APPROVED
9/2/04 MB

TOWN OF PATTERSON

PLANNING BOARD MEETING
August 5, 2004

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PLANNING DEPARTMENT
P.O. Box 470
1142 Route 311
Patterson, NY 12563

Melissa Brichta
Secretary

Richard Williams
Town Planner

Telephone (914) 878-6500
FAX (914) 878-2019

ZONING BOARD OF APPEALS
Howard Buzzutto, Chairman
Mary Bodor
Marianne Burdick
Ginny Nacerino
Lars Olenius

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TOWN OF PATTERSON
PLANNING & ZONING OFFICE

APPROVED
9/2/04 MAB

Planning Board
August 5, 2004 Meeting Minutes

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

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

Meeting called to order at 7:33 p.m.

There were approximately 42 audience members.

Chairman Schech led the salute to the flag.

Board Member Pierro excused himself from the meeting at this time.

1) WYNDHAM HOMES LOT #6 – Public hearing Wetlands/Watercourse Permit

The Secretary read the legal notice.

Joe Darnell was present.

Chairman Schech asked Mr. Darnell to give them a little presentation.

Mr. Darnell stated there is a little area here that is kind of a rock shelf and I met with Ted Kozlowski and he suggested some wetland grass mix and some topsoil and put some grass there to make it a little nicer and then over here he gave me a list of trees. I mixed them up and just plant them around the whole perimeter of that basin area and with these areas over here with the SC that is Sand Cherry's. There are approximately ten to twenty in each of those areas.

Chairman Schech asked Ted approved all the plantings and what not right.

Mr. Darnell replied yes he is the one that gave the list of everything to use.

Board Member DiSalvo asked this is all done.

Mr. Darnell replied no I have not done anything yet.

Chairman Schech stated Wyndham Homes is off of Old Road, a new development. Does anyone have any comments from the audience.

Edie Keasbey stated couldn't hear.

Chairman Schech replied Edie; there is a seat over here.

Edie Keasbey stated that isn't the point he wasn't talking in the microphone and he had his back to the people who are supposed to be able to hear.

Board Member Rogan asked Mr. Darnell, would you care to provide a brief synopsis of what you just said to the audience using the microphone.

Mr. Darnell stated sorry about that.

Board Member Rogan asked can you hear Edie, the mic is working.

Edie Keasbey replied now we can.

Mr. Darnell stated there is a basin where we are going to plant some grass in the top of some rocky shelf area over here some grass that Ted Kozlowski said will do well in that particular type of soil and then we are going to plant a bunch of trees around the perimeter of the entire basin and create a forest setting around this basin. That is pretty much the synopsis of what I just described.

Board Member Rogan stated the list of plantings include; Pin Oak, Red Oak, White Spruce, White Oak, Black Birch and Sand Cherry.

Chairman Schech stated I have no problem with it as long as Ted approves it.

Board Member Rogan asked is there any other comments from the audience. There were no more comments.

Board Member Rogan made a motion to close the public hearing. Board Member Montesano seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 4 to 0.

Board Member Rogan made a motion in the matter of Wyndham Homes Lot #6 that the Planning Board grants a negative determination of significance of SEQRA and grants the wetland permit as per the planting schedule provided to the Board. Board Member DiSalvo seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 4 to 0.

2) TELECOM SIGN APPLICATION

A gentleman from Telecom was present representing the application.

The gentleman stated Telecom is a new business here on Route 22 actually they moved up from the Brewster Business Park. They re-did a building at 3204 on Route 22 and we are just applying for a sign to be put up in front of the building representing the business and this is the sign. It kind of looks like the Town Hall sign. It is very simple, basic no gaudy looking thing just a very low-key sign in front of the building.

Chairman Schech stated we had a problem with the location of the sign.

The gentleman replied the location of the sign was put in by computer.

Chairman Schech asked yes but where.

The gentleman stated as I said in my memo I think we looked to the County, State, and Town for all the criteria to where the sign is going to go. This was just plotted on the computer to kind of give an idea of what the sign would look like. We have not at all determined a place for the sign and again, we would comply with all,

Chairman Schech stated site distances and what not.

The gentleman replied absolutely and there are a lot I mean the State and County. The State has some, the County has some and I would imagine the Town has some but that was just implanted there by computer to show the sign.

Board Member Rogan asked Rich can we approve the sign application contingent upon you seeing the location with the Applicant.

Rich Williams replied that was one of the two recommendations I put in the memo.

Chairman Schech stated before you plant the sign put a stick where it is going and we will take a look at it.

The gentleman replied absolutely. Do I contact Rich for that.

Chairman Schech replied yes the office.

Board Member Rogan made a motion in the matter of Telecom Infrastructure Corporation that the Planning Board grant a negative determination of significance of SEQRA and grant the sign application with the two conditions that the Town Planner approve the location and that the it be subject to a submission of a sketch showing location of the sign in relation to the building and driveway and that the sign conform to the information presented to the Board. Board Member DiSalvo seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 4 to 0.

3) LEATHER FILL PERMIT

There was no one present to represent the application.

Chairman Schech stated we want to do a site walk on this before we go any further with it.

4) NEW ENGLAND EQUINE PRACTICE SITE PLAN

Rich Williams stated Mr. Chairman if I might this has been placed on the agenda because we had the public hearing and statutorily we are required to take an action within 62 days unless we receive notice by the Applicant authorizing a waiver of the time frames in which to act. We have received that letter so if the Board finds that acceptable then there is no need to take an action on this tonight.

Board Member Rogan made a motion in the matter of New England Equine that the Planning Board waives the requirement to act within 62 days. Board Member DiSalvo seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	aye
Board Member Pierro	-	absent
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye

Chairman Schech - aye

Motion carried by a vote of 4 to 0.

5) BUDAKOWSKI SUBDIVISION – 280a Recommendation

Mrs. Budakowski was present.

Chairman Schech stated Mrs. Budakowski you were at the last meeting when we went through all the not the last meeting the meeting before that what date was that, July 2, 2002 when we went through all the conditions that were going to be attached to this.

Mrs. Budakowski stated I think I saw a copy of that. I have seen it. It was written up all the conditions.

Chairman Schech asked do you have the conditions, does your Engineer have the conditions do you know, does anyone know.

Rich Williams replied I don't know if Jack has it or not.

Board Member Rogan stated we discussed them with Jack at one of the meetings. We are pulling the recommendation right out of the minutes nothing has changed.

Chairman Schech asked the Secretary to take them right out of the minutes and put it in this.

Mrs. Budakowski stated I have seen them I know there is conditions for the road the width. I know I have seen them.

Chairman Schech stated in other words what we will do is recommend a 280a to the Town Board on all the conditions we will not sign the plat until all the conditions are met. That is blacktop and everything.

Board Member Rogan stated as a summary Mrs. Budakowski from what and please correct me Board if I am wrong but from what I remember the recommendation was to provide a 25 foot right of way for all the property that this project entails from, Chairman Schech stated from the property line on over. Board Member Rogan stated from the property line over a 25 foot right of way and then it was a twelve foot driveway to your house and then when future development is done up to that property paved, twelve foot wide to Town road specs and it is contained within the minutes. That will be part of the recommendation to the Town Board.

Chairman Schech asked okay do you agree with that.

Mrs. Budakowski asked the 280a can be given to us contingent upon us doing those things.

Chairman Schech replied yes.

Board Member Rogan stated well we are making a recommendation to the Town Board.

Mrs. Budakowski asked they will not give it to us until we do those things.

Chairman Schech stated that they grant it but it will not be official until all the work is accomplished. You don't need a signed document to do the road work. We won't sign the plat until all the work is done.

Mrs. Budakowski stated I understand.

Board Member Rogan made a motion in the matter of the Budakowski Subdivision that the Planning Board recommends to the Town Board to approve the 280a with the conditions.

Mrs. Budakowski asked it wouldn't be official then until all the work is done. You are just making a recommendation to grant it.

Board Member Rogan asked Rich, can you explain to Mrs. Budakowski how that process would work.

Rich Williams explained basically according to Town Law you need a 280a if you do not actually have frontage on a platted State, Town or County road. The initial application is made to the Planning Board for an Open Development Area under Section 280a of Town Law, they will make a recommendation to the Town Board to either approve, approve with conditions, or not to approve the 280a. The application then goes to the Town Board and the Town Board then reviews it and takes an action on it and sends it back to the Planning Board at which time the Planning Board also has the authority through the subdivision process to attach conditions to it so where we are right now is the Planning Board is making a recommendation to the Town Board. The next Town Board meeting is August 11th it might be on the August 11th meeting for the Town Board to take an action and then the subdivision application proceeds back to the Planning Board for final determination.

Chairman Schech stated you will need an Engineer and an Attorney I would think because this also requires you to do work on property which you no longer own, the house so you have to do a little consulting.

Mrs. Budakowski stated we own that piece of property.

Chairman Schech stated you don't own the house property do you.

Mrs. Budakowski replied no we don't own the house.

Chairman Schech stated well one of the conditions is that the driveway is paved.

Board Member Rogan stated good luck to you Mrs. Budakowski.

Mrs. Budakowski thanked the Board.

6) D'OTTAVIO SITE PLAN

Mr. Dick Clark, Harry Nichols office was present representing the application.

Mr. Clark stated we received the memo I briefly read it and we will respond to the comments.

Board Member Rogan asked Gene, we are still in technical review with this correct.

Gene Richards replied I did issue a memo and there was a number of comments. The biggest thing that is still outstanding is stormwater. You have details and such on the plan but you have to run the calculations and finalize all that.

Board Member Rogan asked Rich, you had mentioned at the Work Session that there is a December time crunch on this project can you just explain to me real quickly what that entails.

Rich Williams stated what that entails was this project was given a variance from the moratorium and when we adopted the zoning that carried over to allow him to continue until December 25 of this year under the old rules, as of December 25th of this year he then would have to comply with the new rules. There is going to be some issues with the current design that he is not going to be able to meet under the new rules such as; impervious coverage setbacks, building style and things like that.

Chairman Schech stated so he has until December .

Rich Williams stated he has until December 25th but, Board Member Rogan stated there is a lot of work you have to do. Rich stated well we haven't even started the SEQRA process because we still haven't gotten a clean design.

Chairman Schech stated to Mr. Clark you guys have to move.

Board Member Rogan stated I just wanted to make sure that the owner heard that, the project sponsor so that he knows that there is a lot of work yet to do on this and we have to get cracking.

7) EASTERN JUNGLE GYM

Mr. Robert Slocum, Putnam Engineering was present representing the Applicant.

Mr. Slocum stated basically we are going through an amended site plan review. There were a couple of issues regarding construction of the original site not in conformance with the approved site plan and we are here updating the site plan to conform to current regulations.

Chairman Schech asked do you have the Engineer's comments.

Mr. Slocum replied yes I do.

Chairman Schech asked have you taken care of all the comments or working on them.

Mr. Slocum replied no we just received the comments yesterday and we will be making the revisions that are required by those comments.

Gene Richards stated Herb those are actually the Town Planner's comments.

Chairman Schech stated one of the issues that we had was straightening out that stream in the back wasn't it where it was making that hook and eating away at the parking area.

Mr. Slocum stated yes that was one of the proposals here is the existing wetlands line and what we were talking about doing is moving it back ten feet until we get to about here and then kicking it back to twenty-five feet here. We would bring it back further here but we need to be able to get a vehicle back to the back part.

Rich Williams asked are you talking about relocating the stream channel is that what you were referring to just now.

Mr. Slocum replied no not the stream channel we were talking about pulling back the existing pavement ten foot.

Rich Williams stated I think what the Chairman was referring to is there is a section of the stream, which has a ninety degree bend in it, which is eating into the pavement at one point. I am not sure that is clearly reflected on the plan that was submitted. Ted and I looked at it briefly before he went away on vacation and he didn't think it was reflected either. When he gets back we are going to take this plan, go out into the field and take another look at it but what we are looking to do is stop the stream bank erosion in that area and we are going to need a specific plan on how to do that. There are several outstanding issues that have been outstanding that I identified in the memo, which the Board needs to at some point come to some resolution on.

Board Member Rogan stated your Item #2 speaks of a trash container area not an enclosed dumpster area which the Board has routinely wanted.

Mr. Slocum stated part of that is part of the exposure issue on the dumpster enclosure that it is such a large dumpster because of the fabrication process, typically, it would be a lot of enclosure work done around it and it would make it difficult for the carting companies to get that size unit in and out. On the smaller ones it is typically done (unable to hear the rest of his statement). The problem with going with a smaller unit in this instance is the size of the rubbish that they create during their fabrication process. They would be in their twice a day dumping out a smaller dumpster. It also going to be located back in here it is not directly visible to anybody unless they come right on to the site and look for it.

Board Member Montesano stated and all the debris that may miss the dumpster.

Board Member DiSalvo asked how many yards is it, 30 yards.

Board Member Rogan asked how big is it.

Mr. Slocum replied no I believe it is a 20 yard. It is larger than your five to ten yards.

Board Member Montesano stated the last time we were there, there were some items laying on the side but I guess that wasn't a typical day.

Board Member Rogan stated I guess most of the rubbish from this facility is construction debris.

Mr. Slocum stated it is lumber (unable to hear the rest of his statement).

Chairman Schech stated it is far enough away from the building so if it catches fire it is not going to set.

Board Member DiSalvo asked is the storage sheds still on the side there.

(Unable to hear his response).

Board Member DiSalvo stated no I mean the storage sheds that you build.

Mr. Slocum replied the storage sheds that they build are currently located along here. What we are talking about doing is having them relocated into an area right in front of the building. What would be located out here would be like the jungle gyms and stuff not the actual sheds and they turn over a lot quicker than the sheds. The are light and they are not opaque like the sheds are.

Board Member Montesano asked and the storage sheds in the back where, Mr. Slocum asked these here are going to get relocated they were not shown on this drawing they will get located back here.

Board Member Montesano stated and the stream runs right along there.

Chairman Schech stated well you have enough stuff to take care of.

Mr. Slocum replied I do the only thing that I was talking about is there enough to hold back making a determination on SEQRA.

Chairman Schech stated I guess we can take, no.

Rich Williams stated well again, I go back to I have raised a number of issues in my memo about their proposed use of this site that I am not sure where the Board stands on that for example; they are significantly reducing the wetland buffer, is everybody okay with that where the fence it. Where they are proposing to have the display area they have no real means of access to move things around or in fact they are going to be running over the septic system while they are moving these items around. Is this an acceptable concept where they are proposing to have a display area.

Chairman Schech stated well it is not a good idea to run over the septic system constantly but apparently this has been going on for years now.

Rich Williams stated yes but not by, Board Member Rogan stated not by an approved plan. Rich stated yes I mean I am sure the Health Department and the DEP is not aware that this is going on.

Board Member Rogan stated well I would say they might be now.

Board Member Montesano asked how about all those jungle gyms out there it was hard enough trying to come by are we supposed to look in between the jungle gyms to try and see if a truck is coming up.

Mr. Slocum stated all those original units were actually up here on this edge almost on the edge of the pavement. What we are talking about doing is not having the sheds there and putting them here and then bring back five feet inside the property line so we are pulling it back about twenty-five feet off of the road

and off of the edge of the pavement. I don't think there will be a line of site issue too bad once you pull those back twenty-five feet.

Board Member Montesano asked now everything else that was in the buffer area is going to be removed. This is where all the storage area is. This is in the buffer area where those two old sheds were.

Mr. Slocum stated right those are, Board Member Montesano stated those are gone.

Board Member Montesano stated you have twenty-five feet and then it drops to ten feet here.

Mr. Slocum stated right and the reason that we are doing that is so that we can get a vehicle around the corner.

Board Member Montesano asked what is the minimum footage we are supposed to have there.

Rich Williams asked the minimum footage where.

Board Member Montesano replied on that buffer area. I keep seeing twenty-five feet then it drops down to ten feet.

Rich Williams replied our Code requires a hundred feet but recognize that when this plan, when the initialize site plan was approved we didn't have a wetlands code and in fact the building in its current location is within that hundred foot buffer. The issue at hand though is they are extending the use farther into the wetland buffer.

Board Member Montesano stated which he should not do.

Chairman Schech stated actually there is really no way out. Actually they have out grown the site. That is the big problem.

Mr. Slocum stated I guess that could be. It is better then not paying your mortgage and foreclosing on it.

Board Member Pierro returned to the meeting at this point.

Board Member Rogan stated I am sorry I missed part of your conversation you were saying that, Board Member Montesano stated we are trying to see where the buffer area is that is being left and I am looking at we have twenty-five feet up to a point and then it drops down to ten and I am trying to see why we can't get that at least consistent.

Board Member Rogan asked in other words on the one corner of the building twenty-five feet brings you just about to the corner of the building. Then what I would suggest is that we determine what amount of room would be needed for safely turning a vehicle around that and set it at that minimum. Do you know what we have existing.

Mr. Slocum stated we have about fifteen to twenty-two feet.

Board Member Rogan stated that is not a whole lot to make a corner.

Mr. Slocum stated it is a tight corner.

Board Member Pierro asked is there a need to get vehicles in the back.

Mr. Slocum replied yes that is basically where they have their loading and kind of where the storage is.

Rich Williams stated yes but let's be clear where they have got their vehicles and their loading you come in from the other side what they are proposing to do is convert this I think the southern exposure they are going to convert that into the storage area for lumber and other equipment and so to get back in there that is why they need that drive. That is something new that was not on the originally approved plan.

Chairman Schech asked can we put a condition in there that the storage in the front by the septic field will be okay if approved by the County.

Board Member Rogan stated the County won't approve it. They are not going to say yes it is okay to drive over your septic system. They are going to say you are going to do it at your own risk and if you do it and you screw it up you are going to replace it.

Board Member Montesano asked is there some way you are going to use forklifts or whatever, a forklift that is one thing to bring vehicular traffic around this way.

Chairman Schech stated no they are not going that way.

Mr. Slocum stated no we are not going that way.

Chairman Schech stated they are just going this way probably with a forklift to use this for more storage.

Mr. Slocum replied right but that is where they are going to bring in their roll up or something so you will have ten, twelve foot lengths of lumber to come out and get around that corner.

Board Member Montesano stated well you are going to have fun getting around that corner.

Mr. Slocum stated we tried to get it as tight.

Board Member Montesano stated what I am looking at is this outside storage area here it way laying up here somewhere and it was blowing into this.

Mr. Slocum stated there is also going to be fencing behind there. (Too many speaking at the same time unable to transcribe).

Mr. Slocum stated a lot of the stuff they are going to have to be careful you don't necessarily want to be storing heavy lumber quite that high.

Board Member Montesano stated if I remember right that is what it was when we over the last time. It was sitting up that high.

Chairman Schech stated you know my opinion of that area so.

Board Member Rogan asked Rich, in your memo it talks about the parking stall width wanting to be reduced to eighteen feet is that the width or the length it says width but.

Rich Williams asked did I say width, Board Member Rogan stated it is supposed to be length.

Board Member Rogan asked the width would be standard, how wide are they.

Mr. Slocum replied I believe they are ten feet wide, ten feet by eighteen.

Board Member Rogan stated I would go for two foot on the length but not on the width anymore not with the vehicles that we are driving these days they are just getting too tight the parking lots. I don't think I would have a problem with the two foot waiver.

Chairman Schech stated let's put off SEQRA until he cleans up some of this nonsense.

Board Member Rogan stated we just got this tonight it is not the Applicant's fault but there are a few issues that are kind of subjective that I want to think about a little bit.

Chairman Schech stated clean up the rest of the stuff.

Board Member Rogan thanked Mr. Slocum for his time.

Board Member Pierro asked Mr. Chairman can we put this on the agenda to go back out there and take another look at this site.

Chairman Schech replied sure.

8) BRI CAR SITE PLAN

Mr. Robert Slocum, Putnam Engineering was present representing the Applicant.

Mr. Slocum stated this is I guess the second submission that you guys have seen. It is a significantly reduced scope and the biggest issue on it I guess was the hundred foot wetland setback. We are going to try to make sure that nothing gets disturbed back in there. We are going to put a new fence. I guess one of the comments that I saw making sure that no development gets done in there. That is primarily why we are putting up this fencing. We could even post those protected wetlands do not enter signs.

Board Member Pierro stated you are no longer using that rear area for retention basins.

Mr. Slocum stated no the retention basins is currently being thought about doing them here.

Chairman Schech asked Rich you were out there recently with Ted right.

Rich Williams replied right that is correct. Myself, Ted Kozlowski, ECI and Gary Tretsch took a visit to the site with the plans to take a look at the wetlands, the wetland finger, and the condition of the site and actually worked out this general concept out in the field.

Board Member Pierro asked Rich, my recollection was there was a stream basin or runoff through the driveway area.

Rich Williams replied there was an area out there where they actually excavated out a ditch to try to drain the site apparently many, many years ago that had some water in it. You can see the soil bermed up. It was a marginal Town Regulated Wetland area, which is why we suggested that is where the stormwater basin go.

Chairman Schech stated well you certainly reduced the size.

Board Member Pierro asked how many square foot are we talking about.

Board Member DiSalvo replied three thousand.

Chairman Schech asked Mr. Slocum do you have the Town Engineer's comments.

Board Member DiSalvo asked what was the square footage in the first submission.

Mr. Slocum replied it was probably close to a fifty percent reduction.

Board Member Pierro stated I am fine.

Mr. Slocum stated we will make the corrections.

9) THOMAS SUBDIVISION

Ms. Theresa Ryan, Insite Engineering was present representing the Applicant.

Ms. Ryan stated I am in receipt of Gene's memo. We have a meeting scheduled one day next week and we can go over these comments and any other technical issues.

Chairman Schech asked I think we still have to go over the conservation easement right.

Rich Williams stated there has been a draft conservation easement prepared (unable to hear the rest of his statement).

Ms. Ryan stated we are also preparing access easements and maintenance agreements for the common driveway and the stormwater facilities that is in the works too. We also have an application into the D.O.T. and into the Health Department. We received a letter from the DEP relative to completeness of the application and we are expecting comments from them next week I believe.

Board Member DiSalvo asked and the name for the road.

Ms. Ryan replied Daven Court.

Ms. Ryan stated the only other item was the bond if the Board feels that the plans are in good enough shape we would like to prepare the bond and submit that for next month's review.

Board Member Rogan asked Gene.

Gene Richards replied we are supposed to meet next week as she said I would say that once we have met and discussed the issues they can finalize their design and then you are welcome to do the bond calcs.

Board Member Rogan stated sounds good to me.

Ms. Ryan thanked the Board.

10) PATTERSON CROSSING SITE PLAN

Chairman Schech stated we are being challenged with the SEQRA determination right now and that has to be settled if I am not mistaken.

Rich Williams stated the Chairman asked me to draft a letter in response to the Commissioner and if the Board finds it acceptable should authorize the release of that letter.

Board Member Rogan asked do we have precedence in recent history for this in Patterson being challenged for Lead Agency.

Rich Williams replied I don't recall Patterson ever being challenged.

Board Member Rogan asked Craig what is the procedure for a dispute over Lead Agency after Rich's letter if the dispute goes unresolved.

Craig Bumgarner stated what will happen is the other involved agencies get a period of time where they can weigh in on their feelings and position on it and then the determination will be made by the Commissioner.

Board Member Rogan asked the Commissioner of the DEC.

Craig Bumgarner replied yes.

Chairman Schech stated so he has the final say.

The Board reviewed the letter for a few minutes.

Board Member Pierro asked Craig have you had an opportunity to review this.

Craig Bumgarner replied I have.

Board Member Pierro asked and it meets to your satisfaction Sir.

Craig Bumgarner replied well for one I don't think we are going to be involved in that project. They are bringing in outside Counsel but there were some various typos that I pointed out to Rich only two that I recall.

Board Member Pierro asked but as far as the content of the letter.

Craig Bumgarner stated again, it really probably is better not asking because we are not going to be involved in the project.

Board Member Pierro asked and has the Town appointed outside Counsel for this project yet.

Craig Bumgarner replied I don't think they have at this point. I think the intent was and again I don't want to speak for them but this is preliminary stuff I am sure that they will want to get Counsel on board for you once the project, Board Member Pierro stated the serious issues come apart. Craig stated yes and at this point there really hasn't been any legal issues to address.

Board Member Montesano stated I have no problem with it.

Board Member Pierro asked Rich, a question to note did we receive any site walk comments from the Town of Kent Planning Board.

Rich Williams replied we did not. I actually had requested out at the site walk that I get at least a list of the Members that had been on the site walk and that has not been forthcoming either.

Board Member Pierro stated they have not sent any comments.

Rich Williams replied the only response we got from them was the response for Lead Agency request.

Board Member Pierro made a motion in the matter of Patterson Crossing that the Town Planner be allowed to distribute the letter with the minor grammatical corrections required dated August 8, 2004 to Honorable Erin Crotty, Commissioner of New York State Department Environmental Conservation. Board Member Rogan seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 5 to 0.

Board Member Rogan stated I especially like the portion that detailed our Town Planner's sixteen years of experience well written.

Board Member Pierro asked on that motion do we need to make this letter part of the minutes.

Rich Williams replied no.

11) MORIARTY SITE PLAN

Mr. Dick Clark, Engineer with Harry Nichols' office was present representing the Applicant.

Mr. Clark stated we received a memo, we have reviewed it briefly.

Chairman Schech asked him to put the map on the board.

Mr. Clark stated Mr. Moriarty owns an existing residence at the rear of the property with an auto repair shop in the front. This goes back to 1975 or something and the residence is okay and the auto body shop is a pre-existing, non-conforming.

Board Member Rogan asked Mr. Clark to please speak up.

Board Member Rogan asked is the mic working at all.

The audience replied no.

Board Member Rogan asked Rich to hand Mr. Clark the microphone because I think that microphone is not working.

Mr. Clark stated it is on.

Mr. Clark stated Mr. Moriarty owns a piece of property on Route 22 with a residence and an auto repair shop. The residence is conforming but the auto repair shop is a pre-existing, non-conforming use. I guess he was contacted by the Town to prepare a site plan and come in to legalize his property so everything is in order. Apparently, it is somehow a little bit difficult to determine whether or not the auto repair shop is pre-existing, non-conforming. What does come to light is that he is now selling repaired cars and in speaking to Mr. Williams we will have to go to the ZBA for a variance on that.

Board Member Montesano asked when did he start the pre-existing, non-conforming.

Mr. Clark replied it was researched back to what 1975.

Rich Williams stated I did some historical research on it within the Town records and cannot find anything within the Town records that actually confirm that the use on the site pre-existed prior to 1975. There was a letter in the Building Department's files in 1975 the use on the site though it was unclear what particular use was in violation and frankly, the Building Inspector's memo didn't say that he was sending him for site plan approval for any additional activity he was sending him for the site and it was left very nebulous about exactly what he was looking for. So, based on what I had I couldn't determine that it was a pre-existing, non-conforming use so either way he goes he has to go through the same process it is just as simple just to have him do the whole thing at one time our records are then clean and it is clearly established. It is a permitted use on the site.

Mr. Clark stated he has no plans to do anything different then what he is doing right now.

Board Member Rogan stated so everything shown is existing.

Mr. Clark replied yes.

Chairman Schech stated the vehicle display area that is one of the latest additions right.

Mr. Clark replied I am not sure. It has been there for awhile.

Board Member Rogan asked we are going to go take a look at this aren't we.

Chairman Schech replied yes.

Chairman Schech stated we will do a site walk out there.

12) DUNNING SUBDIVISION

Mr. Robert Slocum, Insite Engineering was present representing the Applicant.

Mr. Slocum stated the Dunning Subdivision is a simple three lot subdivision. The initial lot is seventy-eight acres, we are proposing to divide it into three lots. Two lots are four acres strict conformance with the zoning. The remainder of the lot is going to be remaining with the current owner and his current residence. There is no planned development that we are aware of for the remainder of the lot.

Chairman Schech asked those two driveways on the proposed houses go to.

Mr. Slocum replied go to Harmony Hill Road.

Board Member Rogan stated let's take a look.

Board Member Pierro stated absolutely and I would like to note the location of this driveway to where it is in relation to Bill Barrett's side driveway there. I would like to look at that because we don't want them directly across the street from each other.

Chairman Schech stated just stake the two driveway entrances and the two houses, centerline that should be enough.

Mr. Slocum thanked the Board.

(TAPE ENDED)

13) KESSMAN SUBDIVISION

Ms. Theresa Ryan, Insite Engineering was present representing the Applicant.

Ms. Ryan stated the Applicant's own about fifty-nine acres on Cornwall Hill Road and the lots that are subject with this application there are four of them total and we are proposing to have five after subdividing and doing lot line adjustments. There is two existing agricultural used lots one is forty-seven acres, this large lot here, there is a ten acre lot which is this lot right here and there are two smaller lots that consist of about an acre a piece. What we are proposing to do is with these two smaller lots, this ten acre piece comes back here into this area and we are proposing to move these existing lot lines back to this line here and extinguish these just to give these two lots a little bit more acreage so they will end up being a little less than an acre and a half. That is the simple part of it. Then with the remainder of the ten acres we want to do a lot line adjustment to move this line to here that will give this parcel five acres, with this five acres which will remain an agricultural use some of the existing buildings and the existing office and an existing residence will remain on this lot. What is left over we are going to subdivide a parcel off there is an existing dwelling, garage, driveway, septic and well on this end of the property and we want to make this a conforming lot relative to acreage. It is four acre zoning and this will become a four and a quarter acre lot. This lot that is left over with taking this out and adding this will still be about forty-seven acres. What we tried to do to make it clearer is show on the smaller maps here how it looks now and how we propose it to look after we do this one subdivided lot and then three lot line adjustments. They propose to keep the five acre lot and the forty-seven acre lot as agricultural uses. We did show a proposed residence on the forty-seven acre lot although that is not what they propose to do for subdivision purposes we are showing a residence there. We already talked to the Health Department, Mike Buzinski and told him what we were proposing to do, I sent him these maps and he said just as far as the Health Department is concerned it would be a non-jurisdictional so the only things that we have to show are the existing wells and septics not a proposed well and septic for the larger lot.

Chairman Schech asked the buildings that are to remain are they marked.

Ms. Ryan replied yes these are all marked here. This one, we may have some more adjustments buildings were being removed as we were preparing the plans so we will get an updated survey. This is a concept plan only. I believe this building is gone now, these buildings will remain with the five acre agricultural lot and remain with the farm use and there is one barn to remain on the larger farm.

Board Member Pierro asked what is the minimum requirement for an Ag lot.

Ms. Ryan replied five acres.

Board Member Rogan asked you said you are showing the proposed residence on the large lot however the Applicant isn't proposing that I am wondering why even show it. We are not showing a septic, Rich why are we showing the proposed we can show a subdivision of a lot that is not proposed to have an residence on it as a vacant lot. Are we just adding into this I mean why review a proposed lot if that is not the proposal.

Rich Williams replied our Code requires that you demonstrate the use proposed for the lot.

Board Member Rogan asked okay but the use is an agricultural use so.

Rich Williams stated they could since we changed our Code recently farming is a as of use right so yes they could subdivide off as long as they meet the minimum requirements which they would for a farm parcel without having to show a house.

Board Member Rogan stated so we can use the white out on that.

Board Member Pierro asked are we creating any zoning problems with the five acre lot Rich or are there any problems that we are aware of.

Rich Williams replied maybe what I have done is I have requested additional information from the Applicant to demonstrate the agricultural use that relaxes the standards as long as they can demonstrate and I think they can that there is going to be an agricultural activity or agricultural use for the property they are not in bad shape. The only real zoning problems are with subdividing the residential lot which won't meet our requirements.

Ms. Ryan stated Rich is talking about this one we show that there is about fifty feet of frontage here and we showed the additional frontage that we would need to have total.

Board Member Rogan stated it is not contiguous though.

Ms. Ryan replied right it is not contiguous so we could either eliminate this leg and straighten it out over here to give the four acres and go for a variance or just add the footage that we need here because we have room to do that. I don't know if it makes an awkward lot so it may make sense just to get the variance. We will talk to the Applicant on how they want to handle that.

Chairman Schech stated okay we will take a look at that site walk.

Ms. Ryan stated there is nothing to stake right.

Board Member Rogan stated no it is all existing and removing the proposed residence will take care of the problem that Rich noted that would result from having a residence with a barn in the front yard or in front of the house so that will resolve that.

Gene Richards asked Mr. Chairman would it make sense to have them stake lot lines.

Board Member Rogan stated yes I was just actually thinking that.

Chairman Schech stated it is a fairly open area I don't think you have to.

Board Member Rogan stated I would prefer honestly, Ms. Ryan stated this is the only one and it is just to the left of the entrance. Board Member Rogan stated so just put a stake at the road.

Ms. Ryan replied we could.

Board Member Pierro stated and a stake at the corner of that five acre lot, Lot A the one where the buildings are on.

Board Member Rogan stated Dave is referring to the lot line that would be to the rear of the lot from where we just said to the road.

Ms. Ryan thanked the Board.

Chairman Schech called for a recess at 8:41 p.m.

Chairman Schech called the meeting back to order at 8:50 p.m.

14) BURDICK FARMS SUBDIVISION – Public Hearing on SEIS and Preliminary Plat.

Mr. John Kellard, Ms. Christina Burbank, Kellard Engineering and Mr. Vinny Condito, Applicant were present.

Mr. Kellard introduced himself, Christina and Vinny to the audience.

Mr. Kellard stated tonight's hearing is a dual hearing. It is for a preliminary subdivision application for the Burdick Farms Subdivision for a 37 lot cluster subdivision plan and it is also a public hearing for a Draft Supplemental Environmental Impact Statement which addresses the 37 lot cluster alternative. The project site is a 168 acres. It is bounded by Bullet Hole Road to the south, north is in this direction on the plan and McManus Road is located to the western portion of the site. The project site was previously zoned R-40, one acre, and minimum lot size for residential homes. It has recently been re-zoned to R-4 and is the Open Development Law Overlay District. The project site is made up of 84 acres of forest, 69 acres of fields, 9 acres of wetlands, and 6 acres of hedge rows. The soils on the site are primarily "B" soils in the field areas and the shallower soils where you have the shallower depth of bedrock is located in the wooded portion of the site and any steep slopes portion of the property are also in the wooded areas. The wooded portion of the site is primarily located in the northeastern portion of the property. The northern and central portions of the property are primarily field areas. Our proposal is for a 37 lot cluster subdivision, which is in conformance with the new zoning regulations within the Town. That is the R-4 District, four acre minimum lot size and the Open Development Law cluster requirements for this property. The roadway system is a through roadway, which has its primary access at Bullet Hole Road and continues through as a through road to a secondary access at McManus Road. It also has a dead end cul-de-sac road, which is less than fifteen hundred feet, which is the maximum requirement within the Town subdivision regulations. The secondary access at McManus Road will be located at the most southern portion of the frontage along McManus and it is located in an area which has to cross a wetlands but it is located where the wetlands is the narrowest at that point. The roadway crossing is also proposed with a bridge, which will span the wetlands. The primary access at Bullet Hole Road is an area where adequate site line can be obtained with improvements along Bullet Hole Road. There will be some clearing and re-adjustment of the grade along Bullet Hole Road. The EIS also included an alternate whereby the intersection will be moved slightly to the west and that is documented in the Environmental Impact Statement and by relocating the road further to the west we will be able to improve the site lines a greater distance with less disturbance for clearing and for excavation at the property. That alternate location would be over a portion of property owned by the Town and the Applicant would have to purchase that property from the Town but there is primary access as shown on this plan. All the lots in the subdivision are fronting on the internal road system. There are no lots proposed on Bullet Hole Road or McManus Road frontage. Lot sizes are 40,000 square feet minimum and 55,000 square feet maximum which is in conformance with the Open Space Development Law. Every lot conforms in size, shape, setback and coverage requirements for the Open Development. The lots have been

located in the best soils that were found on the property. Every septic location has been tested with deep holes and percolation tests, they have been witnessed by Putnam County Health Department and New York City DEP. We have also constructed curtain drains on approximately 22 of the lots, which New York City DEP believed would require curtain drains, or had a chance of having a high water table. Those curtain drains were installed in the beginning of the fall last year. They were completed in later winter and they were monitored throughout the spring this year. The results have been submitted to the Health Department and to New York City and what we found monitoring those curtain drains over that period of time which was a very, very wet spring was that the water table in every septic area which had a potential of being high in ground water the ground water levels were significantly well I should say very low or there was no ground water at all. The layout has made every attempt to save stonewalls and hedge rows throughout the property. The subdivision roadway the small dots along the roadway are proposed trees along the portion of road within the field areas which is a requirement within the Town subdivision regulations and there are three fire tanks of 10,000 gallons which are located at three separate locations within the site for fire purposes. Wetlands on the site were flagged by our Wetlands Consultant, Beth Evans. They were reviewed by the Town Wetlands Inspector, surveyed by our Surveyor and located on this plan so they are very accurately located. The cluster plan I should say the disturbance to wetlands on this cluster plan is limited to .12 acres of disturbance and the only reason for that disturbance is to provide the second access out to McManus Road other than that disturbance there are no other disturbances for roadways or lots on the cluster plan. The property is within the East Branch Reservoir, which is a phosphorous restricted basin. The Draft Supplemental Environmental Impact Statement has a complete section attributed to stormwater requirements and water quality efforts with the plan. There are 14 stormwater basins located throughout the site within the various sub-basins and the stormwater basins, the calculations have been provided. They have been submitted to New York City DEP to reduce the pollutant loadings the present levels and to maintain discharge from the site the present discharges, which occur from the present site. The cluster plan includes 70% of the site as open space, there is 99 acres of passive open space, which includes diverse areas of fields, woods, wetlands and slopes. It includes 14 acres within parcels attributed to stormwater basins and there is a 3 acre parcel in the northern portion of the site, which will be designated for wells. So, overall there is a 116 acres of open space of which 99 acres is passive. The project will be constructed in three phases those phases were documented within the draft document. It is anticipated that the project will be constructed over five to seven years. The Supplemental EIS, the main action in that EIS was an 81 lot subdivision, which was the original subdivision proposal by the Applicant. The document not only studies the impacts and mitigation of the 37 lot plan in detail but it also compares the 37 lot plan to the 81 lot plan which was the actual Draft and Final document which was previously reviewed by the Board. Between the plans you will notice in reviewing the document that there is an 84% reduction of lots, population, traffic, and school age children with this plan. There is a 33% reduction of impervious surfaces, 63% reduction of slope disturbance, 42% reduction of wetland disturbance and our overall disturbance reduction of 46%. In conclusion the plan represents a significant reduction of impacts, it complies fully with the new Town regulations and I may add that when the new regulations went into affect this project was grand fathered. There was a two and a half year period where this project could proceed through approvals under the old zoning. The Applicant decided at that time to comply with the new regulations and this plan does that. Lastly, the calculations that reports within the SEQRA document confirms that this site can support the proposal as presented, thank you.

Chairman Schech asked any comments from the audience, come up and speak into the mic, name, address please.

Mr. Noblet asked will you take any questions before comments.

Chairman Schech stated pardon.

Board Member Rogan stated in other words he wants to know if he can ask a question.

Chairman Schech replied sure.

Mr. Noblet stated good evening my name is Jean Yves Noblet and my wife Mikal Tracy and I also have my two Engineers Ron Huddleston and Steve Garabed. We own a property, which is adjacented on three sides by the development and one of the question that I have first before my comments would be to know if there is at this stage any violation during what was already done.

Mr. Kellard replied I am sorry I don't understand the question.

Mr. Noblet asked any violation in regard to access to the wetland on construction into the wetlands.

Mr. Kellard replied not that we are aware of.

Mr. Noblet stated the other question would be do you have any easement now from McManus Road South to have access to the road.

Mr. Kellard replied yes we have, our Title Report has indicated that we have access to McManus Road from a location south of an out parcel which is this out parcel I believe is owned by the property owner to the west so from that out parcel south on McManus Road we have rights to access that roadway.

Mr. Noblet stated so on my comments tonight I have two different type of comments; one will be a legal issue and the other one will be more kind of an environmental issue which will be presented by my two Engineers. As stated tonight by the Developer, they are complying with the four acre zoning rules and under the New York State laws four acre zoning for a cluster development will require a map, a plat to show how many four acre lots they can put on a regular basis including wetlands, including steep slopes, including and they will have to prove that they can put so many lots. I spoke on it with this issue a different times with Rich Williams, with some of the Members of the Planning Board and it looks like the respond that I got was that Article 154-139 would give the Town supersession over the New York State laws. In using this rule you are implying that you are inconsistent with the New York State laws and you are using the rule, the Municipal Home Town Rule Article 2, Section 10 which stipulates and I made a copy for you that you cannot be inconsistent with a New York State Law. My wife can read this to you.

Mrs. Noblet stated if the Board will allow me; this is what we have the Municipal Home Rule Law, Article 2, Section 10 of the Consolidated Laws of the State of New York. Section 10 General Powers of Local Governments to adopt and amend local laws.

1. In addition to powers granted in the constitution, the statute of local governments or in any other law,

(i) every local government shall have power to adopt and amend local laws not inconsistent with any general law relating to its property, affairs or government and,

(ii) every local government, as provided in this chapter, shall have
power to adopt and amend local laws not inconsistent with the provisions of the constitution or not inconsistent with any general law, relating to the following subjects, whether or not they relate to the

property, affairs or government of such local government, except to the extent that the legislature shall restrict the adoption of such a local law relating to other than the property, affairs or government of such local government:

Mrs. Noblet stated this was upheld in 1999 in a case Metropolitan Funeral Directors Association versus the City of New York saying that Finding that a local law is inconsistent with State law will result in the invalidation of the local law. Almost 25 years earlier there was another case the City of Corning versus the Corning Police Department of Corning City saying local governments have no authority to enact local legislation inconsistent with general State law and that was in 1975.

Mr. Noblet stated so now in the Town of Patterson Zoning Code your interpretation which is 154-3; which stipulates where the requirements of this Chapter differ from the requirements of another statue, law, ordinance, rule or regulation, the more restrictive shall govern which is in compliance with New York State Law, Article 269 which in facts states the same thing. So, in regard to this development you are in 278 of New York State Law, the Article says density calculation and this density calculation requires the Developer to show a plat with four acres, where he can put this four acres and how many and this will show us how many lots can be put on this property and this is I am sorry to tell but this is a requirement. I came tonight as a regular citizen of Patterson paying right now more taxes than this Developer and I hope that you will hear my case and as you can see I came alone, I am kind of very emotional and I am sorry about that but I came alone I would rather try to find a solution without an Attorney and I hope that you can understand. Now, my Engineers will come in to do a presentation of their findings in regard to the environment.

Mr. Kellard stated just to address the legal part and obviously I am not an Attorney I can't address the legal aspects however we are grand fathered, the plan does conform with the Overlay District which has greater standards then the R-40 and I would say that this plan as proposed complies with the R-40 standards which we are grand fathered under.

Mr. Noblet stated so in this case I would require that you do your proposal under the grand fathered and not in compliance with the four acre zoning.

Mr. Kellard stated I won't do that until I check with an Attorney to see if you are correct but what you also may be saying is that the Town's Law is invalid.

Mr. Noblet stated I think they ought to look into that yes.

Mr. Kellard stated I think that is what your statement states.

Mr. Noblet stated yes that is correct.

Mr. Kellard stated if it was invalid do we then resort back to the R-40 Zoning anyway. It is a legal question.

Mr. Noblet stated that is correct.

Chairman Schech stated I don't think we will resolve that here tonight.

Mr. Noblet stated I am sure but I think that before we close the public hearing we may have to find an answer to that.

Chairman Schech asked any other comments.

Mr. Noblet stated yes my Engineer will do the environment comments.

Mr. Steve Garabed, stated I am a Senior Engineer with Carpenter Environmental Associates and a Professional Engineer with the State of New York. Mr. Noblet has asked me to take a look at the proposed development and see if there are any potential impacts to his property. We completed a site visit and reviewed the information provided, the Draft Supplemental Environmental Impact Statement information, the project plans for the site as well as the Stormwater Management Plans. I have gone through that and have come up with a number of inconsistencies and other errors that I found. I will document all these in a letter to the Board and I will go through a number of those tonight just to point things out. As Mr. Noblet stated he is to the western portion in the middle there of the property. Runoff from the site currently comes off the site and on to his property. He has a wetland system and a pond on his property under the proposed alternative there is going to be a swale that runs down his property line diverting all of that stormwater runoff away from his site and what that is going to do is that going to reduce your stormwater impacts to the wetland system into his pond and that can have adverse impacts to that system. We were out there and it is a very thriving system, Ralph Huddelston will speak more about that in a little bit. There were errors in the design information that I saw. The Stormwater Management Plan for example; for Pond 2C which is a pond adjacent to Mr. Noblet's property the design information shows a culvert from the pond to the grass swale that I was just speaking about to be 80 feet long. When we measure it on the project plans it is 126 feet long. That particular pipe runs pretty much perpendicular to that grass swale. There is no design information that I could really see on that grass swale. There is a typical detail but I don't know how deep it is going to be, I don't know what the slope of that channel is going to be and it is unclear when that detention basin is discharging perpendicular to that trench whether it is going to the momentum of that water can carry it down the slope on to Mr. Noblet's property which would cause probably a large erosion problem. The grass swale that I was speaking about runs south along the property boundary and then makes a turn west and according to the project plans that swale just ends in an area with a slope of about 21%. There is no erosion controls at that point, there is no level spreader it just ends in a steep slope area. That is just a bad practice to take a concentrated stormwater flow and run it down a sleep slope that is just going to cause a lot of erosion. There is another detention basin right on Mr. Noblet's northeastern property, Board Member Rogan interjected excuse me Sir you don't have to stand over there if you want to walk over to the

map that would be probably better. Mr. Garabed stated there is a stormwater pond right here this pond is not labeled I don't know which one it is supposed to be in the design calculations but that pond is not equipped with an emergency outfall which is required by your Code. There is another pond down here which according to the project plans just discharges here and that is it. It just discharges down the slope and why that is important is their design calculations say that there is a channel there but none of the plans shows this channel. The project plans themselves contain a table full of information about the detention ponds and when you compare that table of information with the project plans you will notice there are a number of inconsistencies. One of those inconsistencies for example would be if you look at this table it will tell you the top of berm for let me give you a specific example well first of all the table doesn't show information for a certain number of ponds, Pond 6D, 8D, and 8E although these ponds are shown on the project plans they are not included in the table and the project plans do not show ponds, Ponds 2D, 8B, and 8C which are listed in the table. For ponds number 2C the table lists the top of berm elevation of 843 and the plans list a top of berm elevation of 842 and the reason that one is important is because that table also lists the hundred year storm elevation at 842.42 in other words above the top of berm so that detention basin won't even hold a hundred storm. It is going to over top the berm which is not in compliance with the New York State Stormwater Management Design Manual. Section 138-28 (b) of your Town Code states that a Stormwater Management Plan shall discuss the means and methods that will be used to control waste such as; discarded building materials, concrete truck washout, chemicals, litter and sanitary waste during construction the Applicant's Stormwater Management Plan does not address these issues. The detention ponds on the site must comply with the New York State Stormwater Manual and the proposed ponds fail to include many of the elements that are required by the Manual. The ponds that are supposedly going to be used on the site are designated P1 or P5 Ponds which mean that they should have a wetland component and each of these ponds should have an aquatic bench. There are no aquatic benches shown on the project plans. The Design Manual requires a twelve foot wide maintenance access to be included as part of the pond design to allow access to the forebay and safety bench, the riser and the outlet those are not shown on the plans. The ponds need to be equipped with a pond drain they are not shown on the project plans. The Applicant has incorrectly calculated the water quality treatment volume. They have calculated the volume on this site, the required water quality volume to be 1.915 acre feet. I have gone back and recalculated and I have gone back and recalculated and I get 3.09 acre feet, a difference of 1.175 acre feet. The Applicant also in the Design states that all proposed ponds have been designed to have a permanent pool equal to the New York State DEC Phase II Water Quality Volume requirements however in the calculations a few lines below their statement they show the water quality actually provided and it is typically 50% or 20% of the water quality volume. Typically that is okay you can then use extended detention to get the remaining water quality volume but none of the plans show that that is what the intent is. One of the major problems I found on here I know the pollutant removal is a very critical issue here and this one issue really plays into that and how pollutant removal may have been over estimated. Pond 2C has its inlet and outlet structure on the same side of the basin, the Stormwater Management Design Manual requires that you have a length to width ration of one and half to one. The reason being so that you get complete flow through the basin and you really extend the detention pond and allow the stormwater to come in contact with the vegetation and to allow the nutrients to be uptake and by the vegetation by placing the inlet and outlet so close to that, each

other you are really short circuiting the basin and so calculations that state you are going to get a typical removal for a wet basin are going to over estimate your actual pollutant removal capability. I saw the same short circuit in Ponds 8A, 8D and 8B. The sediment and erosion control plan doesn't include sufficient erosion and controls to adequately protect Mr. Noblet's property. In this area where they are going to construct the road there is no silt fence to protect this area where they are going to have steep grades when they construct this bridge area. This area should be very well protected with silt fence, the stream area should be protected to prevent any sediment from getting off the construction site and on to Mr. Noblet's property and this area should be well vegetated and the erosion plan should show all that. You have got steep slopes in that area and I know it is a very critical area it is within the wetlands. I know the Board has been through this before and I know that there has been a lot of talk about that road, the best way to protect those wetlands and honestly Mr. Noblet's property would be to come up with an alternative design for that roadway. If there is someway to provide perhaps a wider road and maybe a looped road structure to provide the access that the Town requires that would be the best way to protect that entire area. It would probably be looked upon very favorably by the DEP as well. The soil erosion sediment control plans don't show areas that are going to be temporarily or permanently seeded and this a typical requirement that is not on there. The project plan shows the use of an amphibian access culvert it is shown on the plans but there is never any detail on how it is to be constructed or what it looks like or anything. What I presented to you tonight are just a few of the many errors and omissions that I found in my review and like I said I will provide you with a latter document with what I have found. I have found this application to be grossly incomplete and inadequate and I would recommend that you reject it until a lot of these errors and omissions are in fact corrected thank you.

Mr. Kellard asked if I could just respond.

Board Member Rogan stated I don't think this is the time.

Chairman Schech replied no.

Board Member Rogan stated if we have you respond to every individual comment we will be here until noon time.

Mr. Ralph Huddleston stated I am Senior Vice-President of Carpenter Environmental Associates. I am here tonight representing the Noblet family and I am the bugs and bunny guy so hopefully I will be a little less. Basically, I think from Mr. Noblet's emotions and what you have heard from the Engineer I think you can see that Mr. Noblet and his family are concerned about the property, their particular property and the potential for impacts, after viewing the application to tell you the truth I am concerned too simply because I believe that the application does not address off site impacts. As you heard Mr. Noblet has and I am going to give you some pictures here just to pass along, he has a pond and he also has a vernal pool on his property. Now, the vernal pool is less than fifty feet away from the swale that Mr. Garabed just discussed along the top of the property there, the Noblet property and it is less than fifty feet away and it is definitely

between the drainage that comes off of that hillside that is the only source of drainage that it appears to me anyway.

Board Member Montesano stated excuse me why don't you walk over there so you can point it out on the plan.

Mr. Huddleston stated here is the pond which you have the pictures of right there and I would like to point out that in the application again, I realize that the wetlands that are discussed and the ?? that is discussed in the system is on site but this pond is approximately 200 feet away from Wetland #3. In the application the Applicant states that Wetland #3 has no pool or pond areas that would be a consideration to amphibian life, 200 feet away is that pond that is being passed to you. The vernal pool is located right here, the swale runs along here, the vernal pool is right here some almost 50 feet away is all. The drainage coming off this hillside is what provides that vernal pool with its life. It has a swale which I have a picture of there that runs down to the pond stream area so if you put a swale in here to cut off the runoff even if you are diverting down further into the wetlands you are eliminating this vernal pool which in my reading of your regulations has a hundred foot buffer zone around it as well. The pond which again according to the document Wetlands #3 has no pools or ponds or anything that they would need to address amphibian life, this is 200 feet away the stream runs directly into it. Less than 200 feet down stream from the proposed bridge site is this pond. The pond is the prime reason the Noblet's bought this property. Utilization by wildlife includes; six amphibians which include two salamanders in the spring that are in there great numbers breeding, four reptiles including Spotted or Eastern Mud Turtle, 36 avian species which include; Wood Duck and a Great Blue Heron both which utilize this pond, 13 mammals which include; muskrats everybody's love for the muskrat love you got to love the muskrat and bobcats and coyotes now again that is 200 feet down stream. I believe the Noblet's have a legitimate concern that those impacts were not addressed and that is where you would have your bridge going across. You have a steep slope area there. It is the maximum area for wetland impact and I would argue strongly to you that this pond and its associated wetland system down stream which is another two plus acres is really the same system as Wetlands #3. Another issue that I am still trying to figure out if I read your Code, your Code defines wetlands as a number of different things one of which is any areas in these soil types and a number of these areas where these residential units are in right now are in Paxton soil and I have read the Code, I haven't crawled all over it so I am not going to say right now that I am willing to say that by definition of wetlands in your Code that anything in Paxton soils would be considered wetlands and I am not sure on that interpretation but I would really ask somebody to look at it because you basically say a wetlands is this, this, this, this or number five these soil types. These soil types have a number of Paxton soil areas in here.

Mr. Kellard stated how can you call Paxton soil a wetlands.

Mr. Huddleston stated I am just telling you what is listed in the Code. I understand that is why I said I am looking into it.

Mr. Kellard stated I have never seen any Code in this State that had Paxton soils as wetlands.

Chairman Schech stated this is not the place for this.

Mr. Huddelston stated I will show you one. Again, vernal pool, the ponds, the wildlife, the definition under wetlands, the modification zoning variance was already discussed by the previous Engineer with the looping road and just to follow up I would ask that you reconsider this I know the Noblet's have requested and I would request on their behalf that somebody evaluate and address the impacts associated with this off site system since it is so close, since it does work in relation to this existing system. I would ask that you do an inventory that you basically do that inventory in the spring when we can see the utilization of amphibian life in these areas and in the pond area and I believe that is basically my comments.

Chairman Schech thanked him.

Bob Dumont stated his name, Chairman Schech asked address please.

Bob Dumont stated 368 Bullet Hole Road. I have got a number of issues with this site. First and foremost the site as presented is no different than it was at 49, 81 and 125 it still goes from front to back. By the time this site is excavated from the water in the back to the front we will have massive excavation. That has not changed since day one. Calling this a cluster overlay is a misnomer and I think we all can agree to that. There is nothing cluster about this plan. Once again, total usage of the site except for the steep slopes which are not buildable or the wetlands. The fact is that the 81, and the 120 something homes he was building homes on the slopes and the wetlands so we knew those weren't workable plans. So, the fact of the matter is we get down to a number which still builds on slopes and through wetlands but uses the entire site so again, has not presented from day one has not presented a viable alternative to the Planning Board and you really should request that. As 368 Bullet Hole Road I have never been happy with the location of that entrance way and I know the Board hasn't either and I know the Board has asked the Applicant a number of times we need to address the roadway issue. The fact of the matter is looking at the plans, looking at the re-siding of it it is on a lower portion closer to the Ice Pond curve again, site lines horrible. You could not see a car coming from the top of my house to the entrance way where that is and it is probably no more than sixty feet and any of my neighbors can tell you cars swing around there once a week and are flat up against the wetland, flat up against some of their yards, putting a Stop sign or anything else or any common sense denominator doesn't stop a nineteen year old kid with a gas pedal. Putting it closer to Ice Pond next to the Burdick home I don't know what that solves. It does not solve anything. (TAPE ENDED).

Bob Dumont stated on that issue what really gets me is some of the arrogance coming from the Applicant. The fact of the matter is the Board has asked the Applicant a number of times what about the Ice Pond Road access. The Applicant sold his portion on Ice Pond Road and still in the new plan or this plan does not indicate any remediation towards that intersection. Totally glossed over never mentioned. No help. Thirty-seven homes, high quality homes, people with money, people with two or three cars, boats, ATV's, every other motorized vehicles, motorcycles will be coming out of that entrance way. These are not homes for low, income homes where everybody has got one car. Many people, many kids, many cars moving in and out. So, again the fact of the matter is he did not offer a plan to remediate the issues on Ice Pond. It still needs to be addressed and we would hope the Board puts into that. As mentioned, the thing I love and the Engineers hit upon it the swale that goes the length of this property is just major, it is really just a berm that is being dug. They are just digging another channel for water to go through. What happens when you get a channel here with homes here your kids rusted bike goes in there, your rusted basketball court gets thrown in the back because you don't want to dump it and that is what goes in so again, did the Applicant mitigate the site impacts absolutely but when you look at some of these maps everything is mitigated towards the edges of this property. Retention ponds are next to the Burdick home. Retention ponds over here we have

the two water parcels all the way in the back with homes that basically surround them so we are going have 37 homes drawing water from here and everybody around them whose well is there probably going to feel a little pinch for awhile. That is not to mention here that the excavation from these comes from day one not Phase three because this home up here needs the water from here so when this site gets built immediately your trucks roll right down because you have got to cut the berm to get the water. Excavation of the site is major from day one. It is addressed in the plan, how are we going to handle that runoff. I think I might have saw this much paper on that, a couple of little diagrams on silt fences it ain't going to hold water. Soil piles here is where they are he didn't address that. We are talking about a major excavation that is going on. We need the answers to that why because the water is going to roll off right to my house, into Mr. Noblet's house, into the Burdick's house all the way down here because the impact to this site has water rolling off the side. It is a hill. Septics absolutely love you have got homes up here septics go to the property line homes all the way up here the configuration of some of them again, what are we draining toward. We are draining on septics maybe it is down here the water is going to hit that septic pretty fast, it is going to sit there for about ten minutes before it shoots down a twenty degree slope and probably comes off of everybody's property down here so we get to drink the gray water from the site. Again, I outlined in my comments a number of these sites where the septics are literally hanging off the edge of the properties, hanging next to a slope that is twenty degrees or less maybe you did find the one patch that is less than fifteen but to excavate that site again is going to require major excavation to get to some of these septics and make them flat and that is not legal either. You can't mitigate the slope to put the septic. The curtain drains on three or four of the properties I believe four the curtain drain is immediately behind the house so you have got a thirty foot curtain drain, seven feet deep less than ten feet behind the house so when that property owner comes in and says hey, I want to put a pool, I want to put a deck I am not sure what the curtain drain is, I am not sure if it is an open thing, if it is a rock covered thing, I am not sure. I couldn't make it out from the plan. I need a little more detail on that. I listed the properties, the lot size in my comments. It can't be safe. I wouldn't want to buy a house with a curtain drain the length of it right behind the house. It does not sound good and also it gives you the indication that the water coming off this property is coming off very fast and while this homeowner or these new homeowners may get the benefit of a low water everybody on the outside will get the benefit of the high water. That includes Bullet Hole Road which is a curvy road to begin with. So we are going to have a lot of water coming off especially when you get to the Burdick house over here where the retention ponds are. Come spring that turn which is a major issue is going to be full of ice from these retention ponds that are probably over loaded with silt and sediment two years from now and are flowing over. The next point, again the swales, the drains, the berms does the Town clean those things. Who is responsible. We are talking about some major retention ponds that litter all over the site. It may work the year one, two, three, four, five but year six when those things have had five years of rain and silt going into them they are not going to be very deep anymore and they are going to overflow pretty fast especially if there is no homeowner's association or nothing that maintains those ponds. We are talking about a steep slope site with homes all around it so again, they won't feel the pinch the neighborhood feels the pinch. Of course they will feel the pinch when they start coming out of this entrance way and try to drive it but they won't feel it. Almost all these homes are less than two acres, it is grand fathered in as a one acre however giving the Applicant the benefit of the doubt that it is one acre zoning you couldn't put more than ten homes on this site and have it function properly so even if you wanted to go to 40,000 square foot route and say it is one acre zoning you still have got to make it work with water and septic and everything else you can't do it, you can't do it. Two acre lots again, packed in one on top of the other again still too small. The entrance, the bridging, I have comments on that but I think they were covered very well by the Engineers so we will leave that alone. We had some issues with some of the road profile and bridges where it meets on McManus Road which we have documented. What is a pump SSTS.

Mr. Kellard stated I don't think the Board wants me to address any questions.

Board Member Rogan stated pumping septic up hill.

Bob Dumont stated pumping the septic so a number of these sites have a pump septic.

Board Member Rogan stated it just means that the house is a lower grade than the septic system.

Bob Dumont stated okay so it is actually a mechanized, motorized thing.

Board Member Rogan stated yes.

Bob Dumont stated which will probably wear out one day and again it is a homeowner maintenance issue as far as when they feel the water coming in their house they have got to do something about it. Is that how it will work.

Board Member Rogan replied no I think the explanation is not for this meeting.

Bob Dumont stated okay well it is a question of mine that I would like addressed. There is a small stormwater lot here that surrounds again, goes on to Mr. Noblet's property but again, the slope over here is probably not much different looking at the charts that any of these lots next to it so I am kind of wondering what was the purpose of the stormwater lot in between those four lots. It does not seem to make much sense. I could not figure it out. Many of the setbacks we have mentioned this at previous ones many of the setbacks do they meet the Town's zoning yes. They meet the absolute minimum Town zoning for a size of property 168 acres you still got thirty feet in your side yard or whatever the requirement is. The fact of the matter is anybody wants to build, add on to their property probably can't and you will have 37 homes going to your Zoning Board. Should a project like this pass; you have a lot of hilltops in Patterson which are open for business you know that and I know it. The minute that they see the Burdick Farm can get developed with a slope, twenty percent or greater hey, why not, why not. If you can appear that you can mitigate the impacts put together a couple of nice maps you can build on a hilltop. I think what I am going to do is leave it there I think the Engineer covered a bunch of other things. I do have these in writing I will submit them. I am going to finish them up and add a couple more and re-submit them but again I am hoping that the Board gives this a real hard look this does not deserve to pass. This is not even close to passing. I am not an Engineer, I am not a Lawyer I am looking at this as a layman, as a neighbor, there is more things wrong with it than right and I think it is pretty obvious so I hope you take the right road and just deny the application once again. You are doing a good job so far of denying them nothing wrong with keeping him coming back until he gets it right. Thanks again.

Edie Keasbey stated her name and that she is at 180 Couch Road here in Town. Edie read from the following letter she prepared and submitted to the Board. (Letter attached to these minutes).

Thank you for extending the public hearing on the above application. I am assuming the deadline for submitting written comments is still August 20th.

My comments will be more general in content relating to the Open Space Law Section 139-1 and particular comments relating the roads and wetlands.

Throughout this Draft Supplementary Environmental Impact Statement the applicant emphasizes how he has mitigated all the impacts of this proposal by comparing to previous submissions of 49, 81 or even larger lot counts. Those submissions could not

possibly have been built under today's water quality and quantity concerns and only wasted the applicant's time and money and the Town's as well. What we are looking at here is a proposal that must stand alone on its own merits; you cannot keep comparing to those previous proposals and say you have mitigated all the impacts. This proposal still has too many avoidable impacts on the developable areas. I truly believe the lot count must be further reduced to meet the requirements of Section 139 of the Town of Patterson code and the State Environmental Quality Review Act. This will result in a much more attractive proposal, commanding a premium price in a neighborhood that will welcome not continue to fight you

Wetland # 4. This wetland is designated as a "non regulated wetland." Its size is .03 acres. This small depressional wetland obviously supports amphibians. There also appears to be a very small wetland shown as a pink area that will be buried under the 1 Edie Keasbey 180 Couch Road Patterson, NY 12563 845-878-6169 . Members, proposed entrance road located in the shallow bedrock area. These two wetlands are all part of a wetland area containing wetlands 5 and 6. Obviously, all these wetlands are hydrologically connected therefore the destruction of the very small wetland and the severe disturbance of wetland 4 will have a major impact on the functions and values of the remaining wetlands. Why has the applicant provided an Amphibian Access Culvert? The answer is obvious, because these small wetlands provide ideal habitat for amphibians. This culvert will enable all the displaced amphibians left behind from those not killed, to cross under the road from their destroyed habitat - to what? They will be shunted to other disturbed areas of homes and septics. This is not habitat for amphibians. While the intent of the applicant to try to give what ever remaining amphibians are left shows they admit there are amphibians in these small wetlands, mitigation in the placement of the culvert does not provide for their lost breeding habitat. When mature amphibians return to their vernal pools and other small wetlands to lay their eggs in early spring they may journey upwards of 400 meters from the surrounding uplands. Amphibians require upwards of 400 meters to survive and this proposal has effectively destroyed a large portion of amphibian habitat of the area. One also asks how will the remaining amphibians use their culvert? Will someone stand out in the newly disturbed habitat directing traffic? I would like to suggest that if you are serious about this culvert you include a drift line fence approximately one foot high on either side of the culvert on both sides of the road. After all, the amphibians may wish to cross back and find another small wetland area - if one exists within 400 meters or so. The enhanced wetland number 5 buffer area will likely not replace the amphibian habitat destroyed, therefore, wetland 4 should be afforded more protection. The enhancements to the disturbed buffer area of wetland number 5, which is described as "an isolated forested/scrub-shrub with a vernal pool" should not be disturbed as it obviously supports amphibians. All through this document our wetland buffers are disturbed. What is the point of having them? To protect our wetlands. Also is stated "the area between the wetland buffer enhancement area and the proposed road will be left fallow for natural succession." Welcome to poison ivy, bittersweet, barberry, and phragmities. Perhaps this area needs some enhancement too. The blasting of the area of shallow bedrock and slopes of over 20% close by these two small wetlands needed to provide the entrance and a portion of the new road will also further disturb remaining amphibian habitats and surface and ground water flows. 2

Wetland # 3 and Bridge/McManus Road: The proposed area for the bridge will entail massive intrusion of a portion of wetland number 3, the buffer area and the regulated stream that flows through this wetland into Mr. Noblet's property. I see no consideration of what protection will be given to his pond and wetland areas that will severely impact the values of functions of this continuing wetland downstream on his property. Impacts do not stop at property lines. Because of the 20+% slopes at this bridge construction area blasting will be necessary. This suggests that this area is totally unsuited for a road crossing an important Federally and Town protected wetland and stream. Therefore if another less sensitive area cannot be found perhaps the lot counts and the road length should be lowered. Nor could I find any discussion on the construction and long time maintenance of the proposed new constructed wetland and

pond to be built as mitigation. Studies of these constructed wetlands have shown in most cases that no one takes care of them and whatever functions and values they may attain have little or no resemblance to those functions and values of the wetland areas that were destroyed. One only has to look at Patterson's A&P to see how our wetlands were trashed and the remediation and maintenance has not been accomplished over the years. The area is nothing to what the Town planned and required in the remediation plan. There should have been a complete plan in this DSEIS detailing planting, replacement of dead plants, years of maintenance, who is responsible for oversight and who will do the work required, and costs for the entire period involved, short term and long term. A schedule of time frames and reports of work accomplished must be submitted to the Town Engineer and ECI to properly monitor the constructed wetlands. All this should have been included in this document in order for the public to have more time to comment instead of waiting for the wetlands permitting process. Many years ago before this town gave up the Environmental Conservation Commission, the ECC gave to the Town Engineer, Ron Gainer, the details of a company that constructed arched bridges made to cross over wetlands and streams that avoided many of the impacts that this road crossing will create. I would ask the applicant to look into this idea because as I recall this might result in less damage to Town and Federally regulated wetlands.

Letter to Planning Board: 1/20/04: This letter from John Kellard on page two under "Bullet Hole Road Alternative" states; "Provides for an alternative alignment to Bullet Hole Road through the town-owned parcel." It is interesting to note how the town acquired this parcel. During a recent 3 meeting there was discussion of how the town came to own this parcel. It appears this parcel was originally owned by a school district and a one-room schoolhouse was situated there. After it was closed for lack of students the schoolhouse burned down. Subsequently there was confusion as to who owned the parcel. At a recent meeting Chairman Schech offered the fact that when he was an elected assessor many years ago he crossed out on the Assessor's card for this property the name of the former school district and replaced it with the "Town of Patterson." Chairman Schech stated this would simplify ownership. Has anyone searched the deeds to this parcel and is it legal for the town to sell this parcel to the applicant? For that matter is the town the legal owner? I also wonder if the applicant will pay or has already paid a fair price as determined by an outside appraiser. If the town has the legal right to sell this property I believe there must be a public hearing and the town must solicit bids. I remember when the town sold the original old town hall property in the hamlet this was the process the Town Board followed. I would like to see this issue clarified and the public shown all pertinent documents

The Open Space Development Law: I have spent a fair amount of time looking at the over all site plan. I have serious concerns that this "cluster subdivision" does not conform to the intent and spirit of the "Open Space Development Law." To paraphrase these intents the Town says this law "helps to harmonize new development with the traditional open, rural, wooded landscapes of the Town." It goes on to say that "to promote the most appropriate use of the land, to preserve as permanent open space agricultural land, important natural features, wildlife habitat, water resources, sensitive ecological systems, and scenic areas for the benefit of present and future residents." This proposed plan does not reflect the intent or spirit of what the Town is saying. This proposal still covers all the open agricultural areas, requires blasting of rock out croppings, and invades Town and Federally regulated wetlands and buffers while destroying sensitive amphibian habitat. Surely on 168 acres of property, the applicant can design a subdivision that reflects the protection of the open space agricultural land, protects our natural resources and does not destroy one of the very important view sheds in Patterson. Furthermore, under **Section 139-7. Design Requirements** the Town has listed 4 design requirements. Please notice the Town uses the word "requirements." Requirement A states that the "lots be grouped together in one or more areas, so that the remaining portions of the lot 4 may be maintained as common open space." Requirement 8 states that "environmentally sensitive areas, prime agricultural farm land, unique features, ridge lines, natural and scenic resources

shall be preserved to the maximum extent practicable." Among the requirements of C is stated that 'Where ever possible open space that is to be preserved under this Chapter should be configured so that a network of interconnected greenway is created." Requirement D states that "Open space that is to be preserved under this section shall be maintained in a natural state and shall not be used for common septic areas, drainage improvements or such other utility improvements as may be necessary for the development of the lots." No effort has been made to protect this beautiful scenic ridgeline and natural scenic resources. This proposal does conform to the "Design Requirements" on only one count. There are two groups of house lots; one group covers the majority of the open agricultural land and the other very small group covers the remaining agricultural area. Actually the first group is really not a "group" at all but a line of houses strung along in cookie cutter fashion on each side of a road passing through the middle of open field agricultural land. Thus we are still loosing all the open agricultural lands, parts of wetlands, important amphibian habitat, important view sheds, and areas labeled open space are being used for utilities, such as the water supply, and drainage improvements necessary to support this proposal. The "open space" areas do not form a greenway and fragment wildlife habitat providing no corridors as required by wildlife that allows them to move in their search for food, water, shelter and safe birthing areas. The result will be hungry deer devouring the plantings of future homeowners and fleeing in front of cars on roads unable to accommodate the increased traffic. There are no provisions for the protections of these "open spaces" from incursion by A TV's further disturbing whatever habitat is left for wildlife. The applicant counts as open space those areas designated Stormwater Treatment Areas and water supply areas. They are utilities. Also I noticed a long road labeled Stormwater Treatment Access Road; who owns and maintains this road, is it paved, and what's to prevent A TV's or even cars from using it? How are the wetland parcels to be protected from incursion from abutting landowners and other residents using A TV's? These recreation vehicles have become a serious problem all over this county. 80th adults and kids ride in reckless manner where ever they want with no courtesy to the landowners, the landscape, wetlands, steep slopes or habitats, and absolutely no respect for persons pursuing passive recreation activities.

Lots 4, 11, 12 and 13 Septics and Curtain Drains:
These lots all have septics that are situated a long distance from the house down a slope often of fifty or sixty feet. In the case of lots 11, 12 and 13 the septic areas protrude into open space parcel number nine. I question the feasibility of the septic for lot number 4 for the same reason. They remind me of hanging Chad's. I question why it is necessary for the septic on lot 37 to intrude on a wetland buffer area. During heavy spring rains and other heavy rain events how is the water from all the curtain drains in the high water table area be prevented from flooding and becoming streams? Overall this property is very steep and should there be permitted some development I suggest that a full time competent person to oversee the construction during the long construction period. This person, hired by the town but paid for by the builder would report to the Town Engineer and the ECI any problems that require the Town's attention. This Town does not need another Quaker Manor or A&P.
I believe this project must have further reduction of lots to attain the requirements of the Town's "Open Space Development Law" and the State Environmental Quality Review Act. The applicant will say, as he has said all along, that he must have so many lots to achieve his financial goals. This is his problem not the Town's problem. If he has misspent funds producing proposals that could not realistically conform to present day rules and regulations that is his problem, not the Town's. The applicant has created his own hardship and too many avoidable impacts remain to be mitigated.

Thank you for the opportunity to offer my comments to the Board. I know this Board is sick and tired of reviewing this project over a long period of years. However, that does not mean you rush to approve something just to get rid of it, as I have heard mentioned by some Planning Board members. Thank you. Respectfully submitted,Edie Keasbey.

Edie Keasbey stated I just want to add one thing because I notice our fine DEP gentleman is here tonight, there seems to be an inconsistency in this Town by DEP as regards to protecting buffers and allowing incursion on them. Recently, I was in the Planning Board office and I was reading over the minutes and there was some comments made by someone in the Planning Board office and basically what they are saying, Joe is that DEP will allow intrusion into buffers on certain projects and absolutely forbid them on other projects and I give you the example of Triple J as allowing incursions and the Equine Center as absolutely not allowing incursions. I urge the DEP to continue the policy of not allowing incursions into our wetland buffers. They are there for a reason. The State has buffers, the Town has buffers and I especially thank you for not allowing it on the Equine Center because it is right next to the Great Swamp but all our wetlands are important in this Town thank you.

The audience applauded.

Jill Eisenstein stated her name and that she lives at 428 Bullet Hole Road. I don't have as much to say but I do have a couple of things to say about the neighborhood as a neighbor to this project. I was there when the road that is there now was put in and the construction vehicles I counted because I work at home I counted forty a day on one day. Two of those vehicles almost ran me off the road because they are huge and they were going very fast. Bullet Hole Road is a very narrow and winding country road it cannot handle that kind of traffic or the kind of traffic that such a project is going to bring to it. I am concerned for the people that live on that road and that drive that road every day that somebody is going to die because it cannot handle this and there are rocks in some places the only place to go is into the rocks. I don't think that we can have two hundred more vehicles a day on that road. I just don't think it can handle it. I don't think that the construction vehicles should even be allowed on that road especially in the numbers that will be required for the next five to seven years. Also, I know that I have been at a number of these meetings where this has come up and the Developer and his cohorts have tried to make it sound like they are being very neighborly and very concerned about us but if that is true first of all why not address the things that have already been brought up tonight and also why did I get this letter when I wrote to Robert Bondi and asked him about buying the property. He wrote to me at the end of June, I am very serious about protecting Burdick Farms from excess development. I and County Personnel have invested a considerable amount of time trying to come up with a suitable plan that would be acceptable to the Developer at this time we have not heard back from the Burdick Farm's owner to our proposal to purchase at least part of the property and I know that Mr. Bondi, our County Executive did approach the Developer about purchasing part of the property which would solve a lot of these problems and further in the letter Mr. Bondi states he wants an exorbitant amount for this property because of what Edie said he has spent so much on it but again, that should not be our problem. I don't think that is being a good neighbor and I also think that if you are such a good neighbor you would take into account that a good neighbor takes into account the property rights of the other people around. I happen to live right below where some of those retention ponds will overflow. I was also there when that road went in and there was already a runoff problem. I drove around the corner of Ice Pond right after that road was put in and there was tremendous runoff. I skidded on ice that was caused from the road that already went in and I called the Town Supervisor and they put a drain quickly but nobody took any care to make sure that it did not happen before it happened and again, it is not showing that there is much concern about the neighbors or about the Town or about the road. I ask again why not talk to the County Executive about possibly purchasing some of this property to protect it.

The audience applauded.

Judy Kelly Molberg stated her name and she is at 637 Bullet Hole Road. I am actually concerned about the geology and water and not too much of it but too little of it. I live down below this project pretty close I

guess closer to 164 but I travel that road every day to work and every piece of property going up Bullet Hole Road to this project from the bottom, from 164 just about everyone has either a pond or a spring that comes and flows in the spring and you will notice there are culverts along the road or at each property that has a pond. A lot of the houses are old back to 1800 homes the 1800 period and I believe that when we start that the water that is flowing down to feed us and our wells all down that road and all those vernal pools not just the little one you are talking about but all of those springs and streams that run across that road feed vernal pools right in the edge of the Great Swamp every single one of them. I mean it is just nothing but water, water all down there all spring long and I am wondering what is going to happen when those homes start to pull from the top of the hill since all the geology the whole folds and cracks that your aqua-fir is running in runs right straight down hill. All you have to do is look at the rocks along the road you can see it. Everything goes down hill to us. When they start to begin to pull water for all those homes from the top that is where our water is coming from that is feeding the springs, our wells and the vernal pools all along Bullet Hole Road so I don't know besides monitoring the affect on the water flow down that entire side you will not just affecting one vernal pool on one piece but the entire roadway and all of our vernal pools and springs and our water and I wonder if there is anyway to require some monitoring of the wells and the water flow when this development goes in and they start to pull water for all those homes. So, I am concerned about water loss and the loss of enormous amount of vernal pool areas in the Great Swamp all along the road. My second issue was the road itself because my husband and I are out on it all the time as anybody that goes on Bullet Hole Road knows we maintain the bottom part of Bullet Hole Road and the traffic on that road, school buses and a car can't get by together and it really cannot take the traffic that it is really bearing almost now. I think the reason that we all want to be there is here is a lovely country road probably one of the most beautiful view sheds in the whole Town of Patterson outside of Cushman Road. When we did that Town survey, Rich did it that was listed so if we put this in they are going to turnaround and say we have to straighten the whole road out, change the whole system, change the rural

(TAPE ENDED)

Mrs. Molberg stated that is what gives the Town its character are roads like Bullet Hole Road and I honestly can't see how it can accommodate this kind of traffic without making major changes to the road itself and I have not seen any plans as to how the Town intends to deal with the road issue and also I would like our wells to be monitored along the bottom of Bullet Hole Road thank you.

Claire Pierson stated I am going to be brief because I know everybody is tired. I live at 1 McManus Road South. One of the first things that I wanted to touch on I wanted to echo the sentiments of the two women who just spoke for me about the traffic. My house is right on the corner of McManus Road South and Bullet Hole and the joke every year is the start of the winter occurs not with the first snow fall but with the first car that ends up in our yard. It is a very serious issue we shouldn't joke about it. We have had a number of young kids come around the turn very fast and have ended up in our yard and one of these days somebody is really going to get seriously hurt whether it be someone walking on the road which we all do or somebody driving. My husband and I walk on the road daily, Bullet Hole we moved to this area because we loved it, I grew up in Putnam County, I lived in Westchester for a year I despised it. I hate the over development. I could not take the traffic, I moved back to Putnam County to enjoy where I grew up where there was farm lands, open space and the traffic was not existent and unfortunately now it has become over developed as well but the road itself is a huge issue. Every time you try and walk on the road and enjoy the beautiful homes and scenery we are almost run off the road just about every day. It is kind of sad. There have been some times where we literally had to jump into the swamp on the side of the road or the woods to get away from cars. Our other issue would be of course where our house is located where you see I think it says Grainger is there over on McManus Road South, our yard as it is I also joke is the mini Great

Swamp. It is very wet. It is a huge problem with water in our yard in fact the previous owner spent thousands of dollars having curtain drains and making sure the property had some grass and wasn't just a swamp and just recently one of the Burdick's themselves stopped and joked with us and said that when it was a lot and they were clearing it that they had to push every rock they could find and anything they could get their hands on from the farm when they were clearing that push it into our property to make sure it would be developed to be able to put a house there. Had it been a house that you were building in this day and age this year it never would have passed DEP would have had a fit because it was nothing but a wetlands so we already have a huge issue with water. Our concern judging by some of the houses that are going to be proposed up here and where the septics are located and wells and erosion issues that everybody is discussing is that what is going to happen after all this building takes place when they start doing this and they start taking away this land how much worse is this water going to get in our yard. It is going to get ugly quite frankly and again, I would hate to see we have huge problems with the drainage and the water on Ice Pond and the site distance and everything else. I just really want everybody to take a serious look at this subdivision, try to reach an issue where it is much smaller than it is and really take a good hard look at the roads. You can't accommodate the cars. I don't care what you say with that many houses in there, with that many people it is not going to happen. When we had the Town of Carmel doing work on one of the roads down on Fair Street a lot of people discovered the cut through on Bullet Hole as a cut through to get to 311 and 22 and that alone showed us what could happen when people found out that Bullet Hole is a cut through. There was a lot of accidents. There was a lot of squealing tires and a lot of people running off the road then so with a subdivision in with that many people times two cars per household there is going to be a lot of traffic issues and there is going to be a lot of accidents so I really urge the Board to please take a serious look at this subdivision and please take a look at what everybody has brought up this evening and let's try to reach a better resolution to this thank you.

The audience applauded.

Chairman Schech asked is there anyone else. There were no more comments from the audience.

Chairman Schech asked for a motion.

Board Member Montesano made a motion to close the public hearing in the matter of Burdick Farms. Board Member DiSalvo seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 5 to 0.

Mr. Kellard thanked the Board.

The Board took a short recess to let the room clear out.

15) OTHER BUSINESS

Schoen Site Walk Comments

Mr. Randy Neubauer and Mr. Suozzi, Applicant were present.

Chairman Schech asked gentlemen did we all look at the trees.

Board Member DiSalvo stated you can't even see the sign there anymore the grass is so high there.

Board Member Rogan stated I take it you received the site walk comments.

The Secretary stated I was able to sneak them to him during the meeting.

Board Member Rogan asked and you were able to address one of the issues.

Mr. Neubauer replied well I guess I just got them tonight I apologize we were not able to really address that so we will be brief in light of this evening. Has everybody received the plantings sketch that was submitted. We appreciate if you were not able to look at it because it was just given the beginning of this week. It was based on our discussion of the last meeting and our understanding the view shed of the wall and the plantings that is not being provided because the wall is different from the approved site plan. The approved site plan called for 32, two and a half foot burning bushes, deciduous shrubs probably no more than $600.00 the cost just to buy the materials, understanding that the goal there was to break up that wall and we have a wall that is not broken up. At the same time I think many of you have stated that you can't even see the sign right now from the vegetation growing in the D.O. T. right of way. That vegetation is probably three or four feet high maybe some of it a little bit more. There are six evergreen trees which provide screening throughout the area which are proposed at a six foot minimum along that side so you would have some screening from these trees from the very get go more than even the vegetation you see now which is blocking a lot of the view of the wall heading northbound as you are coming down the hill. Now, closer to the rounded edge of the wall we have got a back row and a front row of again evergreen trees. The back row being ten to twelve foot tall trees and the wall there is about ten and a half to maybe eleven and a half feet of exposed wall so we have six trees which are already about the height of the wall and then in front of it a row of six to eight foot trees which in a short period of time will probably block almost all of the wall so as opposed to the original design intent of the approved plans which was to provide some screening and breaking up of that wall this evergreen planting will be more screening over the long term because of these trees being located in an area that are not going to be subject to tremendous drought like the tier along that wall that was not irrigated or anything so those eywanumus shrubs would be subject to very dry conditions throughout the year and throughout the summer especially. The idea was to provide some evergreen vegetated screening based on your comments from the last meeting. We appreciate you taking time to talk to us about this. It would break up the view of this wall so no longer heading southbound looking right at the property here you are going to be looking at this ten foot well actually from the angle of the road you are only going to see about nine feet. You can actually make out the tiers where it breaks there are three foot sections you can make out one, two, three and you really can't see the bottom tier so it is really about nine feet that you see at the wall. That was the idea of this sketch before we received your comment letter. The cost of these trees especially with the larger trees and not taking into account installation and access considerations is probably about $3,000.00 just for the plants alone so I think we are trying to achieve some good screening early on.

Board Member Rogan asked now that you have had a chance while you were waiting patiently to read the field walk comments any response to those comments. We appreciate your input on this sketch. I like the idea of the larger caliper trees the ten to twelve foot in that area but I will tell you the truth I would still love to see something planted just along the top of that wall cascading down given that I would probably would give up on the center planting.

Mr. Neubauer replied that is probably possible to do something like an evergreen vine like ivy which is sort of a pentagon shaped leaf ivy that you see growing up sides of buildings.

Chairman Schech stated it goes down also.

Mr. Neubauer stated right absolutely but taking into account there is going to be some challenge to that because these blocks are three and a half feet deep.

Board Member Rogan replied right I understand. Those will have to go three and a half feet before they even cascade.

Mr. Neubauer stated the vine on them they are usually no more than the large ones are this size there is going to be some initial, Board Member Rogan stated and probably some training because they are going to want to grow towards the parking lot as well and up the eight by eights.

Board Member Pierro stated I don't want to tell you your business but if you seek if you look you can find people who are willing to give you that stuff.

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

Board Member Pierro stated I agree with Shawn I would be happy with the top row and some attempt to do something.

Mr. Neubauer stated you are saying where the guard rail is basically.

Board Member Rogan stated right.

Chairman Schech stated and have something go over the side plus the trees and maintenance you need maintenance. If you are trying to market this place it has to look like something. It looked like hell when we were there.

Mr. Suozzi asked what.

Chairman Schech replied the outside.

Board Member Pierro stated it is getting there.

Mr. Suozzi stated it just was planted.

Chairman Schech stated planted it is over grown. The weeds and the hay bales. You can't tell the difference between the hay bales and lawn.

Mr. Neubauer stated I think you are absolutely right but what the challenge here is you have to remember that is the property line and most of I think the over grown vegetation besides some of the things directly around the building things like that they are not even allowed to trim. That is where the phragmites and things growing up through the riprap slope that is in the State right of way that they can't touch.

Chairman Schech stated you can maintain the State right of way. They will kiss your tucus for cutting the grass they don't have to cut it then.

Mr. Neubauer stated I think based on what happened initially with this project the Applicant is trying to be very careful not to do anymore cutting of any type since the initial.

Gene Richards asked Randy, this is the first that I am seeing this sketch as well, from what I can tell the proposal is to plant trees on top of the berm. The berm is at elevation 542 and that berm was probably put into the design originally for pond maintenance a way to get to the pond for any kind of maintenance and many of those trees are going right on top of that berm and then there is even other trees it is tough to tell from the sketch but they look like they are within the pond itself where you have got those ten, twelve foot trees.

Mr. Neubauer stated the very first one is actually in on the 540 contour so yes it is about two feet into the pond.

Gene Richards stated it looks like the first two maybe three trees.

Board Member Rogan asked so this contour don't reflect the current conditions.

Gene Richards stated the 542 contour, Mr. Neubauer stated no I believe they do if I am trying to understand what he is saying and the access to the pond is down around the south side and then you would go through the bottom of the pond to work so then I think you would work from the farthest point if you need to take out any sediments from the farthest point and then work your way out because actually it is very narrow along the top of that berm especially the way it is graded along

the wall here.

Gene Richards stated the berm should be ten foot wide.

Mr. Neubauer stated yes in this area but where the berm ends here it is nothing but slide slope down so in other words if I am understanding you correctly your concern would be that the berm is providing access way but I am not sure exactly I understand what you are saying you would excavate from that berm out into something. They can't get a truck down there. Whatever they do they are going to have to do a scoop at a time or by hand.

Gene Richards stated this project went through such an evolution I don't remember what the original design was anymore.

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

Mr. Neubauer stated I think the Applicant was willing to take the risk of that tree not surviving, water levels really probably won't be at that 540 contour all that often.

Gene Richards stated I would have to take a look at the stormwater.

Mr. Neubauer stated I think the Applicant is willing to take the risk of that tree suffering versus getting the initial screening until the rest of the smaller trees in the front are able to catch up.

Gene Richards stated it is just not a good idea generally to have trees within the pond. I am not trying to kill the landscape design.

Mr. Suozzi stated we could probably move that tree to on the first flat area.

Gene Richards stated one certainly maybe two.

Mr. Neubauer stated we could take those first two and swing them right along the top of the berm.

Board Member Rogan stated and push them out. So, my question earlier was going to be what made you choose all White Pines.

Mr. Neubauer replied simplicity I was thinking about that more talking to the Applicant I think it provides a nice combination these are not White Pines, White Spruce.

Board Member Rogan stated it says White Pine.

Mr. Neubauer stated my error I apologize White Spruce is the intention. The Applicant does not like White Pines and the affect that they have. The White Spruce is much more uniform and gives you good screening on the overall long term it is a nice tree but we could certainly probably mix in some.

Board Member Rogan stated I am only asking because I saw White Pine.

Mr. Neubauer asked so do we want to come up with a number or do you want us to do another sketch just showing a quantity of planting.

Chairman Schech stated on the top.

Board Member Rogan stated and the ivy is cheap.

Mr. Suozzi asked do we have to come back to the Board for this.

Mr. Neubauer stated is it something we can just do.

Mr. Suozzi asked or Rich Williams's office or.

Board Member Rogan stated I would be comfortable with it as long as someone else is checking it.

Chairman Schech stated run it past Rich.

Rich Williams asked so the direction of the Board just so we have it clear is he is going to plant the trees shown with a couple of exceptions that are in the pond coming out and then he is going to come up with a suitable plant that is going to go on top of the wall and cascade over, we are looking at a vine.

Mr. Neubauer asked when you see on top of the wall, Board Member Rogan stated in the soil.

Rich Williams asked are we talking about a vine or a shrub.

Chairman Schech stated a vine.

Mr. Neubauer stated a vine that is going to hang down a semi-evergreen vine.

Mr. Neubauer asked is there a limit along this wall, I am sorry not to drag this out sort of just the real steep exposed area.

Board Member Rogan stated I would honestly do the whole thing.

Chairman Schech stated to make it look half way decent I would do the whole thing. They fill in and spread very fast.

Board Member Rogan stated remember also some of your view heading south you had talked about nine feet but that is also because you have four foot of weed growth.

Mr. Neubauer stated again we have the evergreens and that is going to help tremendously.

Board Member Rogan thanked them for their patience tonight.

Mr. Neubauer and Mr. Suozzi thanked the Board.

Field & Forest Site Walk Comments

Rich Williams stated I provided site walk comments from the Board recognizing Shawn went out separately with myself last weekend and I didn't put any comments in there.

Board Member Rogan stated Rich and I when we walked the property line between the preserve property, is it Clout property it is a ridge line. They are proposing it for septic I imagine they have to work with the area that is useable I mean the grade was probably okay for septic but I was just thinking in terms of they would have to clear right to the property line on that something the Board should be aware of. Also I was wondering in this case I would like to know at some point from the Applicant whether or not they are going to have to clear the expansion area. Rich and I had a difference of opinions on this but I believe that the expansion area does not have to be cleared if there is no fill proposed. It may be different for commercial. If it does not need to be then I think that is great because I would prefer not to see it cleared. It is all the way down on the other side,

Board Member Pierro stated they made Bruce Major clear that for the house.

Rich Williams stated I thought you did but Shawn brought up a point maybe it is only, Board Member Rogan stated it is only when there is fill proposed because they want the entire fill pad placed and on very difficult lots we even had them put the septic system in even though it is not connected so it is done.

Board Member Pierro stated Rich there were some serious issues going on there and I don't know if it is this Board's purview to forward our site walk comments to Paul.

The Secretary stated he does get them

Rich Williams replied we do.

Board Member Pierro stated there were some issues that needed serious attention.

Rich Williams stated and I did bring it to his attention about the decks and he said he was aware of issues out there.

Board Member Pierro stated because we saw it and now it is in a document and if something happens out there. He had a two tier deck with three or four cement blocks stacked up holding it up. At any one time heavy enough weight will crush it.

Thunder Ridge Wetlands Permit

Rich Williams stated the issue with Thunder Ridge their wetlands permit that was granted a year ago this time is now expiring he hasn't gotten an opportunity to clean out the pond and he has requested that it be extended for an additional year.

Board Member Montesano asked we can extend it for a year but did I read in that letter from the State that they gave him until September 30th of this year.

Rich Williams replied I don't recall it could be.

Board Member Montesano stated so if they are going to extend it to September 30th from the State why are we going to give him another whole year.

Rich Williams replied you don't have to give him another year.

Board Member Rogan stated let's give him until October 1st and if they extend it from the State then they can come back in. I think that is prudent I didn't see it.

Rich Williams stated I was just saying the Code says only a year.

Board Member Pierro made a motion in the matter of Thunder Ridge Wetlands Permit that the Planning Board extends the wetlands permit until October 1, 2004. Board Member Rogan seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 5 to 0.

Watchtower Lot Line Adjustment Extension

Board Member Pierro made a motion in the matter of Watchtower Lot Line Adjustment, Big Elm Road that the Planning Board grants a 90 day extension. Board Member Montesano seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 5 to 0.

16) MINUTES

The Secretary stated I will correct the July minutes where I had Randy Neubauer with Insite.

Board Member Rogan made a motion to approve the minutes of June 3, 2004 and June 24, 2004. Board Member Pierro seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 5 to 0.

Board Member Rogan made a motion to approve the July 22, 2004 minutes. Board Member Pierro seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 4 to 1 abstention.

Board Member Rogan made a motion to adjourn the meeting. Board Member Pierro seconded the motion. All in favor and meeting adjourned at 10:53 p.m.

Edie Keasbey
180 Couch Road
Patterson, NY 12563
845-878-6169

Received at 8/5/04 PB Mtg MAB

August 5, 2004

Mr. Herb Schech, Chair
Patterson Planning Board
Town Hall
Patterson, NY 12563

Re: Burdick Farms Subdivision:

Dear Mr. Schech and Planning Board Members,

Thank you for extending the public hearing on the above application. I am assuming the deadline for submitting written comments is still August 20th.

My comments will be more general in content relating to the Open Space Law Section 139-1 and particular comments relating the roads and wetlands.

Throughout this Draft Supplementary Environmental Impact Statement the applicant emphasizes how he has mitigated all the impacts of this proposal by comparing to previous submissions of 49, 81 or even larger lot counts. Those submissions could not possibly have been built under today's water quality and quantity concerns and only wasted the applicant's time and money and the Town's as well. What we are looking at here is a proposal that must stand alone on its own merits; you cannot keep comparing to those previous proposals and say you have mitigated all the impacts. This proposal still has too many avoidable impacts on the developable areas. I truly believe the lot count must be further reduced to meet the requirements of Section 139 of the Town of Patterson code and the State Environmental Quality Review Act. This will result in a much more attractive proposal, commanding a premium price in a neighborhood that will welcome not continue to fight you

Wetland # 4. This wetland is designated as a "non regulated wetland." Its size is .03 acres. This small depressional wetland obviously supports amphibians. There also appears to be a very small wetland shown as a pink area that will be buried under the

proposed entrance road located in the shallow bedrock area. These two wetlands are all part of a wetland area containing wetlands 5 and 6. Obviously, all these wetlands are hydrologically connected therefore the destruction of the very small wetland and the severe disturbance of wetland 4 will have a major impact on the functions and values of the remaining wetlands. Why has the applicant provided an Amphibian Access Culvert? The answer is obvious, because these small wetlands provide ideal habitat for amphibians. This culvert will enable all the displaced amphibians left behind from those not killed, to cross under the road from their destroyed habitat - to what? They will be shunted to other disturbed areas of homes and septics. This is not habitat for amphibians. While the intent of the applicant to try to give what ever remaining amphibians are left shows they admit there are amphibians in these small wetlands, mitigation in the placement of the culvert does not provide for their lost breeding habitat. When mature amphibians return to their vernal pools and other small wetlands to lay their eggs in early spring they may journey upwards of 400 meters from the surrounding uplands. Amphibians require upwards of 400 meters to survive and this proposal has effectively destroyed a large portion of amphibian habitat of the area. One also asks how will the remaining amphibians use their culvert? Will someone stand out in the newly disturbed habitat directing traffic? I would like to suggest that if you are serious about this culvert you include a drift line fence approximately one foot high on either side of the culvert on both sides of the road. After all, the amphibians may wish to cross back and find another small wetland area - if one exists within 400 meters or so. The enhanced wetland number 5 buffer area will likely not replace the amphibian habitat destroyed, therefore, wetland 4 should be afforded more protection. The enhancements to the disturbed buffer area of wetland number 5, which is described as "an isolated forested/scrub-shrub with a vernal pool" should not be disturbed as it obviously supports amphibians. All through this document our wetland buffers are disturbed. What is the point of having them? To protect our wetlands. Also is stated "the area between the wetland buffer enhancement area and the proposed road will be left fallow for natural succession." Welcome to poison ivy, bittersweet, barberry, and phragmities. Perhaps this area needs some enhancement too. The blasting of the area of shallow bedrock and slopes of over 20% close by these two small wetlands needed to provide the entrance and a portion of the new road will also further disturb remaining amphibian habitats and surface and ground water flows.

Wetland # 3 and Bridge/McManus Road: The proposed area for the bridge will entail massive intrusion of a portion of wetland number 3, the buffer area and the regulated stream that flows through this wetland into Mr. Noblet's property. I see no consideration of what protection will be given to his pond and wetland areas that will severely impact the values of functions of this continuing wetland downstream on his property. Impacts do not stop at property lines. Because of the 20+% slopes at this bridge construction area blasting will be necessary. This suggests that this area is totally unsuited for a road crossing an important Federally and Town protected wetland and stream. Therefore if another less sensitive area cannot be found perhaps the lot counts and the road length should be lowered. Nor could I find any discussion on the construction and long time maintenance of the proposed new constructed wetland and pond to be built as mitigation. Studies of these constructed wetlands have shown in most cases that no one takes care of them and whatever functions and values they may attain have little or no resemblance to those functions and values of the wetland areas that were destroyed. One only has to look at Patterson's A&P to see how our wetlands were trashed and the remediation and maintenance has not been accomplished over the years. The area is nothing to what the Town planned and required in the remediation plan. There should have been a complete plan in this DSEIS detailing planting, replacement of dead plants, years of maintenance, who is responsible for oversight and who will do the work required, and costs for the entire period involved, short term and long term. A schedule of time frames and reports of work accomplished must be submitted to the Town Engineer and ECI to properly monitor the constructed wetlands. All this should have been included in this document in order for the public to have more time to comment instead of waiting for the wetlands permitting process. Many years ago before this town gave up the Environmental Conservation Commission, the ECC gave to the Town Engineer, Ron Gainer, the details of a company that constructed arched bridges made to cross over wetlands and streams that avoided many of the impacts that this road crossing will create. I would ask the applicant to look into this idea because as I recall this might result in less damage to Town and Federally regulated wetlands.

Letter to Planning Board: 1/20/04:

This letter from John Kellard on page two under "Bullet Hole Road Alternative" states; "Provides for an alternative alignment to Bullet Hole Road through the town-owned parcel." It is interesting to note how the town acquired this parcel. During a recent

meeting there was discussion of how the town came to own this parcel. It appears this parcel was originally owned by a school district and a one-room schoolhouse was situated there. After it was closed for lack of students the schoolhouse burned down. Subsequently there was confusion as to who owned the parcel. At a recent meeting Chairman Schech offered the fact that when he was an elected assessor many years ago he crossed out on the Assessor's card for this property the name of the former school district and replaced it with the "Town of Patterson." Chairman Schech stated this would simplify ownership. Has anyone searched the deeds to this parcel and is it legal for the town to sell this parcel to the applicant? For that matter is the town the legal owner? I also wonder if the applicant will pay or has already paid a fair price as determined by an outside appraiser. If the town has the legal right to sell this property I believe there must be a public hearing and the town must solicit bids. I remember when the town sold the original old town hall property in the hamlet this was the process the Town Board followed. I would like to see this issue clarified and the public shown all pertinent documents

The Open Space Development Law:

I have spent a fair amount of time looking at the over all site plan. I have serious concerns that this "cluster subdivision" does not conform to the intent and spirit of the "Open Space Development Law." To paraphrase these intents the Town says this law "helps to harmonize new development with the traditional open, rural, wooded landscapes of the Town." It goes on to say that "to promote the most appropriate use of the land, to preserve as permanent open space agricultural land, important natural features, wildlife habitat, water resources, sensitive ecological systems, and scenic areas for the benefit of present and future residents." This proposed plan does not reflect the intent or spirit of what the Town is saying. This proposal still covers all the open agricultural areas, requires blasting of rock out croppings, and invades Town and Federally regulated wetlands and buffers while destroying sensitive amphibian habitat. Surely on 168 acres of property, the applicant can design a subdivision that reflects the protection of the open space agricultural land, protects our natural resources and does not destroy one of the very important view sheds in Patterson. Furthermore, under **Section 139-7. Design Requirements** the Town has listed 4 design requirements. Please notice the Town uses the word "requirements." Requirement A states that the "lots be grouped together in one or more areas, so that the remaining portions of the lot

may be maintained as common open space." Requirement B states that "environmentally sensitive areas, prime agricultural farm land, unique features, ridge lines, natural and scenic resources shall be preserved to the maximum extent practicable." Among the requirements of C is stated that "Where ever possible open space that is to be preserved under this Chapter should be configured so that a network of interconnected greenway is created." Requirement D states that "Open space that is to be preserved under this section shall be maintained in a natural state and shall not be used for common septic areas, drainage improvements or such other utility improvements as may be necessary for the development of the lots." No effort has been made to protect this beautiful scenic ridgeline and natural scenic resources. This proposal does conform to the "Design Requirements" on only one count. There are two groups of house lots; one group covers the majority of the open agricultural land and the other very small group covers the remaining agricultural area. Actually the first group is really not a "group" at all but a line of houses strung along in cookie cutter fashion on each side of a road passing through the middle of open field agricultural land. Thus we are still loosing all the open agricultural lands, parts of wetlands, important amphibian habitat, important view sheds, and areas labeled open space are being used for utilities, such as the water supply, and drainage improvements necessary to support this proposal. The "open space" areas do not form a greenway and fragment wildlife habitat providing no corridors as required by wildlife that allows them to move in their search for food, water, shelter and safe birthing areas. The result will be hungry deer devouring the plantings of future homeowners and fleeing in front of cars on roads unable to accommodate the increased traffic. There are no provisions for the protections of these "open spaces" from incursion by ATV's further disturbing whatever habitat is left for wildlife. The applicant counts as open space those areas designated Stormwater Treatment Areas and water supply areas. They are utilities. Also I noticed a long road labeled Stormwater Treatment Access Road; who owns and maintains this road, is it paved, and what's to prevent ATV's or even cars from using it? How are the wetland parcels to be protected from incursion from abutting landowners and other residents using ATV's? These recreation vehicles have become a serious problem all over this county. Both adults and kids ride in reckless manner where ever they want with no courtesy to the landowners, the landscape, wetlands, steep slopes or habitats, and absolutely no respect for persons pursuing passive recreation activities.

Lots 4, 11,12 and 13 Septics and Curtain Drains:

These lots all have septics that are situated a long distance from the house down a slope often of fifty or sixty feet. In the case of lots 11, 12 and 13 the septic areas protrude into open space parcel number nine. I question the feasibility of the septic for lot number 4 for the same reason. They remind me of hanging Chad's. I question why it is necessary for the septic on lot 37 to intrude on a wetland buffer area. During heavy spring rains and other heavy rain events how is the water from all the curtain drains in the high water table area be prevented from flooding and becoming streams? Overall this property is very steep and should there be permitted some development I suggest that a full time competent person to oversee the construction during the long construction period. This person, hired by the town but paid for by the builder would report to the Town Engineer and the ECI any problems that require the Town's attention. This Town does not need another Quaker Manor or A&P.

I believe this project must have further reduction of lots to attain the requirements of the Town's "Open Space Development Law" and the State Environmental Quality Review Act. The applicant will say, as he has said all along, that he must have so many lots to achieve his financial goals. This is his problem not the Town's problem. If he has misspent funds producing proposals that could not realistically conform to present day rules and regulations that is his problem, not the Town's. The applicant has created his own hardship and too many avoidable impacts remain to be mitigated.

Thank you for the opportunity to offer my comments to the Board. I know this Board is sick and tired of reviewing this project over a long period of years. However, that does not mean you rush to approve something just to get rid of it, as I have heard mentioned by some Planning Board members. Thank you.

Respectfully submitted,

Edie Keasbey

Edie Keasbey