

TOWN OF PATTERSON
PLANNING BOARD MEETING
August 25, 2005 WORK SESSION
AGENDA & MINUTES

- | | |
|--|--------------|
| 1) Dingee Wetlands Watercourse Permit | Page 1 – 3 |
| 2) Tronconi Wetlands Watercourse Permit | Page 3 – 6 |
| 3) Frantell Site Plan | Page 6 – 7 |
| 4) Putnam County National Bank Site Plan | Page 7 – 8 |
| 5) Couch Road Subdivision | Page 8 |
| 6) Kessman Brothers Subdivision | Page 9 |
| 7) Regan/Allstate Sign Application | Page 9 |
| 8) Costa’s Bar & Grill Sign Application | Page 10 – 11 |
| 9) Wyndham Homes Lot 28 Wetlands Permit | Page 12 – 13 |
| 10) Donald King Wetland Watercourse Permit | Page 13 – 14 |
| 11) Patterson Garden Center Site Plan | Page 15 – 16 |
| 12) Burdick Farms Subdivision | Page 16 |
| 13) Eurostyle Marble & Tile Site Plan | Page 16 – 17 |
| Front Street Bodega – Discussion | Page 17 – 19 |
| 14) Cirpriano Site Plan | Page 19 – 20 |
| 15) Forest View Apartments Site Plan | Page 20 – 21 |
| 16) Budakowski Subdivision | Page 21 - 22 |
| 17) Patterson Outdoor Storage Site Plan | Page 22 – 23 |
| 18) Other Business | |
| a. T & T Associates Site Plan | Page 23 - 24 |

Planning Board
August 25, 2005 Work Session Meeting Minutes

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

Present were: Chairman Herb Schech, Board Member Dave Pierro, Board Member Shawn Rogan, Board Member Maria Di Salvo, Rich Williams, Town Planner, and Kozlowski, ECI was present.

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

There were approximately 5 audience members.

Rich Williams took the seat of the Secretary in her absence.

1) DINGEE WETLANDS WATERCOURSE PERMIT

Chairman Schech stated we all went out there and we looked at your pool location.

Ted Kozlowski asked my pool location.

Chairman Schech replied well it is the same pool you got right. What are you doing selling these things now.

Ted Kozlowski stated I should get a commission you know how many people I sent to Florida North.

Chairman Schech stated we have the wetlands watercourse permit public hearing.

Rich Williams stated Mrs. Dingee has been in, she has gotten a copy of the permit and she is aware that she has got to send out notice. We should be squared away with it.

Board Member Rogan stated from what I remember the only thing that we had spoken about in terms of them doing in addition to obviously making sure we have erosion controls in place is maybe a permanent demarcation of that wetland line because of the other activities that are going on into that wetland.

Ted Kozlowski stated when I went out there just so you guys know I met with them back in July.

Ted Kozlowski stated you all have been to the site so you know that basically it is a house that intruded already into the wetland buffer. When I went to look at the wetland itself I noticed that I guess the father, I am assuming the father, built a clubhouse there, which is right on top of the wetland. I told him at the time it was innocent enough, it is a kid's clubhouse I said you really can't do this sort of stuff here. I explained the wetland code and the whole thing to them. They seemed to be a nice couple. They want to put a pool in and I don't personally have a problem with them putting a pool in the lawn area. I mean it is all disturbed as it is. It is lawn but I had suggested to them that the demarcation line would be the forest edge. That is it. I told them that I would not,

Board Member Rogan stated that forest edge is moving back based on the paint on the trees because there is a number of those trees that are right on the edge that are painted to come out.

Ted Kozlowski stated oh, really.

Board Member Rogan stated you should have that conversation there was at least four or five that were marked.

Ted Kozlowski stated the only tree that I talked about was there is one sort of in the grass that was to come out.

Board Member Rogan stated they were marked to come out.

Rich Williams stated you better go take another look.

Ted Kozlowski stated see this is where we,

Board Member Rogan stated because they are going to be moving that vegetated line back a ways.

Board Member Pierro stated he was (hard to hear) for a retaining wall to change the elevation of the fill.

Ted Kozlowski stated that I did not know about either.

Board Member Pierro stated it is on the lawn area.

Board Member Rogan stated he started digging it, he put up a sign that said to Planning Board here is where I started hand digging the trench and it was just like this at the time.

Board Member Pierro stated because he is going to raise the elevation and he needed something to hold back the soil.

Board Member Rogan asked is this an above ground pool.

Ted Kozlowski replied no.

Rich Williams stated he is not sure what he is doing at this point. They were having some issues and they weren't sure if they were going to go above ground but basically the disturbance is the same.

Chairman Schech asked all right so you are going to take a look at it.

Ted Kozlowski replied yes.

Board Member Rogan stated disturbance if you were putting in an above ground you would just be cutting into the high side to make a flat area. Putting an in-ground you have, (too many speaking at the same time unable to transcribe).

Discussion ensued regarding Superior Wall foundations.

2) **TRONCONI WETLANDS WATERCOURSE PERMIT**

Rich Williams stated this is the small house out in Putnam Lake that they want to tear down and rebuild and at the last meeting we talked to him about not having any detail about how he was going to accomplish that. He had said that he was going to come in and at that time I was going to make sure that he had to provide public notice and everything. I have not seen him, I have not heard a word from him.

Board Member Rogan stated the public notice was in the paper, the little paper about the public hearing.

Rich Williams stated right we advertised that but he is required by our Code to provide certified mail to all the people around there.

Board Member Rogan stated and without that we don't even have the public hearing right.

Rich Williams replied right.

Chairman Schech stated probably his contractor ran.

Board Member DiSalvo stated it is what is his name, Gagliardo.

Rich Williams stated Jimmy would not have run.

Ted Kozlowski asked have you guys been to this site.

The Board replied yes.

Ted Kozlowski stated I looked at it with Richie the other day it is another Ant Roc.

Chairman Schech stated I would love to get involved with it because you do it all by hand, you salvage, did you see the chimney. How could you have a three story chimney that is not falling one way or the other so the foundation has got to be good so you use the foundation that is there.

Ted Kozlowski stated Herb, all I know is the stream can't get any closer without being in it. I just, experience tells me,

Board Member DiSalvo stated he said he is going to make it smaller.

Board Member Pierro stated the plan is to make the footprint smaller.

Ted Kozlowski stated I am sorry,

Board Member Rogan stated he seemed amenable to the idea if we could use the old foundation, Chairman Schech stated if he uses the old foundation, gets rid of the extension that is put on there he can do it but it is going to be costly. I don't see putting that kind of money into a house.

Ted Kozlowski stated I want to know how is he going to do this without going into the stream.

Board Member Rogan stated he said by hand.

Rich Williams stated that is the detail that he was supposed to come in and provide and he hasn't.

Chairman Schech stated there is not much there.

Board Member Rogan asked let me ask you a question if we had the opportunity to use parts of the old foundation would we rather get away from the stream or would we rather stay in the same spot with the stream and get more area for septic.

Chairman Schech stated just build on where you are at.

Ted Kozlowski stated I don't think he can do anything Shawn.

Chairman Schech stated he does not have that much room.

Ted Kozlowski stated he doesn't have any room.

Board Member Pierro stated he doesn't have a setback. It is close to the property line.

Ted Kozlowski stated I think that is as big, I mean that house is probably too big for the lot.

Rich Williams stated without an engineering evaluation of the foundation you can't tell whether he can shift it one way or the other.

Ted Kozlowski stated the thing that scares me,

Board Member Pierro stated I don't even know that they can do an evaluation on that unless they opened up the house and pull the boards out.

Board Member Rogan stated they wouldn't even do that until the house was down.

Ted Kozlowski stated the thing that scares me the most is here is the house, if this is the front if you are standing and you are looking at the front of the house, the stream obviously comes in front of the house and makes a right hand turn right at the corner of the house. It is obviously eating away everything there. Streams don't naturally make right hand turns so it was obviously moved at some point years ago whatever so this flow is only going to increase over time.

Rich Williams stated I don't necessarily agree with that. Streams do sometimes make right hand turns.

Ted Kozlowski stated they make right hand turns if somebody causes it to make right hand turns.

Rich Williams stated they do have an issue with stream bank erosion where they are doing that. They will follow softer soils which is how they make bends which ends up I mean you get out in the mid-west you get (too many talking at the same time unable to transcribe).

Ted Kozlowski stated Rich we are not talking about the mid-west we are talking about Putnam Lake where anything goes.

Rich Williams stated I understand.

Rich Williams stated we did look at it there is some erosion on the stream bank. If it wasn't for the tree that is there the stream bank would have been eaten right away, right here.

Chairman Schech stated if you really want to see a good example of that go to Towners Road to the West Branch, look over where the bridge is, and look over the edge. Where the erosion is, it the way it was because when that guy started building those houses that river was not where it is now.

Ted Kozlowski stated so I just advise that we approach this with caution. It is right next door to Ant Roc.

Board Member Pierro stated and I understand that there is some litigation going on in those neighborhoods. Somebody filed an action about the big house that was the garage.

Rich Williams asked the garage.

Board Member Pierro replied yes.

Rich Williams stated no there is no more litigation.

Board Member Pierro stated my concern is where the stream bank is eroding on that corner is that in the area where that wooden cover is, that wooden bridge is.

Ted Kozlowski stated no. This is the house Dave, here is that crossing then there is a smaller footbridge in front of the house, this is all the way to the other side to the right hand corner of the house.

Board Member Pierro stated that would be the only area and I brought up the suggestion of possibly plating it and covering it. Rich is concerned about removing the,

Ted Kozlowski stated you can plate where that bridge is now just put a metal plate over that so a vehicle can cross, a dump truck,

Chairman Schech stated he says he can get a car across that now he has been doing it.

Ted Kozlowski asked yes but Herb, wouldn't you think the difference between a car and maybe a dump truck going in,

Chairman Schech stated you get a what do you call it,

Board Member DiSalvo stated a Bobcat.

Chairman Schech stated a skid steer to run across it.

Rich Williams stated here is the reality here and this is the thing that concerns me, Jimmy Gagliardo is likely to take an excavator with a claw on it and just reach right over the stream and take it out and you can get close enough to the stream and reach over.

Ted Kozlowski stated that is why I think we need a demolishing sequence plan.

Rich Williams stated and the problem is as he is pulling it across the stream he is dropping all sorts of stuff down there.

Ted Kozlowski stated so the wetland permit has got to dictate how this house is going to be taken down.

Rich Williams stated that is why we said you have to come in (too many talking at the same time unable to transcribe).

3) **FRANTELL SITE PLAN**

Rich Williams stated Frantell; I have not had a chance to look at it. Gene has and you have got a memo from Gene including,

Board Member Pierro asked is the watercourse permit complete.

Ted Kozlowski replied one key missing thing I didn't get it maybe Rich you got it and I didn't get yet but there is no planting plan for the detention basins.

Rich Williams stated I have not had a chance to look at the latest submission.

Ted Kozlowski stated I have looked at it and like I said before I think, personally I think that Mr. Pescatore has reduced the size of the building; he is out of the wetland so I think it is time to work with him on this. The one key ingredient to this wetlands permit is that they show detention basins and there is details to the outlets and inlets and the construction of it but there is no details of the planting plan.

Rich Williams stated I just want to remind you that when we plant for stormwater basins, we plant for stormwater and pollutant removal and not as mitigation to a wetland disturbance. If we are going to do a wetland disturbance, we should be talking about something, if we are going to do wetlands mitigation we should be talking about,

Ted Kozlowski stated fine but the detention basins are within the buffer area and I would like to see what the planting plan is.

Rich Williams replied you are absolutely right.

Ted Kozlowski stated so I don't think that is difficult stuff, I don't think it really should hold them up and I will call Theresa tomorrow to ask her about it.

Rich Williams stated Theresa is on vacation talk to Scott.

Board Member Rogan asked after we do the public hearing are we waiting for the planting, the mitigated planting for the stormwater before doing a neg dec on this.

Rich Williams replied I wouldn't say you need to wait. We have a vague idea of what it is going to look like already. We have had a lot of interaction with Insite.

4) PUTNAM COUNTY NATIONAL BANK SITE PLAN

Rich Williams stated also I have not had well actually; I have had a chance to look at it. I really only have one outstanding issue. Gene has looked at it and I believe you have a memo from Gene and I wanted to talk to the Board a little bit about this. As part of their site plan they are proposing to relocate an existing utility pole, they are proposing to relocate an existing directional sign and install two handicap signs. They are proposing to relocate the utility pole and the one sign from the existing blacktop area into the sidewalk and the two new signs will be going in the sidewalk. This is something that is typically done in an urban setting. The utility poles, the signs, what have you go actually into the sidewalk.

Chairman Schech asked can't we have them use their power to get rid of the poles all together like we were trying to do.

Rich Williams replied you know what that is a long, sad story for me and probably not.

Board Member Pierro stated Rich tried for a long time to get the poles put underground during the site walk.

Rich Williams stated when we were doing this the only utility lines on those poles are NYSEG and I worked with NYSEG to take the lines off and re-route the lines down the side street so we could get rid of the poles and all NYSEG had to do was come back in and remove the cobra head lights. That was all there was left to do while that is going on one day we show up and the telephone company is stringing their lines along the utility poles that NYSEG just took them off and said the poles are there we are entitled to use them tough luck.

Board Member Rogan stated that is very similar to what we had on Fields Lane, really. It is just basically lack of cooperation from these utility companies helping us to achieve what we are trying to do.

Rich Williams stated Fields Lane is a great example because NYSEG was not going to put the lines overhead and it was NYSEG's responsibility to decide whether they want overhead or not at that point and the telephone company stepped in and said we are just going to do it tough luck. They didn't want to talk to us about anything. This happens all the time with the telephone company.

Rich Williams stated also typically in an urban setting you have got parallel parking where it is more crucial to have your utility poles and signs out of the blacktop area. It forces them into the sidewalks but in the case of Front Street, my personal opinion is I would rather keep the utility poles and the signs out of the sidewalk and promote a more pedestrian friendly environment rather than have the people walk around the sign and utility poles.

Ted Kozlowski asked what is the alternative.

Rich Williams stated put them in the blacktop the way they are now.

Board Member Rogan stated the reality is if you could put them in a place where you are striping they would be right on a stripe that would be the best for a pole, right. You shouldn't be parking there anyway that is like a no man's land there so if we could figure out a way to do that right tight against the curb I think that is fine. I hate walking down a sidewalk and seeing a pole that you have to jockey around. If you are not paying attention like me and walk into one. I think that is appropriate.

Rich Williams stated just so you have all the information our Town Engineer and the Design Engineer neither of them agree with me. At this point, I am a lone horse.

Board Member DiSalvo asked the Town has no future plans of changing the parking there.

Rich Williams replied no. One of the things that we have in that area is a low traffic volume plus a wide enough street so we can have it. Most urban settings they are trying to squeeze everything together between the buildings, high traffic,

Board Member DiSalvo stated I just find it hard sometimes when I park then a big SUV on one side, a pickup truck is on the other and I am trying to back out.

Chairman Schech asked did you see they are taking out Pickney's house.

Rich Williams replied no.

Board Member DiSalvo asked on Cushman what happened

Chairman Schech stated I guess somebody bought it and they don't think it is big enough.

Rich Williams stated no, they are putting an addition on.

Chairman Schech stated an addition it looked like they were taking the sucker down.

Rich Williams stated Harold Lepler's son bought it.

5) COUCH ROAD SUBDIVISION

Rich Williams stated Couch Road Subdivision they are looking to do the SEQRA determination so that they can go to the Board to get a variance from the subdivision regulations.

6) KESSMAN BROTHERS FARM SUBDIVISION

Rich Williams stated Kessman Brothers we have got a letter from them requesting that we schedule a public hearing on the lot line adjustment and subdivision application.

Board Member Pierro asked did they follow up with the description letter that we were seeking at the last meeting.

Rich Williams replied not really.

Board Member Pierro asked can we get a letter off to them to ask them for that and maybe we can get it for this meeting.

Rich Williams replied I doubt we can get it for this meeting because like I stated earlier Theresa, who handles this application is on vacation.

Board Member Pierro stated I would like to get it sooner than later. On that note, I am having eye surgery on the 30th, I don't know if I will be at the September 1st meeting. I am going to try.

7) REGAN/ALLSTATE SIGN APPLICATION

Chairman Schech asked Regan Allstate where is this.

Rich Williams replied this is going to go in the second floor where Sauro's is. He submitted two sign applications. One, for the building, which as far as the code requirements is fine. The other one is a freestanding sign, which is not so fine. He is looking to have a second freestanding sign out there. Our Code limits a property to one freestanding size of a certain dimension, no more than twenty-five square feet and with his proposal he would exceed that by sixty percent.

Board Member Rogan asked the second sign I can't remember but is there a sign for the Sauro's plaza, it says Sauro's, Mama's.

Rich Williams stated yes.

Board Member Rogan asked so can't they put an Allstate sign right in there.

Rich Williams replied yes.

Board Member Rogan stated then that is what we do. They don't need another freestanding sign. They can use that available space and the sign up on the building is appropriate and be done with it.

8) COSTA'S BAR AND GRILL SIGN APPLICATION

Rich Williams stated Costa' Bar and Grill is a sign application. It is down near Putnam Diner across the street,

Board Member Rogan stated I couldn't for a while figure out where that was because of the address. I had to drive up there and look at the numbers. I said boy, I have not heard anything about a change over yet in that. I figured it had to be Tavern 22 it is the only place that met the description. I would rather have it open than the way it is now.

Board Member Pierro asked there is a problem with the sign though the way it is designed. It is one square foot over than what is permitted.

Rich Williams replied a little bit more than one square foot over. There is also the issue about he wants to hang it where the existing sign is which we don't have an application for and based on the material submitted we have no idea whether it is really in the DOT right of way or it is not. You can handle it one or two ways. You can make him come back with a survey showing where the sign is going to go or where the existing sign is or you can approve it just qualify your approval saying we are going to approve the sign but we are going to assume that it is outside, more than ten feet outside of the right of way.

Chairman Schech asked how many square feet is it supposed to be twenty-five.

Rich Williams replied twenty-five.

Board Member Pierro asked can we communicate that to him prior to the meeting and give him an opportunity to do a diagram.

Rich Williams replied he has done a diagram but it is not a survey.

Board Member Pierro stated maybe he can get that completed by the time the meeting rolls around.

Rich Williams replied probably not going to be a survey.

Board Member Pierro stated but if he could post it or if he could outline on an existing survey and get it out of the state right of way.

Rich Williams stated that is what I am trying to communicate there probably isn't an existing survey but I can give him more information.

Board Member Rogan stated if it is thirteen feet from the current pavement of 22, which his application indicates it is in the right of way currently. It has got to be. It is probably a fifty foot right of way.

Rich Williams stated it is probably a fifty foot right of way and the right of way is probably twenty-feet off the center line.

Chairman Schech stated if anyone should object to it it should be DOT though.

Board Member Rogan stated true enough.

Rich Williams stated that is what I said.

Board Member Rogan stated the language is really the key. If we can approve something with the language not knowing and saying,

Rich Williams stated this approval does not extend to putting it in the right of way if it is in the right of way this approval is null and void.

Board Member Rogan stated then I guess the big question is that is one way we can go but it is the best way to go. Should we just kind of figure out now when we have the opportunity whether or not it is or,

Ted Kozlowski stated get that determination from DOT. Why is up to you.

Rich Williams stated he would have to do the same thing for DOT showing the location. That is a considerable expense for a sign.

Board Member Rogan stated for an existing.

Ted Kozlowski stated but if he is putting it in the right of way.

Rich Williams stated we don't know that he is.

Ted Kozlowski asked can't he move it back beyond twenty-five feet of the centerline so he is definitely out of the right of way if there is a question mark.

Chairman Schech stated or he can put it where it is and let the State come along and say hey, you are in my right of way.

Ted Kozlowski stated but you can't give them the right to do that.

Chairman Schech stated subject to.

Board Member Rogan stated what Rich is saying is we can approve the sign with the location to be at least ten foot outside the DOT right of way.

Rich Williams asked do you want to cost him a lot of money or do you want to be sure.

Board Member Rogan stated it is an existing sign.

Ted Kozlowski asked does it pose any hazard.

Rich Williams stated if it posed a hazard DOT would have taken it down.

Board Member DiSalvo asked so what are we going to do.

Chairman Schech stated as long as it meets the twenty-five square feet.

Board Member Rogan stated he says twenty-five but it says six and a half by four that is twenty-six.

9) WYNDHAM HOMES LOT 28 WETLANDS WATERCOURSE PERMIT

Board Member Pierro asked this is the one with the retaining wall.

Board Member DiSalvo stated with the drop, the deck.

Rich Williams stated to Ted this is the one we went out to.

Ted Kozlowski asked not the recent one we went out to at the cul-de-sac.

Board Member Pierro stated with the Grand Canyon.

Rich Williams stated no,

Ted Kozlowski stated no we are talking about a different one.

Rich Williams stated this is another one. This is all the way up the other side.

Ted Kozlowski stated every house they build now they are going to have to come for wetlands permit.

Board Member Pierro stated site walk.

Rich Williams stated there is not really a lot to see Teddy and I did go out there.

Ted Kozlowski stated you know what I will tell you this when you are looking at that plan you have a fit. I had a fit and then I went out there with Rich and there is nothing left to that lot. Where they are putting all this, referring to the plan, here is the drainage easement it is all cleared there. It is like a grassy clearing and Rich actually had a good idea using the stonewall as the no fly zone disturbance.

Rich Williams stated there is a break in the stonewall.

Ted Kozlowski stated there is a break in the stonewall to reconnect and he has a point that the wetlands boundary is really behind the stonewall. Everything from the stonewall up is pretty much disturbed.

Board Member DiSalvo stated they knew what they were doing years ago.

Board Member Rogan stated keep the damn cows out of the wetlands.

Ted Kozlowski stated that is exactly why they did it.

Rich Williams stated then the only other question is whether you want them to plant anything along the wall as mitigation.

Ted Kozlowski stated yes wherever there is openings where the A.T.V.'s can go in.

Rich Williams stated we are going to close them up.

Board Member Pierro stated we walked this once before.

Ted Kozlowski replied no this is a new one. The house isn't built yet Dave.

Board Member DiSalvo asked where is this lot. When you go up the hill,

Ted Kozlowski replied the cul-de-sac, the last road they put in, it is behind everything.

Board Member DiSalvo asked you go up the hill to the left or the right.

Ted Kozlowski replied to right.

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

Board Member DiSalvo asked site walk.

Board Member Rogan stated we have other site walks I would like to at least take a look at it. I know it is probably not much but we look at less.

10) DONALD KING WETLAND WATERCOURSE PERMIT

Rich Williams stated Donald King is off of Mountain View Road. You turn in off of Mountain View Road and it is right immediately on your right.

Board Member Rogan stated you know what I liked about this one, I was reading through it and the list of neighbors within 500 hundred feet just never mind who they are or whatever the list goes on and on and on. There has got to be more than thirty.

Chairman Schech asked you go into Mountain View and he is where.

Board Member Pierro replied on the right.

Rich Williams stated you go in Mountain View and there is going to be a driveway that kind of cuts out across the street from Rudy (unable to hear) and that driveway that comes out is actually on this property. What happened was he bought this property years, and years ago and found out that the driveway was on the adjacent piece of property.

Chairman Schech asked is this where the pool used to be.

Rich Williams replied I don't know that it is where the pool used to be but it is close to the pool. So, he bought this other property, his driveway still comes out on it but he transferred ownership of this property to a corporation so they are now separate and you can't combine them back. Now, he wants to build on this property and keep his driveway on this piece of property.

Board Member Rogan stated by way of easement. He needs it because of the slope though doesn't he. In other words if he were to develop the site he has to keep the driveway location there just based on your grade. He couldn't stay on his property. It does not look like it.

Rich Williams stated look at this piece of property the only way you are getting this driveway in is he has to put retaining walls up. From a wetlands point of view there is really no impact to the stream.

Board Member Rogan asked on the driveways the fifteen percent rule that is not like any part of the driveway that is the general.

Rich Williams stated on any part of the driveway.

Chairman Schech stated it should be any part of the driveway but it has been interpreted very loosely.

Board Member Rogan stated I am trying to think because say with septic areas from what I remember we used to generally take top to bottom because you have irregularities over the course of property, I can understand with a driveway, over on Ice Pond Road that driveway they are blasting in or filling in that first part looks a lot more than fifteen percent and it is not. It is a good one to look at. Has anybody checked the profile against what is existing.

Rich Williams replied no but in the past I have.

Board Member Rogan stated remember the one on Big Elm that we actually did shoot the laser on and it was right there between fourteen and a half and fifteen and a half percent. It was just us playing and that looked pretty steep.

Rich Williams stated I have not found one yet that exceeded the fifteen percent. I look at it and I am saying no way, no how.

Board Member Rogan stated there is probably a few on Michael's Way there that were built years ago that are way over that go down.

Rich Williams stated I went with Tom and shot the ones up off of South Quaker Hill Road that go like this and they were all fifteen percent.

Board Member DiSalvo asked how long is this driveway going to be.

Rich Williams replied it is not really that long.

Board Member Rogan stated the reality is the retaining walls reduce the disturbance. If you didn't have the retaining walls you would never make it back and forth.

Rich Williams stated you couldn't cut it enough.

Board Member Pierro asked we are going to take a look at this as well correct.

Chairman Schech replied yes.

11) PATTERSON GARDEN CENTER SITE PLAN (a.k.a. Poppy's Place)

Rich Williams stated Patterson Garden Center is back in. I have worked with them. They were lacking a couple of details on the plans, I had them fax in the details so the Board could see what is going on the plans as far as the sign, stockade fence.

Board Member Rogan asked this is Poppy's.

Rich Williams replied yes.

Board Member Rogan asked is this the one Paul talked about we don't have a bathroom.

Board Member Pierro stated that has been corrected.

Rich Williams stated I don't know that it has.

Board Member Rogan asked what is your impression Dave.

Rich Williams stated what I had explained to you was Paul had issued a letter saying according to the Building Code you have got to have plumbing, septic and well. I ran into one of the principals about a week or so later who said he had talked with Paul about it and explained that had access to the bathrooms in the adjacent building, Tela Cooke's place and Paul was okay with that but I have not gotten a letter from Paul on that yet.

Board Member Pierro stated actually more the realty place and the Cuckoo's Nest both have bathrooms in it and it is one contiguous lot.

Ted Kozlowski stated Tela Cooke, the realty place owns this.

Chairman Schech stated and they did have a port-a-potty there at one time when Poppy had it.

Rich Williams stated so what I suggested to Dave because again, we got the letter from Paul who knows where that is going or what it means, just continue forward with the application on its face. If he has to come back and amend it later on.

Board Member Pierro asked how can you enforce it. Our Code says there must be a bathroom, we have a bathroom on the site. I mean it is there.

Board Member Rogan stated on the site on the property you are right. If it was its own set alone lot. We were talking about this with building warehouse where in the past we have gotten burned where they build it and then all of a sudden there is an office in there.

Board Member Rogan asked on Patterson Garden Center where are we at in the process because I am a little confused.

Rich Williams stated you are ready to make a decision. You had the public hearing at the last meeting, you directed Theresa to make all the changes to the plan which she had except for a couple of details which I had her fax into the Board so that you had the details.

Board Member Rogan stated so we can actually have a resolution for the meeting.

Rich Williams replied yes.

Ted Kozlowski asked Rich did you issue the wetlands permit.

Board Member Rogan replied no we don't have it yet.

Rich Williams replied no that is all part of the final approval. Is there any outstanding issues.

Ted Kozlowski replied no because I want them to put the fence up and do the plantings.

Rich Williams stated which are shown on the plans, which you have a copy of.

Ted Kozlowski stated I just want to know when that gets issued.

12) BURDICK FARMS SUBDIVISION

Rich Williams stated Burdick Farms Subdivision is going to get Final Subdivision approval. Gene is going through the plans. I am working my way through the plans now.

Board Member Pierro asked a variance was obtained for the two over sized lots.

Rich Williams replied yes.

Board Member Rogan stated probably eighteen is one of them it looks like a large lot.

Rich Williams stated it has issues there is always issues.

Board Member Rogan stated there is always issues but the reality is in those two cases from my layperson's perspective it is to use the best available areas for septic. There is not much other reason for having the lots.

Chairman Schech stated if it was under sized I would have something to say about it.

Board Member Rogan stated I agree with you.

13) EUROSTYLE MARBLE & TILE SITE PLAN

Rich Williams stated neither Gene nor I have had a chance to look at the plans, they are back in.

Chairman Schech asked you don't know if they have got all the grades squared away and all that nonsense yet.

Rich Williams replied Gene seems to think that they have corrected the busts in the topography. I am not absolutely convinced.

Board Member Rogan asked a bust in the topo.

Rich Williams replied remember the meeting Paul came in and said the topography on the plan did not accurately reflect the site conditions and I am not until I hear from Paul or see it in writing I am not sure that they have addressed it. Gene seems to think that they have. There are changes.

Board Member Rogan asked did we have a public hearing on it.

Rich Williams replied I don't believe we did.

Board Member Rogan stated we have to be close to it I would think.

Rich Williams replied I haven't done a memo so I am not sure where we are.

FRONT STREET BODEGA Discussion

Board Member Rogan stated I love this letter you got. (See letter attached to these minutes)

Rich Williams stated I appreciate her concern because we certainly don't want to have a Main Street like we have got in the Village of Brewster but we can't discriminate against who owns a store.

Chairman Schech stated I like the way she states that it is very difficult to do anything in the Town of Patterson except when somebody likes this comes in.

Board Member Rogan stated a legitimate business to open up so I find it hard to believe that something of this sort could be allowed.

Board Member Rogan asked is this the Putnam County Bank project.

Board Member Pierro stated no next to the Post Office the old dance studio.

Board Member DiSalvo stated remember we approved that one sign.

Board Member Rogan asked the Brunow Building.

Board Member DiSalvo replied no remember we approved that woman's sign.

Chairman Schech asked they are not going to apply unless Jimmy leaves right.

Rich Williams replied no this is next to the Post Office.

Chairman Schech asked I thought we didn't have it setup for sewage.

Rich Williams replied dry goods.

Board Member DiSalvo stated there is no cooking or anything going on.

Chairman Schech stated it says Deli.

Rich Williams stated understand something I wouldn't sign off on the change of use so they are coming in to the Board.

Chairman Schech stated a Deli has got water usage. That is not dry goods.

Board Member Pierro asked what is the permitted use.

Rich Williams replied General Business Zone. Retail is certainly a permitted use in the General Business Zone.

Board Member Pierro stated if there intention is to serve food, which all these stores do.

Board Member Rogan stated they have to get some kind of an evaluation. You could get there is a number of different ways I am thinking about this but you can get a determination from between the Town Engineer and the Director of Engineering from the Health Department in terms of an acceptable assumption rate based on the use. The use the State Code is very clear when you have set use what the proposed water usage would be for that and in turn then they get that approved with the Town Engineer for the sewer to say okay yes this particular building has an allotment of a thousand gallons a day, five hundred gallons a day and they can do it based on that. They can say here is what you are allowed then you could do something from that. I don't think our issue should be the sewer that is for other people to resolve. It is whether or not the use itself is applicable to that area. It is grocery or that type of a business even if it was a deli I would say it is. I think being able to do it in terms of sewer isn't really our deal. Jump in if I am misstating.

Rich Williams stated well I think it would be well within the review authority of this Board to get some sort of guidance with the Town Engineer to make sure it is before you issue a final approval.

Board Member Rogan stated absolutely. I think you could even make that approval,

Rich Williams stated but the reality is I am sure that it is not going to be an issue with the septic unless they are going to a luncheonette or something like that which is not clearly what I have seen so far that they are proposing. They want dry goods, ATM, money orders and things like that.

Board Member Pierro stated there are other issues with that building to be aware of this particular owner was attempting to sell that building as of recently and I understand that there is also two apartments upstairs which may not be zoned.

Rich Williams replied it is not they came in to the ZBA for a variance and could not get a variance for it so to the best of my knowledge everything is vacant out there right now. If it is not then Paul has to,

Board Member Pierro stated I find that not to be true though. I am hearing that it is not true.

Rich Williams stated we can have Paul check it out.

Board Member Pierro stated I would like to get that done before the meeting if we can.

Rich Williams stated well they are not even on this agenda.

Board Member Rogan stated it is not even an application that we have yet.

14) CIPRIANO SITE PLAN

Rich Williams stated Cipriano is back in last we left off they were going to make some revisions which they did. I think we have got a really good looking plan at this point. The Board may want to do a site walk on this one. Some of the Board Members have not been out there, there have been some changes since we walked it a few years ago.

Board Member Rogan stated once again we have the potential for this type of a project to turn into something really great for the Town. Every time I am in another town that I see something that I like, Marianne and I were over in Kent, Connecticut not too long ago and sitting in this little area that was like a courtyard it was between businesses. It was a place that drew you to sit and spend some time. The only center of it was a great big Maple Tree that was about three hundred years old, a huge Maple.

Rich Williams asked not in front of the ice cream place.

Board Member Rogan stated there is an ice cream place there but it is like in a back area. It is off of the main street.

Rich Williams asked back by the sporting goods.

Board Member Rogan replied yes but not quite that far. The point is that we have the ability here with this area, we are starting to work towards. We have got the Rec Center, the library, the fire department, the Town Hall, all these areas that we are trying to pull together and we have to think in terms of that concept in pulling something where you get people to get out of the car. Cipriano, the idea at least the way I understand it is to get people out, the open air market, to get people to get out of their car and walk around and spend some time. I think it is great. I think it could be really good for the community.

Board Member DiSalvo stated I was up in Pine Plains the other day and I past Adams Market. I don't think that I could find it again but.

Board Member Pierro asked what are we doing with that triangle.

Rich Williams stated right now Route 22 comes in here referring to the plan, they are talking about (unable to hear).

Board Member Pierro asked is this developer going to be required to put a traffic light here.

Rich Williams replied that is going to be up to the State. I would be surprised but it is really going to be up to DOT.

Board Member Pierro asked we had discussion on the surface, how much impervious surface.

Rich Williams replied you had given a waiver actually eighteen months ago for gravel in certain areas. We were talking about shifting around some of the buildings providing better pedestrian access here and here.

Board Member Pierro asked the main thorough fare is going to be blacktop.

Rich Williams replied yes.

Board Member Pierro asked and all in here referring to the plan we waived it.

Rich Williams replied I am not so sure that he is showing that blacktopped up in the top is gravel. I don't remember the cutoff line.

Board Member DiSalvo asked how big is this property.

Rich Williams replied five acres.

Board Member DiSalvo stated it does not look that big when you drive by.

Board Member Rogan stated it is a big lot.

Board Member Rogan stated I like the courtyard area. I would like to know more about it as we get into this what they are planning for this. Again they had gravel walkways over there they are probably impervious realistically because it is not the kind of gravel even though it was little quarter inch stone that you could just kick with your feet it was set, pressed in, bound somehow and I don't know but it was great. It was really nice.

15) FOREST VIEW APARTMENTS SITE PLAN

Rich Williams stated Forest View,

Chairman Schech stated nice pictures.

Rich Williams stated I have not had a chance to go through it, Gene has not had a chance to go through it. I did a preliminary review they more or less addressed,

Chairman Schech asked did he address anything.

Rich Williams replied yes no they did otherwise they were not going to be on the agenda. They did address things but I have not been through it with sufficient level of detail to know whether they addressed them well.

Board Member Rogan asked who were the two projects by the way that we pulled off the agenda.

Rich Williams replied D'Ottavio and the one up on Mooney Hill, Chestnut Ridge Subdivision.

Chairman Schech stated they are both Harry's.

16) BUDAKOWSKI SUBDIVISION

Chairman Schech asked Budakowski, did they do anything on that one.

Rich Williams replied Jack Karrell submitted three plans. He submitted a road improvement plan, he submitted a site plan for the individual lot, and he submitted a road layout plan. We previously had some other materials submitted including the subdivision plat. The big issue, the big items missing no vertical, no horizontal geometry even the plans that Jack has submitted do not agree with each other. They don't agree with the subdivision plat, the subdivision plat shows a fifteen foot wide taking. Jack's road improvement are not located in the right place. The big issue,

Chairman Schech asked then why do we look at this.

Rich Williams replied well everybody is aware of the fact that there is a time frame, time issue here so they submitted and honestly everybody has been calling me saying we are getting final approval September 1st right. It is not my recommendation. I submitted it to the Town Engineer who did not respond very favorably either.

Board Member Pierro asked would it be proper for you to communicate that we are not.

Rich Williams replied I can but here is one of my concerns about doing that is I am going to call Jack or I am going to call the Attorney, or I am going to call Mr. Budakowski and I am going to say listen, the big outstanding issues, we reviewed it and they are going to come in the night of September 1st with new plans that they are going to say that they address all the issues.

Chairman Schech stated which we haven't looked at.

Rich Williams stated which I haven't looked at and I have seen this happen once before in about 1990, Randy Laurent walked in with a plan and said I have addressed all the issues we have got to have approval and the Board gave him an approval and you know what,

Board Member Rogan stated it was bad.

Rich Williams stated hasn't done a thing and we are stuck with a bad, and unfortunately it went away D'Artagnian. While I don't have a problem communicating with them and letting them know that there are some big outstanding issues I am very reluctant to get into details what those issues are because I know that they are going to try and address them.

Board Member Rogan asked but the details are addressed in your memo.

Rich Williams replied yes they are.

Chairman Schech stated I think he is turning into another Harry I am sorry we are creating them.

Board Member Pierro stated then what it is it is. If we have to turn it down and then fight the dog kennel issue so be it.

Rich Williams stated but you don't have to turn it down. They have options, they can re-negotiate the deal and it is all on them. It is not a question of you have to deny it at the next meeting. You have to do your job, you have got to provide sufficient detail so that we know what we are going to do. All the plans have to be consistent and they have to be readable. I mean you open the road improvement plan you try to figure out where the improvements are. I mean I was surprised Tom McGinn actually called me up to try and understand where they were. The only reason I understood it because I pulled out a magic marker and colored it up

17) PATTERSON OUTDOOR STORAGE SITE PLAN

Rich Williams stated Patterson Outdoor Storage is also back in and you have a memo on that from me. A lot of details still missing but really they are just at a preliminary stage. I looked at that issue about moving the basin I don't know that we can.

Chairman Schech asked there is a vernal pool out there.

Rich Williams replied they are not showing the vernal pool so I don't know. They have got to do that.

Ted Kozlowski stated they have got to do that and they have to be a hundred feet away.

Rich Williams replied yes absolutely.

Ted Kozlowski stated it is a big lot find room.

Rich Williams stated I go back to my original issue that they are mitigating the peak rate runoff going through that vernal pool (unable to hear). What is the impact of releasing three or four times the volume of water through that vernal pool is that going to produce some sort of flushing action, which affects it. I mean I do agree with and I wasn't really impressed with the report that I read, I did finally read that but I do agree with them that it is not as productive as it could be it was impacted.

Ted Kozlowski stated sure it is impacted by 84 and other things but there is a hillside of native trees and it is the habitat that is desired for vernal pools and I would say let's save that as much as we can.

Board Member Rogan stated I don't really feel that I have a sense of what is going on with this project. Building #3 is a proposal really for the future but we are designing for it now correct.

Rich Williams replied yes.

Board Member Rogan asked this is really a two phase project.

Rich Williams stated he is proposing that he is going build this, Building #3 probably in about three or so years. (TAPE ENDED).

Rich Williams stated in reality though, in order to do Building #1 with this layout he has got to do all the site work.

Board Member Rogan stated all the site work has to get done.

Rich Williams stated all in one shot and if he wants to build that building at a later date that is fine.

Board Member Rogan stated it is nothing in the grand scheme of things. There is a huge outcrop you can see it from the highway when you drive by and the leaves are not on the trees.

Board Member DiSalvo asked whose property is the vernal pool on, the last lot on the end.

Rich Williams replied McGee, Heelan.

Board Member Rogan stated we have been fairly comfortable with the layout of this project from what I remember it gets down again, I hate to say it but it gets down to the technical aspects.

Rich Williams stated well he has got to give us a lot more detail. I don't know that these ponds are adequately sized. They may grow in size. He has quite a bit of impervious coverage here. I have a feeling that these are going to grow and ultimately we are going to ask him to shrink the buildings somewhat. Certainly, I identified in the memo some significant design issues with the pond that he has to address and the SSDS I don't know, we don't have any idea right now what the percs are. These are not high usage buildings either. They have to add a lot more detail.

18) OTHER BUSINESS

a. T&T Associates Site Plan

Rich Williams stated T&T Associates, Patterson Fish & Game the Board approved a site plan considerably a long time ago. You did grant a three month extension from the sixty-two days that expired four months ago. They all of sudden went whoops so they are back in looking for an extension retroactive. We still do not have a bond. We still do not have the inspection fees paid. There has been some back and forth some potential purchasers and the existing property owner about who is going to pay that.

Chairman Schech stated then we don't want to know for nothing until all the fees are paid.

Rich Williams stated there is a big meeting tomorrow to hopefully rectify all that. There are some other aspects to this, one of the requirements was that the septic system on the adjacent property be abandoned which they did do that but they didn't just get rid of it all together they moved it over on to the site. The Health Department permitted it. I don't know that we have a whole lot to hang our hat on.

Board Member Rogan stated we have to look at the plan and see what I don't remember.

Rich Williams stated it went in on a holiday weekend by the way and if it wasn't for someone who works twenty-four, seven nobody would have seen it even. They did have some pending violations, the court dismissed them all last week nobody knows why so we are investigating that. They are in here looking just for an extension to keep their site plan alive.

Board Member Rogan stated we will know by the meeting from Rich in terms of their meeting how things are going.

Board Member Rogan made a motion to adjourn the meeting. Board Member DiSalvo seconded the motion. All in favor and meeting adjourned at approximately 8:45 p.m.