bisects the property.

Mrs. Keasbey stated where we have gone in we do not cross the stream at any point and we will not cross the stream when the trail is laid out on purpose.

Board Member Rogan stated you are saying though then, the part of the property that you are donating that is between the stream and road is not to be used for anything at all, based on what you just said correct.

Mrs. Keasbey stated it is.

Board Member Rogan stated and by the way the stream that we saw was dry when we were there.

Mrs. Keasbey stated a lot is very dry and it is a perennial stream, it is not a femoral. It used to supply the water for our house.

Rich Williams stated that would mean that water is running in it right now.

Mrs. Keasbey stated there probably is, near the toe of slope. It comes out of a spring.

Board Member Pierro stated Edie, I commend your giving.

Mrs. Keasbey stated why did you put me at the end, I am a tired old lady.

Board Member Pierro stated I do not make up the agendas.

Rich Williams stated I make them up, new applications when they come in always start at the bottom and with the exception of Harry tonight, usually you work your way up the agenda, the longer you have been here the higher up you get.

Mrs. Keasbey stated then why is Burdick always at the end.

Chairman Schech stated the next time you come you will be up near the top.

Mrs. Keasbey stated I don't give a damn about that, but I thought this was different. Why do we have to go to the Putnam County Department of Planning, we are not on a county road.

Rich Williams stated because you are within five hundred feet of state land.

Mrs. Keasbey stated it is not state land yet. TNC still owns it.

Rich Williams stated you are probably five hundred feet from Cornwall Hill Road. I sent them a letter, I send them a letter and I send them a plan. Usually then do not send me a letter back, yeah they should do this. It is required by general municipal law.

Mrs. Keasbey stated because half the time I speak to someone in County Planning they say, we never get anything from Patterson.

Rich Williams stated we refer Zoning Board applications to them.

Board Member Rogan stated you are feisty tonight.

Mrs. Keasbey stated yes I am, I'm tired. Seriously we only want a foot path and we don't want to cross the brook, this is strictly to provide access to the J.J.N.C. property and there may be some more other.

Board Member Rogan stated the object of this is an intermediary piece of property to go from one property to another. Not even to use this property other than walking through this one path. You can't tell people that they are not allowed to do that, when this comes in and I want to go there bird watching or cross back and forth across the stream and pick up salamanders, I can.

Board Member Pierro stated once DEC takes over that 350 acres that is currently in J.J.N.C.'s hands how are you going to police this. Opening morning of deer hunting season when guys come walking through there.

Mrs. Keasbey stated they will not be.

Board Member Rogan stated responsible people do not do that, what are you insinuating.

Board Member Pierro stated responsible do not do that.

Mrs. Keasbey stated the reason we are not giving it to DEC because it was suggested that we donate it through the NAWCA Grant and I said no way because I want to be able to think that those trees might have a chance to live a little and not be cut down.

Board Member Pierro stated what does our Code say about access and can we get a copy of that to Edie so that she has a better understanding of our requirements. We applaud your gift giving mentality and your preservation mentality but there is a safety issue involved here.

Mrs. Keasbey stated none of these things we brought up when we donated thirty-seven acres. Secretary stated this is a new Code with the access, Rich said.

Board Member Pierro stated this is a new Code from 2003. the road was a lot wider down near the thirty-seven acres.

Mrs. Keasbey stated no, it is not, it is narrower.

Board Member Pierro stated but there is a parking area on the right, there is a little low hole.

Mrs. Keasbey stated the Highway did that, there used to be beautiful orchids that bloomed in there.

Board Member Pierro stated you will be asking Highway for a driveway permit too.

Mrs. Keasbey stated we do not want a big opening.

Board Member Rogan stated we have a bigger issue here with the zoning.

Board Member Pierro stated there are safety issues that I am concerned about and parking a couple of cars.

Mrs. Keasbey stated if you want to put a big opening in there then you are going to have safety issues because you are going to have off roaders. You are all complaining about the off roaders who have infiltrated all the land over at Deerwood and totally disregard the wetlands.

Board Member Pierro stated there is plenty of parking on J.J.N.C.'s property.

Mrs. Keasbey stated eventually there will be.

Board Member Pierro stated there is plenty now, because there are two bar ways, there are two gates, there is one where the fence is, there is one where the dirt road is.

Mrs. Keasbey stated believe me, no four wheeler can get down the J.J.N.C. to where we are.

Board Member Pierro stated I policed that last year for John Reveto, who is the listing agent from my office, because of complaints. I drove all the way down to the bottom on my four wheeler. I policed that whole place down to the stone wall and down close to the swamp and I never saw anyone in there.

Mrs. Keasbey stated did you see the old car.

Board Member Pierro stated the bronco, I was trying to get some help from a local sportsman and with a back hoe and yank it out.

Mrs. Keasbey stated then why are you worried about hunters.

Board Member Pierro stated because that place is going to be loaded with hunters, once the rumor gets out.

Mrs. Keasbey stated I doubt it because it is too close to houses.

Board Member DiSalvo stated that will not stop them.

Mrs. Keasbey stated all this stuff that has to go on with final plat, can Terry do this, because I can not afford to hire an engineer.

Board Member Rogan stated it does not look like you have anything on there that can not go on a survey. Edie there is just one issue that I have.

Mrs. Keasbey stated this stream used to be our water supply and if you had looked across the street you can see the remains, you can see two old rusty pressure tanks, sticking up on the foundation of the old.

Board Member Rogan stated why not have them removed if they are old and rusty.

Mrs. Keasbey stated because we can not get anyone to help us. We asked Rich a long time ago when he was still on the Land Trust, would he help us pull it out with his truck, which was in pretty bad shape then. There is no one, I can't do it. We agreed with the Land Trust that we would do, but we could never find anyone to help us.

Board Member Rogan stated there is an issue when Rich comes back in, that we have to tackle with this subdivision and I think it is because it is the Open Overlay, that the lot, the four acre lot that you are leaving, your house is too big on that, we are going to have to get a variance for that.

Mrs. Keasbey stated well that is no big deal.

Board Member Rogan stated I know that, it is just that we are asking for variances in other issues and it just needs to formally go through. I do not think that it is a big deal either.

Board Member Pierro stated we are not talking about an expansive parking area, something that I am sure can be solved with four or five parking spots.

Mrs. Keasbey stated you have stone walls there, which we do not want messed up.

Board Member Pierro stated just open it up.

Mrs. Keasbey stated you are going to have to cross the stream.

Board Member Pierro stated we are talking about a twenty-five foot deep parking space, two cars wide.

Board Member Rogan stated Edie is saying that we are going to have to cross the stream to use the property; we are talking apples and oranges. He is saying that you are not going to have to cross the stream to park.

Mrs. Keasbey stated you are not going to take down our stone wall.

Board Member Rogan stated we are not going to take them, of course not.

Mrs. Keasbey stated you are going to have to, in order to put in parking spaces.

Board Member Pierro stated it is not going to be your stone wall once you give it to the Land Trust.

Mrs. Keasbey stated and they feel the same way.

Board Member Rogan stated when we were on site, to try and pull this back to what we were talking about, open up the stone wall and build the stone wall around the parking lot which would allow two or three cars to park, pull in, back out, and get back out.

Board Member Pierro stated opening up the width probably would not give you a whole lot of rock to build. It will give you a stopping point in front. It would give a barricade in the front so people can not go farther.

Board Member Rogan stated I just broke the news to Edie about the lot size, the four acre lot. She was not concerned and she said that you would help her with it.

Rich Williams stated yeah sure.

Mrs. Keasbey stated what.

Board Member Rogan stated what we just spoke about.

Mrs. Keasbey stated the lot.

Board Member Rogan stated the remaining lot.

Mrs. Keasbey stated which is too big.

Rich Williams stated it is too big, you have to go get a variance.

Mrs. Keasbey stated you have made this thing so complicated.

Board Member DiSalvo stated now you know what everyone else has to go through.

Mrs. Keasbey stated I know and it is not right.

Rich Williams stated it is tough being a sub-divider.

Board Member Rogan stated we are going to deed restrict this parcel right.

Rich Williams state the bottom of the second page

Mrs. Keasbey stated absolutely, I will have deed restrictions.

Board Member Pierro asked did you give a copy of this to Edie.

Mrs. Keasbey stated there are deed restrictions on the property we gave before and there will be basically the same ones that we did this time.

Rich Williams stated the bottom of the second page starts the part where the open space is permitted under the residential district. Believe it or not, what they put in the Code people can keep land as open space so we did. Then you flip the page to the two requirements.

Board Member Rogan stated subject to the following two requirements.

Board Member Pierro stated on a lot less then fifty acres.

Rich Williams stated not less then fifty acres.

Board Member Pierro stated not less then fifty acres, used in entirety exclusively as open space, as defined here in one cabin may be erected, well that does not count. The parking area of sufficient size suitably improved which has safe ingress and egress shall be provided to accommodate visitors to the site, suitably improved shall mean improved such that the parking area may be safely and reasonably used, shall not necessarily mean that an asphalt surface is required.

Mrs. Keasbey stated it seems to me the only way you can get that, is that you are going to have to take part of the stone wall down. We do not like that.

Board Member Rogan stated of course not, I love my stone walls.

Board Member DiSalvo stated you are not taking it down you are just relocating it.

Mrs. Keasbey stated yeah right, every time they scrape, they push it, push it, push it, they have destroyed the shoulders, there were natural shoulders on those roads, that prevented all the sediment from going into the stream. There was even, two years, and maybe into last year too, a big hole where the water had eroded and gone right into the stream. Fortunately no one went into the stream until this year. We have had to accidents since he put that crap on.

Board Member Pierro stated I am concerned that I would rather see a specific location for people to enter.

Mrs. Keasbey stated we have that, I did not show it.

Board Member Pierro stated I would rather see a specific location to enter, that facilitates getting cars off of the roadway so that safe ingress and egress from the automobiles can be had and that an area can be policed so that we know when there are people, there is a benefit. If people use that parking space and I drive by at eleven o'clock at night and I see your car there, I will know that Edie is stuck in the woods somewhere and I can go out there and get you. Think about that Edie. One of your friends has a heart attack in the woods at least we know there is a car somewhere.

Mrs. Keasbey stated I do not intend to be around that long, so don't worry about it.

Chairman Schech stated can you turn this so the audience can see this please.

Mrs. Keasbey stated this is not a public hearing. The stream is basically running like that, except it wiggles more, so we are trying to get here, so if we have parking here, we want the people to walk here. So then you are going to have people walking on the road.

Board Member Rogan stated we do not want that either.

Mrs. Keasbey stated they do now, they jog, they walk, they bike, and the traffic is terrible now.

Board Member Pierro stated in the grand scheme things, Edie, is a small wood footpath crossing the stream going to disturb that stream bed.

Board Member Rogan stated look at the Mike Triola area, they have them all over.

Mrs. Keasbey stated we have one across the street if you would only look.

Board Member Rogan stated we were not there to look across the street, we were there to look at your property.

Mrs. Keasbey stated then you would understand what we are trying to do.

Board Member Pierro stated we understand fully what you are trying to do Edie, but you, I'm sorry, want it under your terms. We have a client, the Town of Patterson that we represent without prejudice and without passion and they have rules, that we have to abide by. I applaud your giving, I applaud it, but we can not make these things go away.

Board Member Rogan stated we are not abiding by all of them.

Mrs. Keasbey stated I did this so that we can protect the stream further, it is protected over here, and this is all Land Trust property, over here whether you realize it or not.

Board Member Rogan stated where is the DEC property, the property that will be the DEC property.

Board Member DiSalvo stated in the corner to the right.

Board Member Pierro stated J.J.N.C.

Mrs. Keasbey stated oh, it is this.

Board Member Pierro stated it is out by Annie's house.

Mrs. Keasbey stated it is well.

Board Member Rogan stated you are trying to get a foot path to connect to DEC property.

Board Member Pierro stated it is not DEC yet.

Mrs. Keasbey stated it will be DEC but you know how long it takes. Then J.J.N.C. goes all the way down here and all the way into the stream.

Board Member Rogan stated please point on the map where the current parking is available for them to use to get to your property.

Mrs. Keasbey stated it does not show because it is here.

Board Member Rogan stated so in other words for someone, it is very pretty property, when we were in there, it is very nice. If some body just wanted to walk up the road and bird watch along the stream, they have to park where you are saying down there and walk up the road which is normally a nice thing, except you are saying that people drive to fast on the road. Sure, they always did, I drove down that road and saw people flying when it was dirt.

Board Member Pierro stated which should be reason enough for you to allow a small two space parking area. What is the maximum amount of cars that you have seen at Sterling, I have only seen once, two cars.

Mrs. Keasbey stated it depends if we are having a thing.

Board Member Rogan stated the Land Trust has the property over on Ice Pond, the Ice Pond Preserve. That gets a lot of use, that is really, I have said this at the work session, and I will say it again for you edification, the only problem I have with it I noticed that everyone that goes down there, they seem to be into rock climbing and you know what they are doing they are not using your property they are going up on to the boulders which are not part of the Land Trust property and that is a big problem. You can not control when somebody goes in and then they go into other people's property.

Mrs. Keasbey stated there is no body around there, where Couch Road has some people.

Board Member Rogan stated in that case we have had a situation that did not have good parking and I think the Town over the years pushed a little off and made enough and it gets great use because it has access, if they had to walk down the road to get to it, it probably would not enjoy the same use that is currently does. Walk down the road, it is a beautiful walk down there, it really is. I went down there with my wife this winter and it was nice. My point is that there is parking that allows people to park safely off Ice Pond Road, because previously they used park right barely on the edge of the road and it was pretty dangerous through there and now you can pull three or four cars off the road there without blocking the gate, the chain, you can enjoy that property because there is a place to park. Not a significantly improved parking lot, just something that was pushed off that in this case you open up the wall not bury it, you use some of the stones to delineate it so that it controls erosion, add a little bit of clean gravel, not necessarily item four. Maybe you can have a sign in box.

Mrs. Keasbey stated that is the stream that is pushing it right up against the stream.

Board Member Rogan stated not it is not, we measured it. Believe it or not we are fine, there is more then enough room. We paced it, there is more then enough room and we found an area where the slope was the best so that the least amount of material would have to be placed and moved.

Mrs. Keasbey stated where is that.

Board Member Rogan stated we noted it, between the two telephone poles that are noted.

Board Member DiSalvo stated sixty-two and sixty-three.

Rich Williams stated if you walk down the road there are a couple of ash trees that are almost dead, right there.

Board Member Rogan stated we even tried to place it so that the least amount of quality trees would need to be removed.

Mrs. Keasbey stated speaking of quality trees at the request of Tom Frasca, Judy, Kelly Mullberg and I walked the ridge line of the thing. There is one big oak up there.

Board Member Pierro stated we saw it.

Mrs. Keasbey stated maybe the third or fourth lot, somewhere around in there.

Board Member Pierro stated that is in the conservation easement, correct.

Rich Williams stated it is going to be the open space parcel.

Board Member Pierro stated the fee simple parcel.

Mrs. Keasbey stated we looked at that and said that has to be marked. This is costing me more than I have.

Board Member Pierro stated now is the time to cash in a mutual fund because it will take a tremendous tax deduction on it.

Mrs. Keasbey stated I do not have those sorts of things. Dying ash trees, how wide.

Board Member Pierro stated about twenty feet.

Board Member Rogan stated two cars, so you can open the doors.

Rich Williams stated you can actually shrink the opening down going into the wall and widening it out on the other side.

Board Member Rogan stated even if you went down to like fourteen feet or a stone wall opening and then went in to be able to allow two to three cars parking so you are talking thirty or forty foot wide and you are only talking about distance in about an additional forty feet.

Rich Williams asked how many cars do you want to park in there.

Board Member Rogan replied three.

Mrs. Keasbey stated two cars.

Chairman Schech stated then you need the trailer for the ATV.

Rich Williams stated I need to know how many cars before I know what size this needs to be.

Mrs. Keasbey stated what size does it need to be because I am not hiring an engineer. Sorry Theresa. Unless they want to donate it.

Rich Williams stated Theresa, you want to donate it.

Board Member Rogan stated you can have, Edie, a parking lot that was as wide as this room, which is only twenty some odd feet.

Mrs. Keasbey stated and cut the trees down.

Board Member Rogan stated it opens up right over the wall, there is like nothing there. Also, the grade is gentle.

Board Member Pierro stated there were two trees in the way of where the opening would be.

Board Member Rogan stated I think we were about six percent grade, it was nothing, just gentle down.

Ms. Tralizi stated my question is that would this, why would Edie needs to do this before she donates the parcel, why would the Land Trust not be required.

Board Member Rogan stated I think we just need to figure out a way to do it. We kind of figure that the Land Trust would do it.

Rich Williams stated the reason it needs to be done prior to the actual filing of the plat, I mean they can get a conditional approval, granting this be done subject to, but it needs to be done prior to the filing of the plat. Simply because it is a really small improvement and it is not worth the expensive of going through the bond and once the plat if filed it is very difficult to enforce these things after the fact. Either we have money securing the improvement or then improvement gets constructed before the plat gets filed. As long as we know the design and everything and every one is comfortable this could go all the way to conditional final approval.

Mrs. Keasbey stated what kind of a surface do you want, just kind of a natural surface, boulders removed.

Board Member Rogan stated I think just clean gravel.

Mrs. Keasbey stated wood chips.

Board Member Rogan stated I don't know about wood chips Edie. You are talking about one truck load of inch and half gravel. You are talking about going in and removing off some of the top soil, using that for that flower bed that you are going to plan around the edge.

Mrs. Keasbey stated now I have to hire a back hoe.

Board Member Pierro stated let the Land Trust do it.

Rich Williams stated with the limited amount of use that this is probably going to get, if you are not looking for an armored surface like asphalt, which you may have problems with evening, you can just place the fill right on top, as long as there are no trees or anything on top.

Board Member Pierro stated that area was pretty open.

Ms. Tralizi stated then why do we have to disturb it.

Rich Williams stated if you are comfortable with just a soil base then it has to be something relatively low in organics, item four, something like that.

Mrs. Keasbey stated which is smaller particles.

Board Member Rogan stated item four is the worst.

Board Member Pierro stated it is like concrete. It is impervious like concrete.

Mrs. Keasbey stated no I don't mean particles for run off, which is the smaller size, that it what I should have said.

Board Member Rogan stated item four.

Mrs. Keasbey stated item four.

Board Member Rogan stated item four is like gravel with all the crushed bines in there, all the ugly white stuff. A clean gravel will push down into the soil.

Rich Williams stated the clean gravel will not pack as well, so it will constantly be spreading out and be difficult.

Mrs. Keasbey stated what about some ties to hold it in.

Board Member Rogan stated can you use a larger gravel and then use a really small gravel as the chink.

Mrs. Keasbey stated now this is getting ridiculous.

Board Member Rogan stated Edie, can you at least let us try to help you figure out how to do this. I am trying to ask a question just in terms. Item four from an environmental stand point, which I am sure you are concerned about, is not good for erosion it is a hard surface, but when you get heavy rains it washes and you get ruts. At least if you have gravel and use a finer stone like a 3/8 inch gravel to bind that, now you will not have so much spin out.

Rich Williams stated you are probably better off putting some down and then surfacing it with gravel.

Board Member Rogan stated yes, because then it has something to hold on to.

Board Member Pierro stated fill, that you can get, you can probably get someone to donate that.

Mrs. Keasbey stated he has made a mess of the swamp river.

Board Member Rogan stated a lot of the notes that are on your memo can they be done by Terry. They seemed when I read a lot of notes were things that she could address.

Rich Williams stated yes, these are all standard notes that Terry can put on the plat, absolutely and does all the time.

Mrs. Keasbey stated I should have told her but I didn't know I had too.

Rich Williams stated that is okay that is why I do memos.

Mrs. Keasbey stated now if we have to cross the stream do we have to get a wetlands permit.

Board Member Rogan stated not for a foot path.

Rich Williams stated are you talking about a foot breaker or a foot path.

Mrs. Keasbey stated a foot path and as the other, crosses the same stream on the other side of the road, it is a log laid over it with a couple of posts and some rope. So that people do not fall off the log.

Board Member Pierro stated fine.

Board Member Rogan stated what I saw out there was.

Rich Williams stated she said perennial but the stream bed did not support that.

Board Member Rogan stated it was dry.

Mrs. Keasbey stated the stream, bed until this year has always been there, believe me.

Board Member Rogan stated it did not support any stream life.

Rich Williams stated it was still there it just did not look like something.

Mrs. Keasbey stated we used to use it for water from up until 1983, every summer, except for the pool, every summer two houses used that spring, it is a spring. It goes, if you walk the trail you can see it.

Board Member Pierro stated it goes down behind Karrell's.

Mrs. Keasbey stated no, the spring is.

Chairman Schech stated is it an old lead pipe.

Mrs. Keasbey stated no. The only reason we did not use it in the winter was the pump house, one is no good and one is worse, it wasn't insulated and it would freeze and the pipes weren't below three feet. I just want to check all these other comments, do we really have to put up these cement things.

Rich Williams stated the monuments.

Board Member Rogan stated monuments.

Rich Williams stated typically when we do a subdivision we look to identify.

Mrs. Keasbey stated this is not a typically subdivision. What do I do when I get this very expensive new survey done, do I have to take it to the Putnam County Department of Health and the Highway and the Planning.

Rich Williams stated the first thing you are going to do is resubmit it here and we are going to check it and make sure everything is okay.

Chairman Schech stated for your own benefit you are better off if you do put together the markers.

Rich Williams stated I imagine the Board considering the extent of application will probably considering doing an uncoordinated SEQR review, that way you do not actually have to submit anything.

Mrs. Keasbey stated we have something here about New York State law that contractors should call the Underground Facilities Protective Organization.

Board Member Pierro stated that is standard.

Mrs. Keasbey stated there is nothing underground. Are you going to require a bond.

Board Member Rogan stated we are going to require a bond because you are going to have that done ahead of time nor are we going to require recreation fees because you are required on recreational land.

Mrs. Keasbey stated we are providing recreation.

Board Member Rogan stated we will be if we have a place to park of course, I'll go there and sit in the yard.

Mrs. Keasbey stated well you should walk the whole thing.

Board Member Rogan stated I did not know that about Sterling, I did not know that, I had only driven down the road once and I stayed off it because I did not want to increase the traffic on the road. There is not sense driving down the road, I do not use it as a cut through or anything. I will make a motion in the matter of Keasbey Subdivision that we deem this project a minor subdivision.

Board Member DiSalvo seconded the motion.

Board Member Rogan stated we should have a map of the County that does show all properties, because there are so many all over the place that.

Mrs. Keasbey stated we usually get the eagle scouts to build our trails for us.

Board Member Rogan stated they can move those stones. That is a great idea. That is not a bad project, because moving those stones by hand.

Board Member DiSalvo stated maybe one of those fathers owns a little excavator. To help them set the wall up again.

Rich Williams stated topography, the natural features.

Mrs. Keasbey stated we don't have to put the contours on it.

Board Member Rogan stated that is just what we were talking about make a motion to waive the topography for this application.

Board Member Pierro seconded the motion.

Chairman Schech asked for all in favor:

Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Chairman Schech	-	aye

Motion carried by a vote of 4 to 0.

Board Member Rogan stated the parking is going to be so minor that it would not require any kind of, we are not picking an area that has any steep slope or anything that would be silly. We are not trying to create a problem we are trying to solve a problem and I think, if we can just show the area was real simple there were a couple of dead ask trees, open up the wall and it is right there.

Mrs. Keasbey stated can we still have the path else where.

Board Member Rogan stated how you use the property for hiking and stuff is not our concern.

Rich Williams stated did we ever decide on a number of cars.

Board Member Rogan stated I think honestly plan for three for terms of space. People are going to need room to maneuver around. You have three cars, let's plan for three. Maybe for two cars and room for the ambulance to come if they have to remove anyone.

Rich Williams stated Edie, we can do this a number of ways, you and I can get together and we can kind of put some stakes out there in the field about where the parking is going to be. It is not going to be tomorrow. I assume you are working together.

Mrs. Keasbey stated did you realize that D'Ottavio is next to a Land Trust Property.

Rich Williams stated a landlocked land trust property. I will figure out a design, we can talk about a design and then we can go and mark it out in the field and Terry will have to show it on the plans.

Mrs. Keasbey stated if you can find me Larry Smith's telephone number or address or something I can ask Ed O'Connor and he says he knows everybody on East Branch Road, but he did not know Larry Smith.

Rich Williams stated Larry Smith has the house that is almost sitting right on the road.

Mrs. Keasbey stated that is a lot of them. It is the older Larry. This is the most complicated thing I have ever done in order to give something away.

Board Member Rogan stated is that it.

Rich Williams stated stop being a sub-divider.

Board Member Rogan stated it is easier to keep it.

Board Member DiSalvo stated stop being an applicant.

Mrs. Keasbey stated can't afford too.

Board Member Rogan stated there is inherent value in this.

Board Member Pierro stated there is motive.

Board Member Rogan stated Edie, that value of vacant or residual property though, is not, as Donna can tell you, is about sixteen thousand dollars per acre of assessment. You are talking about a couple hundred dollars a year.

Board Member Pierro stated it does not benefit you a lot.

Mrs. Keasbey stated it all adds up.

Board Member Rogan stated I realize, I am just saying that you know.

17) OTHER BUSINESS

a) Gagliardo/Alan Lot Line Adjustment

Board Member Pierro stated Gagliardo Lot Line Adjustment.

Board Member Rogan stated what do have with Gagliardo.

Rich Williams stated you have to set the bond amount.

Board Member Rogan stated we have to set a bond amount for that.

Board Member Pierro stated how much of a bond do we want. It is already done.

Board Member Rogan stated my question was, I was not following.

Board Member Pierro stated in that matter of Gagliardo Site Plan, I make a motion to recommend to the Town Board site work and landscape cost data as per the fifty-four dollars a foot for a gross amount of fifty-seven hundred dollars.

Rich Williams stated you are setting a bond in the amount of fifty-seven hundred dollars.

Board Member Pierro stated performance bond in the amount of fifty-seven hundred dollars.

Board Member DiSalvo seconded the motion.

18) MINUTES

Board Member Pierro stated what minutes do we have to approve here.

Secretary stated you have April 28th and July 7th.

Board Member Pierro stated I make a motion that we approve the minutes for April 28th and July 7th.

Board Member DiSalvo seconded the motion.

Chairman Schech asked for all in favor:

Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Chairman Schech	-	aye

Motion carried by a vote of 4 to 0.

Board Member Pierro stated the next meeting is September 1.

Board Member DiSalvo stated I make a motion to adjourn.

Board Member Pierro seconded the motion.

Meeting adjourned at 10:35 p.m.