

APPROVED
10/17/04 MAB

TOWN OF PATTERSON
PLANNING BOARD MEETING
August 26, 2004 WORK SESSION
AGENDA & MINUTES

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Michael Montesano
David Pierro
Shawn Rogan
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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

**Planning Board
August 26, 2004 Work Session Meeting Minutes**

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

APPROVED
10/11/04 MB

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

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

There were 4 audience members.

1) BENDERSON DEVELOPMENT – Bond Release

Rich Williams stated we have four bonds for the A&P I believe. We are talking about at this point only the site improvement bonds. This was prompted by their wanting their bonds back and me telling them that we were not even going to consider it until they have corrected some of the issues out there which they did and I have been working with Tom and Dave Raines who is our Fire Inspector to wrap up some of the other outstanding issues such as; the water tank, fire striping and signage which is missing in front of the A&P. Tom has identified a couple of other issues that they have to take care of and pending resolution of those we should be in good shape with all the site improvements having been completed.

Board Member Pierro asked are we are going to have those issues that have to be completed in writing before the next meeting.

Rich Williams replied I doubt if we get them all completed but we may want to consider recommending that the bond be released upon the resolution of these issues.

Board Member Pierro asked but off the top of your head what are the other issues. Is there anything major.

Rich Williams replied no.

Gene Richards stated Tom has bulleted here I guess the five issues.

Board Member Pierro stated I was under the impression there were additional to these bulleted items.

Rich Williams replied I don't recall what all the bulleted items were I know that Tom I believe in the bulleted items for example identified that the striping for the fire lane needs to be done. I don't think he put in about the signs.

Chairman Schech asked so it is just the one bond we are talking about right.

Rich Williams replied yes.

Chairman Schech stated releasing that on condition.

Board Member Pierro asked what was the amount.

Gene Richards stated \$434,000

Gene Richards asked Rich those are fire lane signs that are required.

Rich Williams replied yes.

2) **MEZGER WETLANDS/WATERCOURSE PERMIT**

Rich Williams stated perhaps we should skip over Mezger until Ted gets here.

Chairman Schech stated we want to site walk anyway.

Board Member Pierro asked so is there any reason to discuss it tonight at all.

Rich Williams stated to familiarize yourselves with the application.

Gene Richards stated Rich has done a review on that. He wants me to look at drainage I have started but I haven't finished it yet. I will have a memo for you at the normal meeting.

3) **PADDOCK VIEW ESTATES**

Gene Richards stated I have started a memo on this and I haven't released it.

Board Member Pierro stated we have the map.

Gene Richards stated you have revised plans that he submitted and I don't see where he has made a lot of headway on the design. This latest plan actually has in some respects taken a step backwards. He attempted

to address some of the issues that we had in our prior memo. He has changed some lot lines around down by the cul-de-sac but when you look at the map there is clearly drafting defects that needs to be done.

Board Member Pierro stated and it looks like he put the entrance driveway closer to the pond or closer to that location. We were trying to get him away from it right Rich.

Gene Richards stated one of the things too when the Board did their site walk there were some existing Pines out by the driveway and my recollection the Board wanted those preserved.

Rich Williams stated there was some back and forth on that I think we left it that they really weren't worth preserving.

Gene Richards stated is that what it was. I know there were other trees along the actually alignment, centerline of the road I think the Board is kind of giving up on saving those.

Board Member Pierro stated I remember on Paddock View we had brought up about moving that roadway away from the multi-family or the existing house and pulling it further to the east. Did that interfere or did that lessen the site line distance over here.

Gene Richards stated I think the real issue with doing that I mean pulling too far is right on this corner here if you move it east you get into rock over here somewhere. I am not saying that you can't shift it at all but he is limited by how much he can shift it.

Chairman Schech stated we can move the rock though right.

Gene Richards stated that is the same reason why ponds you could maybe split the pond and put pieces of it on both sides but that rock over there.

Rich Williams stated if I can add it is more than just the rock it is also the topography is going up.

Board Member Pierro stated you know what he may have to lose the front lot here.

Rich Williams stated I haven't looked at the plans yet Dave.

Board Member Pierro stated he may have to lose this front lot. I mean I am sorry but,

Gene Richards asked yes but what is that going to give you.

Rich Williams asked are we talking about the existing lot.

Board Member Montesano replied no.

Board Member Pierro stated Lot 2.

Board Member Pierro stated we had concern about having this roadway so close to this pond for one, for safety purposes because a car can go into that pond and I thought our plan was to bring this down out here more so we can put a larger basin in.

Board Member Montesano stated you are putting the pond by the road now that road is going to have to get salted so that salt is all going to end up in the pond. So, you are going to end up with nothing in that pond that is going to survive unless you are going to make a salt water lake out of it.

Gene Richards asked how is that different from any other project that has got drainage and ponds.

Board Member Montesano stated what I am saying is why can't he move that road over that would eliminate a problem there by at least putting something in between.

Rich Williams stated Mike, the salt coming in off of 292 is so insignificant compared to the winter maintenance material that they are going to put down on the main road that is being collected in that pond.

Gene Richards stated I don't know that he was worried about 292 as much as the subdivision road.

Board Member Montesano stated I am saying the road itself, 292 they are going to come in they are going to throw the salt down no matter what.

Rich Williams stated I am saying all the stormwater is purposely being collected off of the road into the stormwater pond that is the function of the pond.

Board Member Montesano stated then we don't have a problem then it is basically just going to be that it is not going to be, he mentioned ornamental if I remember right.

Rich Williams stated we had talked about doing a retention pond with enough free board to handle the stormwater, which would add an attractive feature. I mean you have to plan certain plants which are more salt tolerant certainly and suitable.

The Secretary stated there was a lot of back and forth on all those issues if you look at the minutes.

Chairman Schech stated you know what my opinion was, tear down the house or move the house.

Gene Richards stated he is showing on not the fore bay but on the main pond itself the water surface elevation comparing that to the pond bottom he has only got two feet of water in there.

Rich Williams stated that is not a lot. That is meeting DEC requirements for a pond.

Gene Richards stated that is not doing what the Board had talked about as far as ornamental like a Watchtower pond or something.

Chairman Schech asked how many feet is it from the house, from the existing house to the edge of the pond.

Gene Richards replied very close.

Board Member Montesano stated and the driveway is even closer.

Board Member Pierro stated the driveway is on top of it.

Gene Richards stated twenty-five feet to the embankment that starts down maybe thirty and I have no idea what his water elevations would come up to during stormwater events.

Chairman Schech asked and we still don't know what his plans are for the barn.

Gene Richards stated they want to keep that.

Board Member Montesano stated he mentioned keeping it because it is a rental property to him. He wants his cake and eat it too.

The Secretary stated I believe he was told, Rich Williams stated yes there isn't any legal apartments in that barn as it sits right now.

The Secretary stated and I think he was told that at one of the meetings.

Gene Richards stated so he still has quite away to go on his plans. He has to provide us a lot of details for construction of the road. John Kalin in our office spoke to Charlie Williams yesterday I guess, Charlie definitely does not want an island in the center of that cul-de-sac. He just wants a standard paved cul-de-sac. He wants the formal drainage; he wants concrete curbs so he basically has to adhere to Town Code.

Gene Richards stated what I want to do is try to drive it to a meeting sit down and go over things with him and just try to give him some guidance so the design can move forward.

Chairman Schech stated so we do have some options we can take the road and shift it to the east a little bit.

Gene Richards stated it is not that you can't it is what it means to the job as far as re-grading, getting into rock excavation and that is not to say that you can't say no that is what we want, he has to do it but the more costs involved the more they are going to battle with you on it and I am not saying that you shouldn't do it.

Board Member Pierro stated until we know that there is some stone underground there until we hit with an excavator and see how far down.

Gene Richards stated and that is one thing you can do.

Chairman Schech stated it is a valuable commodity look what they did over there on 311 just getting that one stupid driveway in there and they put up a modular.

Gene Richards stated if you remember back not that many years ago D.O.T. re-did this intersection 292 and 311, twice they re-did it.

Chairman Schech stated it is debated today whether it is better or worse.

Gene Richards stated twice, they did it on 311 re-working it then they also did it five years before that when they came through.

Board Member Montesano stated and now we have the traffic light which is really wonderful with all the nonsense that they did in between if you would have put the traffic light up to begin with you would have never had the nonsense in between.

Gene Richards stated the traffic light was logical.

Board Member Montesano stated after they made it an illogical attempt to fixing something. They did not make it better they made it worse and that sign they have up there and all those people still making a right hand turn on red is a waste of time. It is a dumb location for the sign.

Gene Richards stated I have seen places where they should have that because you have a protected left turn arrow up and they don't have a no turn on red prohibition on the opposing lane, Haviland Hollow Road is one. You think you are making a left turn that is protected and somebody on 22 North they are making a right turn on red. They shouldn't be doing it but they don't have a sign.

4) NEW ENGLAND EQUINE CENTER SITE PLAN

Gene Richards stated they gave us a full set of plans. They have given us the stormwater report; I have gone through it there is still a number of issues that they have to address. It is just refinement. There are quite few items there. You can go through it before the meeting, they do require some waivers, which is noted on page one of the review other than that it is just normal things on the site plan.

Gene Richards stated Rich, on New England the latest plans and this is something Ted should be involved in there was that fill placed within the wetland area and now they are showing it as a wetland restoration area where they have to pull that fill out and one thing that I talk about in the memo the way the plans read to me is essentially they are removing the fill beyond the limits of their berm. Now, what I point out in the memo is the Town never authorized that fill, they never witnessed its placement, we don't know what is in there, they are captioning it as topsoil, we don't know.

Chairman Schech stated it is a little bit of everything whatever they had left they dumped there.

Gene Richards stated there could be trees in there or whatever.

Board Member DiSalvo asked where New England.

Gene Richards replied yes.

Board Member DiSalvo stated I have not seen anything being dumped in there.

Gene Richards stated no this is existing. It is along the south edge of the cleared area.

Rich Williams asked so what do you want to do dig some test holes.

Gene Richards replied well what I am saying in the review is that it appears their plan is to leave that material in place for the berm and what I am saying is that they really need to be careful with the berm construction site so they somehow have to look at that fill material and know if it is good or not for the berm. If that berm blows out. They may have to remove all of that material and then rebuild the berm.

Rich Williams stated and they should.

Board Member Pierro asked so we are going to have to have some test holes be dug.

Gene Richards replied well I have thrown it on the engineer let him tell us what they want to do I guess.

Rich Williams stated I guess the alternative is to go out and do some soil borings but the reality is they are probably just better off tearing it out and rebuilding it.

Gene Richards stated that would be the safest then you know and I am sure when they put it there they did not remove any unsuitable material below it. The stuff was just loosely dumped.

5) D'OTTAVIO SITE PLANS

Gene Richards stated that is another one they haven't made a whole lot of progress on the plans. There have been some changes done. They have addressed some of our prior issues there are still others that Harry has stated in his letter that they will address. I think the biggest one for me is Stormwater Management. They haven't prepared the calculations for that to support it.

Rich Williams stated so we are on the record I did remind Harry today that he has three Planning Board meetings in which to resolve all the issues and then he is done.

6) MAGUIRE LOT LINE ADJUSTMENT

Chairman Schech asked Maguire lot line adjustment do we have any papers on that.

Rich Williams replied you don't have a review memo by me yet. I have had an opportunity to go through the plans there are several minor outstanding issues which need to be addressed which is typically things with lot line adjustments things like the property owner's signing off on the plans.

7) THOMAS SUBDIVISION

Gene Richards stated you have a review from us on that as well. Tom has reviewed the plat he has noted nine comments that they should address. I have some additional comments on the plans itself; the construction plans so they have to address those yet. They have submitted a bond estimate. Tom went through that and there is an issue that needs to get resolved we hope to have a letter for you by the fourth on the bond.

Board Member DiSalvo asked are you still working on the conservation easement.

Gene Richards replied that was Rich and Craig I guess.

Rich Williams stated I have drafted the conservation easement it is by Craig. Craig was hopefully going to forward it on to their Attorney and I did provide a copy to the Engineer and the Applicant and the Applicant was fine with it.

8) T & T ASSOCIATES SITE PLAN

Board Member DiSalvo asked is this a new application.

The Secretary replied no this is the sporting place on 22. She was before us last month or the month before.

Board Member DiSalvo asked this is the one with the two apartments.

The Secretary replied yes.

Board Member Montesano stated the apartments, the trucks.

The Secretary stated this is the one that they were supposed to clean up and site walk right.

Rich Williams shook his head no.

The Secretary stated yes clean it up and then you guys were going to take another site walk it was in the minutes I believe.

Board Member Pierro stated I don't know about T & T. I don't think we were going to site walk.

The Secretary stated I think if you go back to the minutes it was requested that everything be cleaned up and moved so you could see the entire site.

Board Member Pierro stated well we had some lawn that needed to be mowed, some trucks that were for sale.

The Secretary stated and then you said then we will come out and take a look. If you look at the minutes I think you will find that.

Gene Richards stated I have to do a review on that.

The Secretary stated I will double check.

Chairman Schech stated I will drive by and see if they have done anything or not.

Board Member Montesano stated no as of this morning the trucks were still there, the grass is still there.

Chairman Schech asked are they his trucks or are they what do you call it trucks nobody seems to know.

Rich Williams replied it goes back and forth depending on which vehicle we are talking about.

Gene Richards asked did the boats have to be moved for that too.

Board Member DiSalvo stated they were on the side.

Board Member Montesano stated the parking is covered over by the boats.

The Secretary stated right Shawn brought that up and it led into clean up the place and then we will come out and take a look.

9) FRANTELL SITE PLAN

Rich Williams stated Frantell submitted a revised plan showing the wetland boundaries.

Board Member Pierro stated so it has been flagged.

Rich Williams replied yes.

Board Member Pierro asked Ted have you had an opportunity.

Ted Kozlowski replied yes.

Board Member Pierro asked what is the size of the building now.

Rich Williams replied I don't think he reduced it at all. I haven't had a chance to go through it.

Chairman Schech stated I don't think he reduced anything as a matter of fact the road is still in the buffer right, a portion of the road in the back is still in the buffer.

Gene Richards stated I haven't looked at the plans.

Board Member Pierro stated he did move the road over, he moved the road further north is my recollection anyway I may be wrong. All of this was in the wetland buffer before. The road was in the wetlands buffer.

Chairman Schech stated I am talking about the back of the building.

Board Member Pierro asked you mean that access area.

Chairman Schech replied whatever it is.

Gene Richards stated the buffer line goes right up against the building. It looks like he probably has a grass access behind the building.

Ted Kozlowski asked the detentions are still in the buffer then.

Rich Williams asked what buffer.

Ted Kozlowski replied Frantell.

Rich Williams replied yes.

The Secretary showed the Chairman the minutes on T & T.

Chairman Schech stated okay.

Gene Richards asked so the Board was going to do a site walk.

The Secretary replied yes they wanted them to clean up the site and then check it out again.

Chairman Schech asked so what are we going to do with Mr. Louie.

Board Member Pierro stated he didn't get the message that he had to make the building a little smaller did he but is it in the buffer to the north and south.

Rich Williams replied I haven't had a chance to look at the plan but I would assume that the only thing he has done is to put the wetland boundary on it as they are delineated in the field which is as we discussed with Gary Tretsch the last time Gary was in that all of the impervious area is out of the wetland area and buffer except for the entrance.

Gene Richards asked Ted have you verified the flagging on this.

Ted Kozlowski replied yes.

Board Member Pierro stated my recollection is that a major portion of that entrance road was in the wetlands buffer.

Rich Williams stated yes.

Board Member Pierro stated now it is to a lesser extent still crossing the front of it there but.

Rich Williams stated I think it is the way it has always been.

Chairman Schech stated it is the same as it has always been.

Board Member Montesano stated it is the same as it was.

Board Member Pierro stated then before the road was in the wetlands.

Rich Williams asked the entrance.

Board Member Pierro replied yes.

Rich Williams stated it still is a little bit.

Gene Richards asked he is proposing galleys on this for the septic.

Rich Williams replied they don't actually show galleys do they.

Gene and Rich laughed.

Chairman Schech stated I thought they were turned down the last time.

Gene Richards asked did Gary do the one for Putnam Diner and they had to redo it.

Rich Williams stated listen when a septic remedial plan comes in and we measure feet instead of inches I don't even crack it.

Gene Richards stated I would like to see it some time just to.

Rich Williams replied it should be right out in the closet.

Gene Richards stated I don't know why he is showing galleys on this plan.

Board Member Pierro asked is this plan more acceptable, Frantell.

Rich Williams asked are you asking me.

Board Member Pierro replied yes. We asked him to make the building a little smaller the last time out.

Board Member Montesano stated and he didn't do it.

Board Member Pierro stated right not at all but if he were to cut back the twenty-five feet that we had asked for and move the driveway commensurately to the north he would be out of that wetlands.

Board Member Pierro stated I thought the last one we looked at might have been 32,000 square feet.

Rich Williams stated I thought the last time, again Gary was in and Gary came before the Board you guys had said get it all out of the wetlands and buffer then Gary came in and talked the Board about what you were looking for and what you weren't and what you could do and my impression was that the driveway and the parking area in the buffer was going to be okay as long as everything, all the impervious surface was completely out of the wetland area except for the driveway entrance because he has a D.O.T permit for that.

Board Member Pierro stated I have to read my minutes on that Rich.

Rich Williams stated I will take a look at it too.

Gene Richards stated this is the wetland at the entrance what if he for compensation (unable to hear the rest of Gene's statement).

Rich Williams stated well I think that was going to be a given.

Board Member Pierro asked in what form are you suggesting Gene.

Gene Richards replied maybe make an offset two to one whatever.

Ted Kozlowski stated he is not only in the buffer he is in the wetlands with the road.

Rich Williams stated with the entrance.

Ted Kozlowski stated and technically that is an Army Corp. approval.

Rich Williams stated assuming it is an Army Corp. wetland.

Ted Kozlowski stated well it is connected to DP-22.

Rich Williams stated yes I was going to say so is Mezger but that is not connected to DP-22 that is just connected to the Bog Brook Unique area.

Chairman Schech asked so does he need a permit from Army Corp.

Ted Kozlowski stated I would think if there is an action filling in wetlands the Army Corp.'s rules are pretty straight forward.

Rich Williams asked is it filling or altering.

Ted Kozlowski replied I would say he is altering.

Rich Williams stated he is definitely altering but I want if we are going down that road let's not just assume he is just filling. I think the criteria is altering.

Ted Kozlowski stated that is altering. It is probably worth at least a piece of paper from them saying yes or no.

Board Member Pierro stated I am looking at the area of that driveway and these concrete or these installations that he has along the driveway if he were to pull that driveway curbing that is to the north if he were to pull that back say to the building line he could be out of the wetlands.

Gene Richards stated I think the only reason they have it where it is shown is because on the south side of the building that is where the loading is.

Board Member Pierro asked why would that impact.

Gene Richards stated if I was them why not put it up in here right in the center. You can come in for access you can turn.

Board Member Pierro stated right.

Chairman Schech stated because he is losing parking spaces.

Ted Kozlowski stated the whole problem with the last plans is it is just too big. If you want to preserve the integrity of the wetlands that plan is way too big.

Board Member Pierro stated right but we sent him in a direction at a meeting and I thought that everybody was agreeable that if he gave us a smaller building and got out of the wetlands buffer except for the front portion of the driveway.

Ted Kozlowski stated I think we did say something about that.

Board Member Montesano stated but he is not going to give us a smaller building and this is a prime example. He does not hear very well and he is not interested in your problem.

Ted Kozlowski stated but we have issues with the A&P site affecting those wetlands and Richie and I were out there in December and reviewing impacts and there is a lot breathing room. This thing is just built all around the whole wetland and I don't know what is going in there but,

Chairman Schech stated so he needs a little redesigning.

Ted Kozlowski stated they can't do anything without impacting. There is an impact whether he is in the buffer or not look at the paving he is right on the edge of the wetland flagging.

Board Member Montesano asked if you cut that building in half and made a two story building out of it.

Chairman Schech stated but two stories don't rent that is the only problem.

Board Member Montesano stated I am not asking if they are going to rent what I am saying right now is he has been told. There are plenty of people that will rent upstairs because of the type of work that they do.

Ted Kozlowski stated most of you guys have been around construction I mean how are you going to build a road and do all this work without stepping over that I mean he is within millimeters of the wetland flagging so how are you going to do this.

Board Member Pierro stated if you were to pull this out of here and pull these installations back more.

Ted Kozlowski asked is this a spec building.

The Secretary stated no. He said he did have people interested in signing contracts.

Chairman Schech stated so he says.

Board Member Pierro stated like a Borders or Barnes & Noble.

Ted Kozlowski asked Borders.

Board Member DiSalvo stated a book store.

Ted Kozlowski asked has anybody ever seen the Borders in Danbury it is packed.

Rich Williams stated what he said was a Borders like store.

Ted Kozlowski stated he does not have enough parking for a Borders.

Chairman Schech stated the building is just too big and we are going to have to get through to the man that he has to shrink it that is all there is to it.

Ted Kozlowski stated I think, Rich I don't know what promises have been said I don't remember I know I do recall saying something about allowing the detention to be in the buffer behind the building but I do also remember everybody saying reduce the size of the building.

Rich Williams stated I haven't done a review on this I will go back and pull the minutes and see what statements were made, what direction was given and I will put that in a memo.

Ted Kozlowski stated they can't unload a truck without being in the wetlands over there.

Chairman Schech stated it is just too tight.

Ted Kozlowski stated it is very tight.

10) EASTERN JUNGLE GYM

Chairman Schech stated here is a place that has got plenty of the room to go where ever they want.

Ted Kozlowski stated this is a classic example of what Louie wants to do there.

Rich Williams stated wait, wait, wait, I got a call this morning from one of the Principals who they do own the building.

Board Member Pierro stated right I thought we finally agreed on that.

Rich Williams stated because I had called their Engineer up and said we went out there and you know the place was not well organized and the Planning Board wants the Principals in at the next meeting period end of story. Of course, they realized what was going on and panicked and called me this morning and said listen, you guys came out at the worse time, we had taken everything out of the building and put it outside because we were putting new storage racks inside, we have now reorganized the site and moved a lot of the materials back in please come do another site walk and see what it looks like now.

Board Member Pierro stated I don't buy it because Maria and I walked inside the building and it was jammed.

Rich Williams stated listen I am the messenger here. What I did just so you know those pictures I went out there tonight at 4:00 and took pictures of the site so the Board had the pictures to look at about the differences at the site.

Board Member DiSalvo asked did you look inside the building and see if the racks were up as he said.

Rich Williams replied the doors were open and I could see inside I did not actually go inside but I could see inside and there was a lot of material stacked inside.

Chairman Schech stated but you went at 4:00 and their trucks were not back yet.

Board Member Montesano asked did you look across the street by any chance.

Rich Williams replied no.

Chairman Schech stated I have never done this before can I have a motion to deny.

Board Member Pierro stated I want to go back out there tomorrow Rich, myself.

Rich Williams stated one of the reasons we put them on the agenda so the Board can talk about what the issues were to help formulate a resolution to this situation.

Board Member DiSalvo stated they still need an area to pull that dumpster out.

Board Member Montesano stated they have to get all the garbage off the side. The piece of property is too small for the operation.

Chairman Schech stated and it is going to get busier it is not going to get slower.

Board Member Montesano asked are these the owners of the.

Rich Williams replied yes Eastern Jungle Gym and Markus Scott Realty who owns the building are owned by the same people.

Board Member Montesano stated so they don't want to spend anymore money they just want to try to figure out how you can ten pounds into a five pound bag and it does not work and they are still crushing in on the stream, the wetlands and everything else. As pretty as it is what do we have to go out there every day to inspect it because you know the minute they have got an approval they would be back to normal the next day.

Board Member Pierro stated Ted you were not with us last week.

Ted Kozlowski stated yes I was.

Board Member Pierro stated I apologize.

Board Member Pierro stated I don't blame them for trying Rich but my opinion has not changed even those photographs I think are enough evidence to say the site is.

Rich Williams asked do you want to get specific.

Board Member Pierro replied sure there is not enough parking for the employees in the photographs that we have, there is just not enough room to turn around adequately deliver material or pick up material to take out of there, they are on top of the stream, Chairman Schech stated they are on top of the septic system.

Ted Kozlowski asked how are they going to provide a twenty-five foot buffer when they can't even stay out of the stream. The thing is have they created a OSHA hazard inside that building now and a fire hazard by filling it up like my kid's closets.

Board Member Pierro stated our Town Code requires dumpsters be, Rich stated no.

Board Member Pierro asked doesn't our Code require dumpsters to have gates and fences around them on commercial sites.

Rich Williams replied I don't believe so. We just automatically mandate that. I could be wrong now.

Board Member Pierro stated we mandate it for everybody else let's mandate it for them.

Ted Kozlowski stated the question you have got to ask okay they cleaned up the site but we went there during normal working conditions so that tells you that they are over crowded would they suddenly improve,

Rich Williams stated what I relayed to you and I am just being the messenger I don't know if it is true or not was that they had moved everything outside the building to install new storage racks inside and that is why the outside looked as bad as it did.

Board Member Pierro stated it does not change, Chairman Schech asked what were they doing when you guys were in the building.

Board Member DiSalvo stated they were putting sheds together it was pretty packed in there.

Chairman Schech stated building sheds right.

Board Member Pierro stated yes.

Chairman Schech stated they were not building any storage racks.

Board Member DiSalvo stated maybe they put them in the other building.

Ted Kozlowski stated if you notice all the employee cars are parked right on top of the stream.

Rich Williams asked they are what.

Ted Kozlowski asked this is the rear of the building correct, this one with the suburban.

Rich Williams replied no that is the side.

Ted Kozlowski stated okay but the wetlands comes up and separates them and the Uni-Lock.

Rich Williams stated that is the side standing on the road shooting back down the driveway. Mostly what was back against the wetland were the slides.

Rich Williams asked anything else.

Chairman Schech replied no I think you have enough on there.

Rich Williams stated I may embellish a bit.

11) TRIPLE J WETLANDS WATERCOURSE PERMIT

Mr. John Petrillo, Mr. Jay Hogan, Applicants and Mr. Don Rossi, Attorney were present.

Mr. Hogan stated we thought our Engineer was meeting us here. He said he was I hope he didn't have an accident or something. He told us he would be here at 7:30.

Rich Williams stated a wetlands application has been submitted by Triple J for the disturbances within the buffer area for the lot that is contained in Patterson. Unfortunately, Ted says the materials were not in his package so I have to get him copies.

Ted Kozlowski stated but I did look at those in your office.

Rich Williams stated I did look at it and my opinion has remained the same. There is basically two separate segments of wetland buffer within Patterson one of them is about 730 linear feet and stormwater ponds and access roads and everything else basically eliminate ninety percent of the buffer without any compensation of mitigation. The other segment of buffer they are proposing to install a riprap swale discharging directly into the stream without evaluating the stream. We don't have a wetlands plan at this point though I understand one might be coming.

Mr. Petrillo stated I thought that Mr. Lynch would be here already.

Rich Williams stated but you had suggested that Beth Evans may have done a wetlands report.

Mr. Petrillo stated I know she did yes.

Rich Williams stated it wasn't included in the materials.

Chairman Schech stated we have sweated over this quite a bit and we just can't see how you can get a house and retention ponds in there. You have got to move the house and bring those ponds up.

Mr. Hogan asked bring the ponds up and move the house, Chairman Schech stated into maybe Southeast, somewhere.

Board Member Pierro stated I thought we had talked about pulling the ponds away from the buffer.

Chairman Schech stated yes but that is also moving the house.

Board Member Pierro stated and in doing that we are creating a smaller lot.

Rich Williams stated the lot size isn't I mean we had talked about a number of different things on this and a number of different options including you know wanting additional area to compensate for the loss of the wetland buffer, leaving the house and the buffers with the way they are, pulling the ponds away, we talked about a number of different scenarios.

Chairman Schech stated that is the way we are leading so.

Mr. Petrillo asked when you say that it doesn't fit.

Chairman Schech replied if you pull the ponds out of the buffer where is the house going to go.

Mr. Hogan asked why would you require pulling the ponds out of the buffer is it because, Chairman Schech replied because we are not supposed to do anything in the buffer zone that is why they call it a buffer zone.

Board Member Pierro stated in spite of the fact that DEP gave their blessing for the ponds in the buffer, correct,

Chairman Schech stated well we went around with them this week already.

Rich Williams stated I don't think they have actually gotten the final approval from the DEP but the review memos that I have seen appeared to have the DEP leaning in favor of the Stormwater Pollution Prevention Plan.

Mr. Rossi stated and from my knowledge I am not familiar with your Town's Wetlands Regs but the DEP's regs don't prohibit the placement of water control basins in controlled areas nor I don't think there is a prohibition against that in the ordinance.

Mr. Hogan stated I know they disfavor it in the wetland for sure.

Mr. Rossi stated in the wetland certainly.

Rich Williams stated Herb and I had a meeting with an individual from DEP the other day because we got a very strongly worded letter about a project, a different project that is proposing to put stormwater basins within a buffer area and the letter came back saying no they are too big of an impact you shouldn't even consider it and knowing this project we actually pulled them in and said what is it, is it because it is Southeast or is it because the other project is commercial or what is the different standards that you are using here. He explained that it depends on the reviewer and how they feel about it which I think is a poor way to apply your regulations but DEP does not have a prohibition against putting stormwater ponds in a buffer or doing anything but having said that the DEP does not consider this a wetlands. It does not meet their criteria so they don't even consider it a wetland to begin with. The Town of Patterson also does not have an out right prohibition against putting stormwater ponds and stormwater practices within a buffer but we do have a set of regulations which identifies wetlands and a hundred foot controlled area around there

recognizing that the hundred foot controlled area provides significant functional values both to the wetlands and the ecology and we try to minimize the amount of impact that is going to go into that buffer.

Mr. Rossi stated in the projects that I have been involved in for the last couple of years we always believed and based on the reviews that have been done by the engineers and the wetland consultants that these ponds while they certainly involve some construction that they ultimately do not in any way decrease the functionality of the buffer areas. In other words the water flows there, the water is collected, it is treated, it is enhanced by wetlands plantings which I am sure is part of the proposal here so except for the construction disturbance you are really not doing anything to change the benefits or decrease the benefits and that is why we have always believed the regulations don't prohibit it but require your Board's review. That is basically both sides of the table here.

Rich Williams stated I would respectfully disagree with that about your conclusions there. First off when you have got the buffer you have got stormwater that is polluted off of some street usually your road that is filtering down through the buffer and generally you get a higher level of treatment, buffers are great for the final ecology for the stormwater but they certainly don't provide stormwater as the ponds do. The ponds on the other hand are capturing pollutant laden stormwater and then treating it to the best technology you have which is generally an eighty percent PSS, forty percent phosphorous removal but you still have a portion even when you have them in a series like you are proposing to do here you know that second basin is only removing eighty percent of the twenty percent that is left so you never actually get down to zero percent discharge combined with the fact that it is discharging a now concentrated flow where is when you have a buffer you have got sheet flow over uniformly and hydrologically and feeding the wetlands different then the proposed scenario that you have here. That combined with the other functional values of a wetland buffer with amphibian habitat, bird, mammal habitat those are completely lost when you start talking about stormwater wetlands versus or stormwater ponds versus just a naturally vegetated area. Stormwater ponds will mimic a lot of the functions of a buffer and or a wetland but they certainly can't replicate them in totality.

Mr. Rossi stated again, that is the difference with when we have regulatory processes to go through and comply with and the proposal is not something that is prohibited and the site is designed in a way to meet all the applicable regulations and that is our side of the table.

Mr. Hogan stated at the last meeting it was mentioned by I think maybe Mr. Rogan that he felt that if there had been discussion at the last two or three meetings that were held in 2000 that indicated anywhere in the minutes that you had any concerns or any problems with the sighting of this basins that would be that (unable to hear the train) that we had been warned back in 2000 that we should not come to this Board with a plan and at that time there were two lots being proposed with the drainage system as laid out. I mean my feeling was or I thought that maybe there was a sense that it wasn't really not that we were led down a road I am not going to say that I am just going to say that we kind of I think the feeling was that if something had been said in 2000 that was derogatory about the basins then at that time we maybe would have tried to come up with something else, a different layout maybe but there was further discussion also about recantoring the house so that there is a bigger back yard and side yard. It has a fifty foot setback before you start going down grade which it looks like it is about seventy-five feet to where you are getting to that first basin it would be in your side yard instead of your back yard.

Mr. Petrillo stated the other thing too is I am sure everybody has walked it, you have been out there.

Chairman Schech stated several times.

Mr. Petrillo stated so clearly it has been run over for years and years and years prior to us. There is no buffer there at all and part of the wetlands there isn't even a wetlands anymore from what was done for the last I don't know however long the farmer was there from the person that we purchased it from so it is not like it is clear cut that it is quote a "buffer" to the wetlands because that has been hard packed and destroyed.

Rich Williams stated it is coming back.

Ted Kozlowski asked can I chime in now.

Chairman Schech replied please.

Board Member Pierro stated to the right of the road there is a lot of foliage growing.

Ted Kozlowski stated I have been to the site not very recently but I have been to the site too and what Rich says is absolutely true in an undisturbed buffer but when you do have a disturbed buffer then the buffer's functionality is compromised. This site actually has some undisturbed buffer and it has buffer that clearly in my mind was disturbed and from the literature that I have read that Richie has read too you want at least (TAPE ENDED)

Ted Kozlowski stated you want at least fifty feet of undisturbed buffer to wetland for it to be functional you know at least minimally functionable. The question that I have is when you cross the Southeast line what is the zoning there, what is the property lot zoning do you know off hand.

Mr. Petrillo stated it was acre and a half but now I think it changed I think.

Ted Kozlowski asked what is ours there Rich, is that two acres.

Rich Williams replied I think it is four acres.

Mr. Petrillo stated I think on the Southeast side it was acre and a half.

Mr. Hogan stated R-60.

Ted Kozlowski stated okay.

Chairman Schech stated if I remember when we went through the minutes we didn't really encourage you doing this.

Mr. Petrillo stated I think at the time though it was two lots. They didn't want the two lots that was the big discussion. We will accept it or we would like to see one lot was I think if you look through those minutes that is the discussion that you will find. The opposition was the two lots and I think initially if I am not mistaken the original proposal didn't have two it had three. We went from three and then clearly we went to two and then from two we went to one.

Rich Williams stated but the original proposal that Jay referenced back in 2000 didn't have the wetland buffer disturbance that this plan has not even close to it.

Ted Kozlowski stated what I am suggesting and I don't know Rich and chime in because I don't know the legalities of this one but if you can scooch this southeast line more not you can't scooch the line but if you can reduce maybe the size of Lot 4 and push this out and the stormwater system at least fifty feet off the wetland that might be more palatable.

Chairman Schech asked is this one lot going to make or break the entire subdivision.

Ted Kozlowski stated I know you want to live there John.

Chairman Schech stated for two years.

Mr. Petrillo replied two years.

Mr. Rossi stated one problem is again, these guys are into a lot deeper than I am. One problem is if you eliminate that house you are still going to have virtually the same amount of stormwater management required. You still have all the expense that goes with it.

Ted Kozlowski stated I am not suggesting to eliminate the house I am suggesting maybe we can,

Mr. Rossi stated no I know but the Chairman asked if it would make or break the subdivision.

Ted Kozlowski stated I am suggesting we realign those property lines I don't know.

Rich Williams stated you can't. You can't realign this property line this is a lot which is totally in Patterson. You can't change those property lines.

Mr. Rossi stated one of the things that were discussed at the last meeting was the possibility of moving or facing the right side on Lot 3 further to the right to (unable to hear due to plans being shuffled over the microphone).

Mr. Rossi stated along the lines of what Ted was just saying there was some discussion at the last meeting with your Board of taking this basin and trying to move it in this direction so as to get it further from the wetland and possibly gain some. That was one of the things that had been discussed and apparently has,

Ted Kozlowski stated my recollection of the site was that more of the disturbance to the buffer and part of the wetlands was down in this area I guess they had storage of equipment and piles of soil and debris and to me that is really not a functional buffer.

Rich Williams stated you should go out there now.

Ted Kozlowski stated I will but what my next thing was to go with you Rich and did Beth do this.

Mr. Petrillo replied yes.

Ted Kozlowski stated and to go with Beth and do a little more pronounced evaluation of that buffer and maybe come up with something that would be a little bit more palatable to everybody.

Board Member Pierro stated I think relocating the house although it may not be as aesthetically pleasing but moving the house a little closer to the cul-de-sac also takes it further away from the buffers as well which may give us certainly more than fifty feet.

Mr. Petrillo stated I just came from Pound Ridge at a house I am trying to remember the name it is the name of the bird the lake, there is a lake there in Pound Ridge the house sits right on the lake. You walk out the back door, the dock is there. The fifty foot can this be pulled up and can this be a little bit more out of the buffer okay and closer to the house with the pond, the backyard becomes smaller fine.

Rich Williams stated you are looking at me, let me be clear my position is that I don't necessarily have a problem with the stormwater problem where they are my concern is this we have a regulatory requirement for a reason that we have a hundred foot buffer it provides certain functional benefits to the Town and to the surrounding ecology. What you have done is you have completely eliminated that without any sort of compensation for that loss and you are not even talking about compensation.

Mr. Petrillo asked isn't compensation the pond with fish and vegetation.

Rich Williams replied no. You have not compensated for the wetland buffer for all the disturbance (hard to hear too much shuffling of paper going on).

Mr. Rossi stated so where there might be some there is some attempt lessening the impacts by incorporating a pretty elaborate planting plan which addresses potentially some habitat issues and things like that but it falls short in your feeling of the water cleansing aspects of it and the like.

Rich Williams stated well not so much I mean it probably does as much as the water cleansing aspects but as far as habitat I mean,

Ted Kozlowski stated Rich for instance you see right here we have and this is in the buffer there is nothing proposed other than re-grading and you have a few trees here. This is all buffer so, Chairman Schech stated with an access road running through the middle of it. Ted stated right so there really should be something done here to improve that condition especially if it has been previously disturbed.

Rich Williams stated but if you go out there you may see that it is not in that bad of a condition.

Ted Kozlowski stated yes but it is going to be re-graded.

Rich Williams stated okay I see where I thought you meant, Ted stated it is getting disturbed.

Rich Williams stated right well again you want some nice gentle slopes and you are re-grading it and you have got much steeper slopes so you are not getting the re-charge, you are not getting the stormwater filtering down nice and easy.

Ted Kozlowski stated right so we are going to need to do stuff in there. I just think I still believe this could be worked out I just think that I mean I am willing to go out there with Beth and you Rich and come up with a better game plan.

Chairman Schech asked can you do that before the next meeting or should we put this off.

Ted Kozlowski replied I can meet with her next week before the meeting.

Chairman Schech stated and get back to us.

Mr. Rossi asked Ted can you tell from this all this grading is because of, Ted Kozlowski stated it is because of the road.

Mr. Rossi stated the maintenance access road that the DEP is requiring in order to get to these basins.

Rich Williams stated we are going to require it too maybe not in that general area but I mean you have got to be able to get in there you have got to be able to provide maintenance.

Mr. Rossi stated this seems like it is much more than should be required.

Board Member Pierro asked the access is required but do we require a road an absolute.

Rich Williams replied they are probably only about ten, twelve feet wide.

Ted Kozlowski stated this could be a grass road. It does not have to be a paved, gravel road right.

Rich Williams replied no.

Mr. Hogan asked why couldn't you access it off the driveway.

Ted Kozlowski stated because it is a private driveway. Would you want maintenance guys going through your property.

Rich Williams stated as a general rule you don't want to drive down somebody's driveway. Their house is their house.

Ted Kozlowski asked as a homeowner would you want.

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

Mr. Petrillo asked what about from right where it just crosses over the line. Where it crosses the town line.

Mr. Hogan asked is this proposed to be grass pavers.

Gene Richards stated it is just a graded path.

Ted Kozlowski stated I think you need to discuss this with the guy that isn't here right now. I would be happy to meet with she will probably send Ron and Rich and I will go out there.

Mr. Petrillo asked you also mentioned about pulling the house back does that help.

Ted Kozlowski stated the planting plan in this whole thing is fine as Rich said but the point is it is right on top of the wetland and we are going through this many times with other Applicants. We need to get breathing room here.

Rich Williams stated well it works the other way too we can leave the ponds there as long as we have the breathing room on the other side.

Board Member Pierro asked on what other side.

Rich Williams stated as long as we have a buffer with upland that is working to filter the water and providing habitat.

Mr. Rossi asked by way of a conservation easement something like that.

Rich Williams replied yes.

Ted Kozlowski asked what is over here.

Mr. Petrillo stated that is the septic.

Mr. Rossi asked so a conservation easement concept along there is another mitigation measure possibly to consider. It is another alternative.

Board Member Pierro stated by pulling that house closer to the cul-de-sac extends the distance between the house and the,

Rich Williams stated it will give you more breathing room.

Board Member Pierro stated it is not as aesthetically pleasing from here but if you put the house right here maybe some plantings here will,

Ted Kozlowski stated we will also look at, here is the whole wetland and it goes off over here we will look at other possible mitigation improvements to compensate for the loss.

Mr. Petrillo stated they just did on one of the other projects that I was involved in they did put in a conservation easement and that way the trees that were planted could never be touched and that was a concern for a lot of the neighbors in terms of headlights and stuff like that. They didn't want somebody to plant the trees and then later on somebody cuts them out but making a conservation easement and it is on record that it can't be touch those trees just grow forever and ever.

Ted Kozlowski asked do you want to do that Rich.

Rich Williams stated I don't have a problem but again, I hate to be the hard a - - on this but just so you know in the future I think everybody is in agreement we are not doing this anymore. Stormwater practices do not go on residential lots anymore just so you know in the future.

Mr. Rossi asked do you mean they go within the roads right of way.

Rich Williams replied or their own separate utility lot.

Ted Kozlowski asked who is going to call Beth.

Mr. Petrillo replied I will call her tomorrow morning I will ask her to get in touch with both you and Rich.

Chairman Schech stated try to relocate the house down here a little more and see what happens. That might work.

Mr. Petrillo asked how close can we bring the house up this way.

Rich Williams replied thirty-five feet.

Ted Kozlowski replied whatever the zoning is.

Mr. Petrillo stated I am just looking to see what the scale is one inch equals twenty that is two inches that is forty feet so that is only five feet.

Board Member Pierro asked can the configuration the way these lots are laid out now the ponds are very linear can their sizes be changed to round them out a little bit more.

Rich Williams replied sure.

Board Member Pierro stated because if you do that if you cut this lot and make it less linear and make it rounder down in this lower level it may give you some more distance.

Gene Richards made a statement that was inaudible.

Rich Williams stated oh, you are right you can't.

Gene Richards stated there are DEC requirements there is a relationship.

Ted Kozlowski asked Rich, what if the house did go in this area, which is outside the buffer and then move the ponds over here.

Chairman Schech stated the septic and your expansion area is this whole area right here.

Rich Williams stated Gene is right slap me for not remembering but there is a definite width to length ration that you have to construct a pond.

Board Member Pierro stated but if you turn these ponds to a different angle Gene, Chairman Schech stated we are doing this all wrong you know the Engineer has got to do this. We are not Engineers.

Mr. Petrillo asked why can't this access road come right off of here.

Ted Kozlowski replied I don't know.

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

Mr. Rossi stated if the house can move closer to the cul-de-sac you are going to gain some area there.

Board Member Montesano asked on the argument that he moves the house closer and that piece of property the ZBA can okay the distance and cut it down a little bit if it benefits. He can get a variance. The idea is if it is going to alleviate a major problem like this.

Ted Kozlowski stated call Beth.

Mr. Rossi, Mr. Hogan and Mr. Petrillo thanked the Board.

12) TELECOM SITE PLAN

Rich Williams stated Telecom is up on 22 it is a new application. This is the Board's first opportunity to review it. They are proposing to put a warehouse behind the existing building in order to get to the warehouse they are crossing through a wetland area and buffer.

Board Member Pierro asked this is right next door to Tela Cook's barn with the wetland.

Rich Williams replied he is between Tela Cook and Kect Construction.

Chairman Schech stated site walk.

Board Member DiSalvo asked how big is this warehouse.

Rich Williams replied they are talking a 4,000 square foot warehouse.

13) PORTO SITE PLAN

Rich Williams stated you are all familiar with the proposed Budakowski subdivision this is the same lot. The current property owners are proposing a kennel I believe a dog kennel on the site.

Chairman Schech asked does everyone know the site do we need a site walk on this.

Board Member Pierro asked which site is she proposing the dog kennel on the house site.

Rich Williams replied right the house site. The site plan does not take into consideration the proposed subdivision. There is a number of issues. Probably the biggest issue is the Board requested a 25 foot right of way be created along the property and that will impact the current design of the kennel.

Chairman Schech stated maybe we should take a look at this.

Rich Williams stated in addition they need a Special Use Permit from the Zoning Board of Appeals. There are five different requirements that they would have to meet for that Special Use Permit they meet one of the five and there are a couple of other variance issues. I think when I was looking at it in order to go forward they will need a Special Use Permit and about seven variances from the Zoning Board of Appeals.

Chairman Schech stated they talked about a dog hospital this isn't a dog hospital it is a kennel.

Board Member Montesano stated they do veterinary work apparently.

Rich Williams stated the Porto's were in before the Zoning Board a couple of years ago and I touched on it briefly in my memo. I don't know that they are proposing the same operation that is one of the things I raised in memo is that the Board may want to discuss this with them and get a better idea on it.

Board Member Montesano stated what I am getting is if they handle injured animals if they do,

Board Member DiSalvo it is a rehabilitation.

Board Member Montesano stated a veterinary operation does not mean that you have to have people coming from outside you have got to have a State license to be able to handle a wild animal that was injured. If they are doing that is it considered veterinary because they are working on animals.

Rich Williams stated let me jump in at the time the ZBA after reviewing the information made a determination that yes it was both a veterinary center and a kennel.

Chairman Schech asked they reviewed this already.

The Secretary replied they came in on their old property.

Rich Williams stated the Porto's apparently were going to or looking to put a specific type of facility along Fair Street again I am not sure that this is what they are proposing now or not. The ZBA reviewed that.

Board Member DiSalvo stated this shows a reception room, she has an office.

Chairman Schech asked do we want to do a site walk.

Board Member Montesano replied we should because we are going to look at something that they apparently want to put up more than one building.

Chairman Schech stated let's do a site walk this looks a lot larger than I thought was going to be proposed.

Board Member DiSalvo asked what is going to be the ordinance for the noise. Allan is going to be out here every day.

The Secretary stated well our Code says five acres Rich.

Rich Williams replied ten.

The Secretary asked was it ten before.

Board Member Pierro asked that is the variance they need.

The Secretary stated the ZBA approved a kennel, dog training thing on Wagon Lane.

Board Member Montesano stated the problem that you have to put up with is how many people are going to complain on Wagon Lane versus how many people will complain here.

The Secretary stated there were some that came out and complained.

Board Member Montesano stated and they approved it and nothing was done with it.

Rich Williams stated the ZBA reviews the application on their merits based on the proposed impacts if they do approve it they generally should and have been imposing certain conditions and thresholds.

Board Member Montesano stated you have a public hearing for the reason for people to come to you and if there is a complaint the same way we do.

Board Member DiSalvo asked so say this gets approved and people hear the dogs barking. I know because I use to get somebody call and complain about my dogs.

The Secretary stated what Rich is saying that like on the Erickson's there was conditions in there to come up for a review I think yearly and they would check with Allan for a log of complaints and they did not meet the minimum acreage. They got a variance on that.

Board Member DiSalvo asked what about the kennel on 292 that has been there awhile does that have any conditions on that.

Rich Williams stated I don't even think there is a site plan.

The Secretary asked is that still in use.

Rich Williams stated it pre-dates anything that we would have here. I don't recall ever hearing a complaint and the other half is a lot of the people moved in when the kennel was there.

Board Member DiSalvo stated well I know from experience on the Assessment Board everybody across the street from the kennel puts in a grievance every year complaining about the kennel.

Chairman Schech stated so we will have to take a look at it. That building sure looks large.

Gene Richards asked Rich, is this proposed on a lot that is being created.

Rich Williams replied no it is right on the edge.

Gene Richards asked so it has nothing to do with the Budakowski application.

Rich Williams replied well.

Gene Richards asked other than access.

Board Member Pierro stated no this would be the existing lot if the Budakowski's back lot was separated the extra lot if that later becomes separated this kennel would be on the lot with the existing house on it.

Board Member DiSalvo asked and they are proposing a septic too for here.

The Secretary stated there should be a swimming pool if she is still doing the same idea.

Rich Williams stated there is not a swimming pool shown on the plans.

Rich Williams stated they are proposing a septic but it is an interesting situation where they are putting the septic.

Board Member Pierro stated that septic would have to be right on the stream.

Rich Williams replied no again, Ted hasn't had a chance to go out there the wetland boundary on the plan stops right at the inset they don't continue it through. I don't know where it goes. You pull up the soil maps and it is all sun soils which is generally a hydric soil right where they are putting this so I don't know if it is wetlands there or not.

Board Member Pierro stated my recollection is behind that house is right on the wetlands.

Ted Kozlowski asked where are we talking about.

The Board replied Budakowski.

Ted Kozlowski stated behind the house where they want to put this dog thing the wetland actually is beyond that. He showed me, somebody, who showed me where they were putting that.

The Secretary stated maybe Mr. Porto.

Rich Williams stated the wetland boundaries are not shown on the plans and they need to be shown on the plans.

Ted Kozlowski stated they need to be shown on the plans and Jack Karrell has those I don't know why they are not.

Rich Williams replied this isn't Jack Karrell this is Putnam Engineering. This is not the Budakowski subdivision.

Ted Kozlowski stated the property behind it.

Rich Williams replied it is the property in front.

Chairman Schech stated what use to be the Budakowski's house.

Board Member DiSalvo stated I think this is where the riding ring is Dave.

Rich Williams replied right.

Ted Kozlowski stated the wetland is not in that area but they should show the wetland because the wetland starts somewhere around here and then wraps right around the house and back so he is going to have to

show it because it is within a hundred feet of that wetland. The wetland is going to be within a hundred feet of that building.

Chairman Schech stated so flag it.

Ted Kozlowski stated it has got to be shown on the plans. We require that of everybody.

Gene Richards asked Rich, does the other application affect this application.

Rich Williams replied they both affect each other and they both are kind of not working together. If they do the subdivision that subdivision is going to affect this proposal. If they do this proposal then it is going to affect the subdivision.

Rich Williams asked the audience member if she was Mrs. O'Hara.

Mrs. O'Hara replied yes. I was told that I couldn't speak at all.

The Secretary stated I did say that it is not a public hearing. The public is welcomed but it is a work session.

Mrs. O'Hara stated I am just hear to listen.

The Secretary stated it is up to the Chairman and I did tell you that.

Board Member Pierro stated we often allow a little lee way.

Mrs. O'Hara stated that is why I am here because you can't find out from these people what they are doing.

The Secretary stated come in and look at the plans you can do that anytime.

Board Member Pierro stated it seems to me that this driveway access.

Chairman Schech asked which one.

Board Member Pierro replied for the kennel looks like it goes right along the twenty-five foot right of way that we are seeking to get Mrs. Budakowski to provide.

Rich Williams replied it is difficult to tell because I don't have a plan showing the actual, the old former St. John's road but it looks like it would abut it. It would not cross into it but it would abut it and then you have grading issues and you really don't want a driveway right next to a road.

Mrs. O'Hara stated they are already doing a lot over there you know. There is whole bunch of equipment and I want you to know it is on our property but it is not ours.

Rich Williams asked it is on your property.

Mrs. O'Hara stated yes I have asked them to remove it. There is a little bulldozer type of thing. There is a big dump truck. There is a gigantic flatbed and they are working there. They are moving all this stuff over to our side. I just want you to know that the equipment that is all parked there and all this stuff he has thrown around bottles, containers of fluid it is on our side but I want you to know it is not ours.

Board Member Pierro asked can we get Paul out there tomorrow.

Board Member Pierro stated this is all in the minutes.

Mrs. O'Hara replied I don't care I have spoken to them about this already.

14) EUROSTYLE MARBLE & TILE SITE PLAN

Rich Williams stated Eurostyle is a new application that has been submitted to the Board for a retail office, warehouse and I think light manufacturing operation over in Patterson Interstate Business Park next to and south of the A-1 Building.

Chairman Schech stated okay so site walk.

Rich Williams stated there were some issues out there with the Liotta Site Plan the wetlands may extend on to this site.

Board Member Pierro asked how is that site we had a lot of issues with that site Ted, Liotta's site.

Ted Kozlowski stated it wasn't so much issues it was the consultants. Actually, the wetlands are coming back.

15) OTHER BUSINESS

Kessman Subdivision

Chairman Schech stated Kessman is being put on hold for awhile.

Rich Williams stated I gave you site walk comments for Kessman and Tanzi. We have a letter now from two of the Principals involved in the Kessman site saying that they do not grant their permission to proceed with the application and please stop all review.

Board Member Pierro asked which two.

Rich Williams replied Marvin and.

Tanzi Subdivision

Rich Williams stated you have site walk comments.

Budakowski 280a Recommendation

Rich Williams stated at the last Board meeting everybody kind of said yes we are going do to a recommendation and we want to include all the comments from the minutes and I thought there was a motion made and everybody else thought there was a motion made but actually did the memo and found out there was not a motion which may be a good thing because I want to relay to you an incident that happen today. I got a call from Mrs. Budakowski who started off very nice but very soon took a turn for the worse and had some very unflattering things to say about the Planning Board and some very unflattering things to say about me and then apologized to me.

Chairman Schech stated you left me out.

Rich Williams stated she actually told me that she had gone up to Herb's house and been in his driveway and took pictures of his house and all the structures.

Board Member DiSalvo asked so what was the bottom line.

Rich Williams replied she was just kind of all over the place about things but it seems that her primary issue was the recommendations that I wrote up said she has to create a 25 foot right of way on her parcel that has an irrevocable offer of dedication and then item number two said within that she has to create a 12 foot wide constructed to Town road standards plus the cul-de-sac turnaround at the end or thereabouts. She had to create the right of way and everything and she couldn't understand and thought it was just worded all wrong that she felt that the 25 foot right of way was actually something that needed to be constructed and not created and wouldn't accept that we were not looking to have her go in and blast out all the rock and everything else and why does she have to do it when nobody else has to do it. It was just an ugly conversation.

Board Member DiSalvo asked so how did you leave off.

Rich Williams replied again, I am not sure where it left off in the end she apologized to me. I tried to give her the information that I could and then she called me back and now she is all concerned because well there is a recommendation but there isn't any recommendation and how is she going to get to the Town Board on the eighth. I explained to here the Planning Board is meeting on the second you need to be there if you have issues about this recommendation.

Board Member DiSalvo stated with her lawyer or her engineer.

Rich Williams stated and there is still plenty of time to make the Town Board meeting and again, she just would not understand that there was a difference between the Town Board of sufficient time that she could get to the Town Board.

Rich Williams stated I do want to relay to the Board one of the things she did say to me and she was absolutely infacted that she was not doing any of these improvements. She was currently actively right now marketing the property and she was going to sell it and whoever bought it they were going to be responsible for all this she was not and she was very upset about the fact that she might have to pave a driveway that she does not own anymore.

Board Member DiSalvo asked how could she sell it when it is not subdivided yet.

Board Member Pierro replied she can't she is going to sell it pending the conditions and whoever buys it is going to have to but you know what how large is that lot in the back.

Rich Williams replied five acres something like that four acres.

Rich Williams stated everybody has got to understand this thing was probably doomed from day one because they are not addressing it in a cohesive manner. She still has got outstanding issues that she has to deal with. The Board is basically saying she has to have a paved driveway going in because of the issues with the road and future development in the back and she has got to cross a stream which means she has to deal with DEP on it and she has to deal with stormwater.

Chairman Schech told Gene Richards he could go and thanked him for his patience.

Board Member Montesano made a motion to adjourn the meeting. Board Member Pierro seconded the motion. All in favor and meeting adjourned at 9:10 p.m.