

TOWN OF PATTERSON
PLANNING BOARD MEETING
August 30, 2012
Work Session



AGENDA & MINUTES

	Page #
Patterson Commons Sewer Extension Discussion	1 – 7
Genovese Site Plan Discussion	7 – 11
Pawling Cycles Temporary Sign Permit	11 – 12
Commerce Drive Wetlands Discussion	12 – 20
14 Palmyra Road Discussion	21 – 23

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

Michelle Lailer
Sarah Mayes
Secretary

Richard Williams
Town Planner

Telephone (845) 878-6500
FAX (845) 878-2019



**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS
Lars Olenius, Chairman
Howard Buzzutto, Vice Chairman
Mary Bodor
Marianne Burdick
Gerald Herbst

PLANNING BOARD
Shawn Rogan, Chairman
Thomas E. McNulty, Vice Chairman
Michael Montesano
Ron Taylor
Edward J. Brady, Jr.

**Planning Board
August 30, 2012 Work Session Meeting Minutes**

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



Present were: Chairman Rogan, Board Member McNulty, Board Member Montesano, Board Member Taylor, Rich Williams, Town Planner and Ted Kozlowski, Town of Patterson Environmental Conservation Inspector.

The meeting began at 7:00 p.m.

Michelle Lailer was the Secretary and transcribed the following minutes.

The Secretary stated you're on.

Ted Kozlowski sings some enchanted evening, you may find a stranger. I want that in the minutes.

The Secretary stated it will be there.

Ted Kozlowski stated I know.

The Secretary stated we have already started.

Board Member McNulty stated the meeting hasn't officially began.

Board Member Montesano stated look we got a piece of paper, can we doodle on it.

Rich Williams stated Dunkin Donuts...

Board Member Montesano stated oh god.

Rich Williams stated A&P...

Chairman Rogan stated okay.

Rich Williams stated Dunkin Donuts' septic has failed, A&P's septic has failed, they petitioned the Town to the sewer district, they are talking about abandoning this septic system, they're putting a pump station in this general area, running the pipe over to a second pump station, over here which is right down by the corner of the A&P.

Chairman Rogan stated here.

Rich Williams stated bringing it all the way down to a pump station here, from here back into A&P is all going to be private, this pump station and everything coming down Route 311 is going to be owned by the Town. They are going to directional bore from this pump station all the way down here to Benfield's, from Benfield's they'll trench across and connect to the sewer manhole down here, in the middle of front street.

Board Member McNulty stated is this the only pump station between here and Benfield.

Rich Williams stated except for the other 203 of the site...

Board Member McNulty stated and I meant other than the private ones.

Rich Williams stated yeah.

Chairman Rogan stated wow.

Ted Kozlowski stated I assume the treatment plant can handle this.

Rich Williams stated yup.

Ted Kozlowski stated and they're paying for it all.

Rich Williams stated they are paying for it all.

Board Member Taylor stated what about Thunder Ridge.

Rich Williams stated Thunder Ridge has not made a decision yet.

Board Member McNulty stated were they talking about getting on this system as well.

Rich Williams stated yes.

Board Member Montesano stated they found that it cost money, not coupons.

Chairman Rogan stated Rich, will, how will this affect our additional volume for the sewage treatment plant, in other words, will this use up or will they give us more based on realistic data.

Rich Williams stated we are currently running at an average of 42,000 gallons per day, it's an 80,000 gallon per day plant, we're about half, a little over a half.

Chairman Rogan stated oh, okay.

Rich Williams stated you knock out about 8,000 gallons for an eye an eye and that's brings us down to about 72,000 gallons. The combined SPDES permit for Dunkin Donuts and well, Dunkin Donuts doesn't

have a SPDES permit but their waste water generator plus A&P is permitted at about 5,300 gallons per day, they are actually running at about 4,000 gallons per day.

Ted Kozlowski stated Rich, when you say A&P, you mean all the businesses there.

Rich Williams stated yes, the whole block of stores.

Board Member McNulty stated the whole center.

Board Member Taylor stated now does A&P have a SPDES.

Rich Williams stated A&P has a SPDES permit.

Board Member Taylor stated are you picking that one up, so you're adding to your capacity.

Rich Williams stated DEP will not allow us to add that to the capacity of the plant, they have just, please you've got to take them, please we'll do anything, please you've got to take them...

Chairman Rogan stated but we're not giving you anything...

Rich Williams stated we're not going to allow you to acquire their permit and we want you to jump through several hoops to demonstrate that you have the ability to take them.

Board Member McNulty stated would that allow them to put a restaurant in that center.

Rich Williams stated compare it to, it certainly will give them the ability to generate more flows, we're still waiting to see how this shakes out, they initially came in and said they wanted to have the center allocated 12,000 gallons per day.

Board Member McNulty stated who is they, the...

Rich Williams stated the owner of the complex, I don't know how that's going to work out, you know I'm willing to increase their flows somewhat but not 12,000 gallons per day.

Chairman Rogan stated there should be an inspection of all of the fixtures in this entire place and make sure they're all water saving fixtures, as part of the, you know, to make sure that the flows their giving aren't, they're just not needlessly wasting water because they're like hey, we're on the sewer, you know...

Ted Kozlowski stated right.

Chairman Rogan stated granted I know they pay for that, there is a payment for per gallon or per thousand gallons, right.

Rich Williams stated no, there isn't, it's a flat fee based on an assumed benefit unit...

Chairman Rogan stated it's not, okay.

Rich Williams stated I go back to, they are on an average using about 4,000 gallons per day based on the historical records, we're still going...

Chairman Rogan stated well but maybe that's a way, I apologize.

Rich Williams stated to be assessing them for 5,300 gallons or more.

Chairman Rogan stated what I was going to say was based on their previous usage, if all of a sudden you have a significant increase in water usage after the connection, there should be some incentive or monetary reason for them to stay under what you project, rather than all of a sudden they have running toilets and they say it doesn't matter, it's going in the sewer...

Rich Williams stated right.

Chairman Rogan stated you know and now all of a sudden our flows are, we're short changing other potential businesses.

Ted Kozlowski stated Rich, are all the business taken, I mean are they all active, are there any vacant stores there.

Rich Williams stated yeah there are vacant stores there, I think so.

Ted Kozlowski stated but that wouldn't be, if they suddenly became a restaurant or something we wouldn't be appreciable...

Rich Williams stated yeah.

Board Member Montesano stated do they have influence in keeping that SPDES permit that they have, if their asking for 12,000 gallons, can they use any influence to get that SPDES permit absorbed by us.

Rich Williams stated listen, if I couldn't use my influence to solve two failed septic systems...

Chairman Rogan stated yeah.

Rich Williams stated DEP called us and begged us to take...

Chairman Rogan stated yeah, they have a funny way of begging.

Rich Williams stated then...

Board Member Montesano stated yeah well I understand but what I'm saying is, they want 12,000 gallons put in there, let them at least send a letter asking for a little assistance in transferring.

Rich Williams stated they want 12,000, I don't, I'm not in favor of giving them 12...

Chairman Rogan stated no, I wouldn't.

Rich Williams stated and I seriously doubt if DEP or Putnam County Health Department will give them 12.

Board Member Montesano stated well the thing I'm looking at is apparently they have some influence somewhere...

Chairman Rogan stated well.

Board Member Montesano stated possibly someone that they know may be connected on the upper echelon and saying this is the time of year to ask, it's election time, if you're going to put an pressure on a group of civil service people, it's election time.

Rich Williams stated well the bottom line is that ship has sailed at this point...

Board Member Montesano stated okay.

Rich Williams stated we're just looking to get this going.

Board Member McNulty stated does this create its own sewer district is that what happens here.

Rich Williams stated we are extending the Hamlet sewer district to take them in.

Board Member McNulty stated so how, they're going to pay fees, their fees are based the same as the Hamlet fees.

Rich Williams stated yeah, yeah.

Ted Kozlowski stated Rich, is this going to be a big disruption to life in Town when they do all this connecting or no...

Rich Williams stated its directional boring from the A&P all the way down here, right under the Croton River.

Board Member McNulty stated under the river, huh.

Chairman Rogan stated I'm absolutely in favor of it based on just what you started out with, two failing septic off and on for the last ten years...

Ted Kozlowski stated right and it's flowing into the wetland.

Board Member Montesano stated well maybe we can do something with parking now.

Chairman Rogan stated sorry.

Rich Williams stated yeah.

Board Member McNulty stated what's the combined flow with Dunkin Donuts...

Board Member Montesano stated how about something doing with parking.

Board Member McNulty stated or you're not sure with Dunkin Donuts.

Rich Williams stated it's about 4,000 gallons...

Chairman Rogan stated great scenario.

Rich Williams stated with actual 5,380 gallons permitted.

Ted Kozlowski stated Rich is the pine, is the gas station and the wood working shop included in that too.

Rich Williams stated no.

Ted Kozlowski stated no.

Rich Williams stated no.

Chairman Rogan stated oh I'm sorry...

Board Member McNulty stated Ryder's building.

Chairman Rogan stated any requirement as part of this connection to exhume the old septic systems, is that something that has been considered or...

Rich Williams stated not by us.

Chairman Rogan stated no, but in this case obviously we have interest because of future changes which would, you know...

Rich Williams stated they are going to look to put another building there probably, I don't know whether that's going to happen...

Chairman Rogan stated well parking and...

Board Member McNulty stated well that's going to affect the flows then.

Rich Williams stated it would, yeah.

Chairman Rogan stated yeah but and also remember that the issues that we've already discussed and put on the record about Dunkin Donuts traffic flow, have to be solved as part of any discussion of this area. So if they're going to come up with a plan for something here, they better darn well solve all this...

Rich Williams stated yeah, that wasn't exactly my understanding, my understanding was Dunkin Donuts needed to be solved whether they did something there or not.

Chairman Rogan stated no, I agree but I mean in addition because this is the first I'm hearing that potentially there is going to be a proposal for that area for...

Rich Williams stated well they've always tried to figure a way to get Dunkin Donuts into the big septic system.

Chairman Rogan stated okay.

Rich Williams stated so what's before the Board really is a modification to the existing site plan which is really not significant and that's about it. There, we need to do SEQRA on this, the Town Board has circulated a letter to everybody declaring their intent to assume lead agency status, including the Planning Board, so you know, the question is whether you want to try to wrestle that from the Town Board or you want to just let them do SEQRA.

Chairman Rogan stated that's fine, this is, anybody have any objection, we're going to have involvement anyway.

Board Member Montesano stated there's no way to get them to move that entrance that they have down to that area where the septic, the entrance they have now which clogs up...

Rich Williams stated Dunkin Donuts.

Board Member Montesano stated yeah, which clogs up [Route] 22 in the morning.

Rich Williams stated yeah, we...

Board Member Montesano stated can we get that extra.

Rich Williams stated what we talked about.

Chairman Rogan stated that's what we're...

Board Member Montesano stated okay, as long as they're going to be willing to discuss it.

Board Member McNulty stated I have yet to see a traffic jam at Dunkin Donuts...

Chairman Rogan stated I don't drive over that way...

Board Member McNulty stated I go by there a lot.

Rich Williams stated well I have.

Board Member McNulty stated you've seen it, out on [Route] 22.

Rich Williams stated yes I have, I've seen it right on to 22, not backing up 22, on to, on to the pull off...

Board Member McNulty stated yeah, I've never seen that, yeah.

Board Member Montesano stated the problem is you've got people trying to leave the A&P area, trying to get across and they can't, that starts the problem and then it's up, going up and while they're potsying around somebody gets upset and we'll have some violence.

Rich Williams stated so do you want to make a motion to allow the Town Board to assume lead agency.

Chairman Rogan stated so moved.

Board Member McNulty seconded the motion.

Chairman Rogan asks for all in favor. Motion carried by a vote of 4 to 0.

Rich Williams stated all right, the second issue I've got running for everybody, I don't know where this is going to work out, I was contacted by a real estate agent representing a company out of Chicago who has a, some state funding and is looking to move between 70 and 140,000 square foot building and about 140 jobs

into this area. They initially were down in Southeast, they spend an inordinate amount of time down in Southeast and didn't get anywhere, so the real estate agent brought them up to Patterson, I showed them the Genovese site, we worked things out with Bibbo that it's theoretically possible to get the building that the people are looking for onto the site but there's going, there would be modifications to the layout such that there would be an intrusion into the wetland buffer. I haven't seen the drawings yet because as all this is, you know they're, right now they're negotiating money, they are kind of hung up on money. I was actually contacted by the people because they really like the responses they've received from Patterson...

Board Member McNulty stated good.

Rich Williams stated so they asked me if there were any other sites available, they gave me some ideas and I'm working on a second site right now to put in front of them...

Chairman Rogan stated as a backup to plan A.

Rich Williams stated yup.

Chairman Rogan stated okay, that's nice.

Rich Williams stated but because, it's state funding, they're going to lose the state funding if they don't get going very soon. They've spent an inordinate amount of time as I indicated and so if this is going to happen in this area, we're going to have to make it happen, fairly quickly.

Board Member McNulty stated how much on our end is there to do, outside of the, the wetland buffer to look at.

Rich Williams stated I don't know how much of a modification to the site plan on the Genovese site there's going to be, if it goes to the other site, then it's going to be a whole full blow site plan.

Board Member McNulty stated what's the other site.

Rich Williams stated and I imagine we're going to have to get the site plan done one way or the other, in six months, something like that.

Chairman Rogan stated Genovese is the better option than...

Board Member McNulty stated let's do it.

Ted Kozlowski stated I think there's some wiggle room in the wetland at Genovese.

Board Member McNulty stated it's all Town wetland.

Rich Williams stated yes.

Chairman Rogan stated we've already approve a plan out there with stormwater and now it's a matter...

Rich Williams stated right.

Chairman Rogan stated of expanding the plan and expanding things proportionately so it's obviously the easier alternative I would go to, once we have something of an idea and certainly your gentlemen's...

Board Member Montesano stated well, let's see what they got.

Chairman Rogan stated recommendations and Ted especially, you consider the impacts.

Ted Kozlowski stated like I said, I think there's some wiggle room, it's not a pristine area.

Chairman Rogan stated it's on [Route] 22, it's a relatively level lot...

Ted Kozlowski stated yeah.

Chairman Rogan stated good access, you know.

Ted Kozlowski stated I think it would be good that we all go out there and understand the lot in advance of whether this happens or not, it's probably a good idea to go.

Board Member McNulty stated Rich, you said it's a window manufacturer, they're a vinyl window manufacturer or just a...

Rich Williams stated all I've really gotten out of them so far is it's a green style window...

Chairman Rogan stated so we can expect all the windows in the building they build to be green style windows, right.

Ted Kozlowski stated yeah.

Rich Williams stated they are going to be building a lead silver building, is they can't build a lead silver building then they don't want to come to the area.

Board Member McNulty stated I just bring up the point again, if they're bringing in raw materials, like the materials to make vinyl, you don't want it in your community, it's not good stuff.

Ted Kozlowski stated why is that Tom, I don't know...

Board Member McNulty stated it's toxic, yeah.

Chairman Rogan stated so that's different than bringing in the materials that are already pre-made and making the windows, assembling the windows...

Board Member McNulty stated yeah, the vinyl is already fabricated and it's assembled but if they're using raw manufacturing...

Board Member Montesano stated look at every house...

Chairman Rogan stated yeah.

Board Member McNulty stated I was looking for a...

Ted Kozlowski stated you mean actually manufacturing vinyl.

Board Member McNulty stated I looked up, I tried to find a show that I saw, I think it was 60 minutes in Louisiana where they make vinyl siding...

Chairman Rogan stated wow.

Board Member McNulty stated and the cancer rates are unbelievable.

Board Member Montesano stated that's it.

Board Member McNulty stated I couldn't find it, it was a couple of years that I saw this.

Board Member Montesano stated vinyl siding is horrendous.

Rich Williams stated is vinyl different than plastic.

Board Member McNulty stated well, it's a form a plastic but it's the, I mean they were using 50 pound bags of this raw material or some kind of material to make this stuff, pouring it vats and it's just, it's contaminated whole towns in Louisiana where they do it. So that would be a concern of mine.

Board Member Montesano stated well let's see what they say.

Board Member Taylor stated well unless there is some major environmental concern, I think we push stuff through pretty quickly.

Board Member McNulty stated yeah, I agree.

Board Member Taylor stated I mean the problem has been the engineers.

Chairman Rogan stated I agree.

Board Member Taylor stated I mean circling and circling and circling and circling so.

Rich Williams stated Ron, if I didn't think we could get it done, if I didn't think this Board could get it done...

Chairman Rogan stated right.

Rich Williams stated I never would have put my neck out on the line, I think absolutely you can get it done, I'm not suggesting otherwise, I'm just trying to update you on...

Board Member Taylor stated yeah, okay.

Ted Kozlowski stated do you see DEP as a factor in this.

Rich Williams stated ah geez, I'm really hoping the DEP is a factor in this.

Ted Kozlowski stated you are.

Rich Williams stated yup. Anyway, I'll explain that later.

Board Member McNulty stated okay, well let's hope we get positive things out of this.

Board Member Taylor stated yeah.

Pawling Cycle Shop Temporary Sign Discussion

Rich Williams stated all right, the last thing I have for you is just that I received a sign application for a temporary sign, the individual knows he has to come in and make application for his permanent sign, the blue something outfitters up on [Route] 22...

The Secretary stated Great Blue.

Rich Williams stated Great Blue Outfitters, Great Blue Outfitters is scaling back, they're giving up the building, we have the opportunity of having a cycle shop go in there but he's looking for a...

Board Member McNulty stated that's the nursery site, right.

Ted Kozlowski stated no, that's next to it...

Board Member Taylor stated the real estate site.

Ted Kozlowski stated it north of the nursery site.

Board Member Taylor stated is the Tela Cook real estate site.

Board Member McNulty stated oh okay.

Rich Williams stated it's all the same site.

Board Member McNulty stated it's all the same owners, I didn't realize that, okay...

Rich Williams stated yeah.

Board Member McNulty stated I was wondering how he was going to work out in that nursery.

Rich Williams stated yeah, no, he's not doing the nursery, he's taking the Great Blue Outfitters...

Board Member McNulty stated okay.

Rich Williams stated he's looking for a grand opening sign...

Chairman Rogan stated 10 square feet.

Rich Williams stated 10 square feet.

Board Member McNulty stated does he say how long he wants it.

Rich Williams stated well you can issue a temporary sign for 90 days from the day it's up.

Chairman Rogan stated that makes sense, I like that they came in and asked for permission which is more than most.

Rich Williams stated he actually came in before he moved in and said what do I have to do.

Chairman Rogan stated wonderful.

Board Member McNulty stated I think this is the same owner at the Pawling Cycle Shop, right.

Board Member Montesano stated the Pawling Cycles.

Board Member Taylor stated yeah, he's moving, he's thinking about moving.

Board Member Montesano stated so we need a motion to give Pawling Cycle a...

Chairman Rogan stated yes for 90 days, 10 square foot.

Board Member Montesano stated 10 square foot sign for 90 days, so moved.

Board Member McNulty seconded the motion.

Chairman Rogan asked for all in favor. Motion carried by a vote of 4 to 0.

Chairman Rogan stated great.

Board Member Taylor stated see, that didn't take 6 months.

Chairman Rogan stated see that.

Rich Williams stated yeah and we have 6 more things to go.

Board Member Montesano stated do we have anything to do on next Thursday.

Chairman Rogan stated I have a lot to do.

Board Member McNulty stated yeah.

Commerce Drive Discussion

Board Member Taylor stated I've got some more questions, it's about Commerce Drive, the buffer stuff. I was looking at it, when I was starting to write it up, I was looking at it in terms of actually building it which is a different way of looking at it and in essence we're suspending the rules about wetlands, if they're going to, if we're going to allow them to go into the buffer and create new wetlands, so in sense, it's different than what's normally happening which is stay out of the buffer.

Rich Williams stated don't look at the Ted though and don't say anything.

Ted Kozlowski stated well I can say general stuff about wetlands.

Rich Williams stated but we're talking about Commerce Drive.

Ted Kozlowski stated right but certain...

Rich Williams stated but we're talking about Commerce Drive.

Ted Kozlowski stated but we're talking about general wetlands, in general wetlands there's degrees of...

Board Member McNulty stated this was supposed to be a quick meeting.

Ted Kozlowski stated buffer, there's different degrees.

Chairman Rogan stated different importance.

Board Member McNulty stated okay Ron, so what was your concern.

Board Member Taylor stated so anyway, let me just keep going, that's my thinking. Then the question is how long are we in effect suspending the rules...

Chairman Rogan stated long, you mean timing...

Board Member Taylor stated yeah in terms of, yeah, in terms of the construction timing.

Chairman Rogan stated oh.

Board Member Taylor stated when the buffer goes up, or when the new wetlands go up, the buffer then becomes effective and will determine what kind of building is going on but if it's, if we have a project online and all this wetland creation is part of the project, can the buildings go in while the buffer is suspended and the buffer is extended at the end when the plan is submitted, so that these new buildings in a sense become pre-existing, do you see where I'm going with this.

Board Member McNulty stated you're looking at the technicality of the law, I got you.

Rich Williams stated yeah, Ron's concern is that we're going to create a wetland, that's going to create a 100 foot buffer around that wetland, there are probably going to be roads, buildings, maybe within you know, that buffer and how does the newly created buffer affect them...

Board Member Taylor stated no I'm not...

Rich Williams stated as well as future development.

Board Member Taylor stated that's the thing especially the two...

Rich Williams stated and you, right, right.

Board Member Taylor stated the sites we're working on.

Rich Williams stated right, so and my opinion on this would be that newly created buffer, you know now becomes regulated and you have to evaluate the impacts just like you would on any other wetlands application.

Board Member Taylor stated but for that one, for the lot, if we're working on one lot say, and you're doing the wetlands on that lot and you're also doing a plan for building on the lot, I mean these lots are small, so if we go sticking a buffer in after we've created the new wetlands, it subtracts substantially from the lots...

Rich Williams stated right.

Board Member Taylor stated with the exception of the two at the far end which they're going...

Rich Williams stated which is why the general thinking always has been that he's going to recreate a wetland someplace he's not going to build.

Board Member McNulty stated yeah, that's what my understanding was, to use one of the wet properties now to offset what we're going to take away.

Rich Williams stated sure.

Board Member Taylor but he's only got two properties that he can use, two smaller properties near the front, the ones in the back, there's so much wetland there, you can't, you need more than the two in the front.

Board Member McNulty stated you're talking about the ones on the west side.

Board Member Taylor stated yes, the ones on the west side, closest to the entrance, the two that are in the back adjoining the landfill, I mean those are huge wetlands and to compensate for them, I would assume the thing to do there would be to just wipe those wetlands out completely and move them somewhere and then you're not dealing with the buffer...

Rich Williams stated right.

Board Member Taylor stated for those lots but for the other two lots, you've got this issue of buffer and if you try to build because lots are so small, you create new wetlands, like the one that's got the pond, you can create wetlands around the pond which would be a nice way of doing it but then you go stick the buffer in again, it's going to eliminate the rest of your lot.

Chairman Rogan stated right, right.

Board Member Taylor stated so I was wondering if...

Chairman Rogan stated creating problems.

Board Member Taylor stated if it's all part of the same site plan, they are going into the buffer, creating new wetlands and new stormwater practices and all that as part of the whole process, can we not put the buffer in until after as part, it won't work that way.

Rich Williams stated no, the buffer goes in with the wetlands, if you've got wetlands, you've got a buffer, I mean that's the way it works.

Board Member Taylor stated but we're talking about creating new wetlands.

Rich Williams stated right, if you've got wetlands then you've got a buffer.

Board Member Taylor stated at what point do we create the new wetland though, do we say that it's created.

Rich Williams stated well if you know you're going to create it...

Board Member McNulty stated once it's wet.

Rich Williams stated and just because it hasn't been built, you know you're going to require him to create it, so it's there.

Ted Kozlowski stated I don't think its...

Board Member Taylor stated so we can't get around it.

Ted Kozlowski stated with anything we do in Town though, remember you've got Army Corps and you have to do two for one and I don't think you're going to be able to do it there or anywhere else with that kind of constraints.

Board Member Taylor stated these two, with these two lots I think you could, if we didn't have to deal with buffer because the Corps doesn't care about the buffer.

Rich Williams stated right.

Ted Kozlowski stated no, it's just pure wetland but you know, you take it, if you're going to swallow up one acre of wetland, if you're going to fill it, you have to create another acre of wetland, you have to create two acres.

Rich Williams stated two acres.

Ted Kozlowski stated so...

Board Member McNulty stated two acres.

Board Member Taylor stated right, well we're not...

Ted Kozlowski stated where are you going to find it.

Board Member Taylor stated we're not even talking about that level for these two lots, these are small, the wetlands that need to be moved are fairly small, it's, especially the one that's on the southwest side, there is a narrow wetland strip that runs right through the middle of the lot, the thing to do would be take that narrow strip out and move it and double it but doing that you still got the problem with the buffer, it still, it doesn't yield you very much. So if we can't get around, I was just wondering if that would be a way of kind of getting around because the reason for a buffer is that your mitigating some of this stuff before it gets in to the wetlands, right.

Rich Williams stated it's an additional protective area, so as, you're not impacted the wetland.

Board Member Taylor stated right but what we're doing, the stormwater practices are functioning in that way for these small lots, so in a way they replace, could replace the buffer if we can reach and around that.

Ted Kozlowski stated but I would philosophically if you created a stormwater detention basin next to a wetland, you could call that buffer area, if you're creating it because the stormwater detention basin is functioning like a wetland.

Chairman Rogan stated its serving some benefit to that...

Ted Kozlowski stated its serving a better purpose...

Chairman Rogan stated that area.

Ted Kozlowski stated than a lot of buffer area that we commonly see in a lot of these commercialized areas...

Chairman Rogan stated yeah.

Ted Kozlowski stated they've all been beat up, re-graded, dumped on...

Chairman Rogan stated right.

Ted Kozlowski stated so I would, if I had a choice, if I had a stormwater detention basin properly designed and functioned and doing things, you know you're going to have wildlife there, you know you're going to have water quality improvement issues, I would rather have that as my buffer than a piece of property that's been dumped on and totally raped and pillaged.

Board Member Taylor stated which is what all these are going to be.

Ted Kozlowski stated so I think that's, in these kind of areas in the Town I think that's where you have a lot of room to be created.

Rich Williams stated just so you know, Pete's coming in for the next meeting to talk with you about a proposal.

Board Member Taylor stated okay.

Chairman Rogan stated good, next work session.

Rich Williams stated yup.

Board Member McNulty stated yeah because he needs to talk to his neighbors to see what he can negotiate with them, isn't that really what we looked at, moving it to a property that wasn't his.

Rich Williams stated combining it, he owns...

Board Member McNulty stated combining.

Rich Williams stated he owns the lot and then there's a lot right next to him that he doesn't own and extending the wetland on the lot he doesn't own on to his lot but essentially you know, he'd up giving up a lot.

Chairman Rogan stated or a little depending on what he gets.

Board Member Montesano stated and depending on what we give him or is allowed, he'll buy up the rest because then he can sell them all off as a group, that's the feeling I got when he spoke that night. That he's willing to spend the money to get the other lots but he has to have a reason for it.

Chairman Rogan stated sure, right, I don't blame him.

Ted Kozlowski stated you know I had a, the Army Corps is a strange, I still don't understand, I had a conversation, there is a person now, Naomi Mandel, I spoke with her about a situation in North Salem where a guy dredged a pond which was connected to a state wetland and he took out a lot of fill from that pond which navigable waters, which did not need an Army Corps of Engineers permit...

Rich Williams stated it fell under a nationwide permit.

Ted Kozlowski stated didn't need it and the reason was because it wasn't a vegetated wetland and that's the first I ever heard of that one.

Board Member McNulty stated what is a vegetated wetland, rough waters.

Ted Kozlowski stated the Great Swamp.

Chairman Rogan stated yeah.

Ted Kozlowski stated okay, is vegetated wetland.

Board Member McNulty stated he was landscaped all around it.

Ted Kozlowski stated this was a pond.

Chairman Rogan stated a bowl of water.

Ted Kozlowski stated bowl of water and as long as you took the material out of that pond and did not dump it in another wetland and if you dumped it, you know on your horse pasture...

Chairman Rogan stated common fill.

Ted Kozlowski stated that's fine.

Chairman Rogan stated wow.

Ted Kozlowski stated but it's a dredging project and a stream went through that pond and went through and exited the pond into the wetland, it's okay.

Board Member McNulty stated so does that situation exist anywhere in Commerce Drive.

Rich Williams stated no.

Ted Kozlowski stated but I'm just saying the Army Corps' interpretation of things...

Board Member Taylor stated is strange.

Ted Kozlowski stated is to me, I never really can understand it, I think it depends on who you're talking to.

Board Member McNulty stated that's because they're busy in New Orleans.

Chairman Rogan stated there's a lot of place like that in life.

Board Member Montesano stated did you ever go to, yeah, anytime you get two experts and they have separate opinions, it's the same thing.

Ted Kozlowski stated and the fact that they don't recognize buffers is weird, so.

Board Member Montesano stated go along the Mississippi and get into New Orleans and look at the buffer between the river and the first part of the shore line, it's right there because when the jetty goes, it's a whole...

Rich Williams stated anybody got anything else.

Board Member McNulty stated are you finished Ron.

Board Member Taylor stated well it seems like what Ted said at least, do other people agree that if the buffer, we can use the buffer or the developer could use the buffer for stormwater practices.

Rich Williams stated our Code requires, our Code says that you can use the buffer for whatever the Planning Board is going to issue a permit for, so yeah, he can use the buffer as long as you're willing to issue a permit for it.

Ted Kozlowski stated Ron, our law, our wetlands law doesn't say you cannot do ever anything, it says you need a permit to do whatever anything...

Board Member Taylor stated well that's why...

Ted Kozlowski stated so we can concede, this Board, this Planning Board conceivable grant a wetlands permit directly in a wetland if we find that is not negatively affecting that wetland or if what we're doing there is a better thing for the wetland. So my argument here is that on any given piece of property in the Town of Patterson, not necessarily Commerce Drive but as I said, if you a degraded, lousy looking, functioning buffer area and you have it properly designed to convert that to a good stormwater area, that will actually act as a wetland, then to me that is a greater benefit to everybody and everything then to just leave it, you know a degraded area. So, there is a flexibility in the law and I wouldn't get so caught in yes and no, I think it's a combination of everything, there are something we're, you're not going to look at, we're not putting a septic system in a wetland, you know we're not going to fill a wetland a put a parking lot there.

Board Member Taylor stated would we put a septic system in the buffer, though.

Ted Kozlowski stated well, now you're dealing with Health Department too, they're going to look at that because we can't, we don't have the approval authority to say you can put a septic system in a wetland buffer, the Health Department is going to, New York City is going to have a say in that as well.

Board Member Taylor stated but they're going to care about the drainage not whether it's a buffer or not, right.

Chairman Rogan stated no...

Rich Williams stated Ron, the short answer is we have.

Board Member Taylor stated we have, okay.

Chairman Rogan stated I think, I mean I think what I'm seeing in this process is that we've spent a lot of time discussing what if scenarios and I think if Mr. Monteleone were to go back with this professionals and even just read through the minutes that every time we've discussed Commerce Drive, he would get a common theme, that theme should be enough to say let's bring the Planning Board some concept plan of what we think might, so I think, that's a natural progression from, I think where we are and I don't think, we could sit here for a month of Sunday's and not be able to design it for him...

Board Member Taylor stated no, I'm not going to...

Chairman Rogan stated and I think everybody's been very up and I'm not suggesting you're saying that in anyway but I think we've been very upfront in saying that this is a unique property that, you know, we're willing to accept certain...

Board Member Montesano stated adjustments.

Chairman Rogan stated impacts and we'll need to, you know do it in a way that's consistent with good protection but also recognizing the uniqueness of this property.

Board Member Taylor stated all I'm trying to do, I re-read the minutes and it's very confusing because we've said a number of different things, we started out with one to one and then we had to go to two to one...

Chairman Rogan stated well didn't have information on Army Corps for this.

Board Member Taylor stated yeah, we didn't know...

Ted Kozlowski stated we didn't know, we didn't know.

Board Member Taylor stated it just, I'm trying to say to an engineer, this is where we stand, we understand that you've got to negotiate with us but these are the places where we're willing to go...

Chairman Rogan stated right.

Board Member Taylor stated so that he doesn't bring us a plan, spend several thousand dollars on a plan and then we say no, that's not what we want and then he goes back and spends several more thousand dollars on another plan...

Chairman Rogan stated right, right.

Board Member Taylor stated we can guide him as much as we can...

Chairman Rogan stated I agree.

Board Member Taylor stated that's why I'm asking this specific question.

Chairman Rogan stated have the professional come into a work session with Mr. Monteleone which we haven't had.

Board Member Taylor stated what would we allow in the buffer, is what my question is really.

Chairman Rogan stated sit down and have a conversation, in a half hours time with a plan up on the board and us all kind of talking, we might get a lot accomplished.

Board Member Taylor stated yeah.

Rich Williams stated if we're going to allow anything within the buffer, we are going to allow, we would prefer to see things that are going to replicate the function of buffer.

Chairman Rogan stated be complimentary.

Ted Kozlowski stated right.

Chairman Rogan stated right.

Board Member Taylor stated okay, that's what I needed, just saying it, all right.

Chairman Rogan stated wonderful.

Board Member Taylor stated all right, that's it, very good, thank you.

Chairman Rogan stated what else.

Board Member McNulty stated anything on Costco Rich.

Rich Williams stated nope.

Board Member McNulty stated you never heard back from them.

Rich Williams stated everything, we got through everything we had to get through...

Board Member McNulty stated you a response that was somewhat favorable though, didn't you at one point.

Rich Williams stated yeah, I have a very favorable response with regard to the building architecture, I believe we came to a good solid agreement, everybody was on Board with it and then they went back to negotiate a lease agreement with the property owner. I haven't heard anything since.

Board Member McNulty stated so it, okay.

Ted Kozlowski stated I have just briefly, Rich knows about this, there is an incident that happened in Putnam Lake, the oil spill that I told you about at the last one, I've issued appearance tickets, I've been working with Rich and courts on this, we are going to be going to court in September. How this effects, I'm just waiting for the train...

Board Member Montesano stated you gotta run outside.

Ted Kozlowski stated how this might affect the Board is that their, this person has done some things that in order for him to keep those things, he's going to at the very least need a wetlands permit and I would not recommend a waiver, I would recommend a full blown wetlands permit, it is for building/structure kind of stuff and that might be coming before but there are other more serious issues with this person than a fence and a shed and a pool but it's other things.

Board Member Taylor stated now did they get this all cleaned up.

Ted Kozlowski stated DEC is kind of wishy washy on, you see, this person allegedly took waste oil and dumped in a wetland ...

Board Member Taylor stated yeah.

Ted Kozlowski stated they cleaned up, for the most part, the open oil that was floating in the water that was going in the stream that was going in the drainage that was going into the lake...

Board Member Taylor stated yeah.

Ted Kozlowski stated what they didn't cleanup was a big pile of debris, organic and inorganic debris that this person allegedly dumped there and is all contaminated with oil and I've asked repeatedly that this be removed because it's a source of constant contamination, it's oozing out.

Board Member Taylor stated yup.

Ted Kozlowski stated and the guy now closed his fence, will not allow anybody to cross his property and I'm, DEC has the absolute right to go in there and order a cleanup but they haven't done it and I'm talking to this person Vince McCabe who works for DEC and I'm not really ecstatic about the explanations that I get. Also, the test results came out, I spoke to Lisa Houser from Tri-State Environmental today and DEC won't give her the results, so now I have to petition the DEC for the results because I want to tie that oil to his tank, okay and they tested you know, to verify that the oil was the same.

Board Member McNulty stated why would they not release, the DEC, what's their motivation.

Ted Kozlowski stated I, Tommy, in all honesty...

Rich Williams stated because it's an ongoing investigation.

Ted Kozlowski stated I don't know, I don't know because I haven't, I tried Vince McCabe today, I can't get a hold of him, I'm going to try another person by the name of Todd Uasi who works there and I am going to try to get to the bottom with him.

Board Member Taylor stated now, have they decided that this is another low priority for them...

Ted Kozlowski stated Ron, I don't know, I know when I was there, the day of the event, the ENCONN officer that was there wanted to arrest him right away, that still has not happened, so I don't know, so we're going in our direction, the Town is taking him, we're not waiting on this, we are going forward on this, we have a court date of September 22nd, however I wouldn't be surprised if this person tries to postpone it, he's not been cooperative, so...

The Secretary stated September 22nd is a Saturday, Ted.

Ted Kozlowski stated okay, then whatever it is, I don't know, wait I do know because I have them right here, anyways, the other thing is...

Board Member Montesano stated try to...

Ted Kozlowski stated the other interesting thing is I was informed by Lisa Houser that, September 10th, sorry it was issued on August 22nd, Lisa Houser told me that Nationwide Insurance Company Fraud Division is investigating this individual because he's filed a claim with this insurance company of an accidental oil spill.

Chairman Rogan stated wow.

Ted Kozlowski stated that's what we're dealing with here.

Chairman Rogan stated just keep digging.

Ted Kozlowski stated and Shawn, I really, if you can help me, I'm trying to get a hold of Rob Morris, is he on vacation.

Chairman Rogan stated no, he's in.

Rich Williams stated he got back this week.

Ted Kozlowski stated they were supposed to investigate...

Chairman Rogan stated yeah, he was out a couple, he had a death in the family or something...

Ted Kozlowski stated they were supposed to investigate and verify that he had a waste pipe coming from the house into the wetland...

Chairman Rogan stated right.

Ted Kozlowski stated which we found, Rich saw, I saw it...

Chairman Rogan stated right, right.

Ted Kozlowski stated and the ENCONN officer personally sniffed it and saw it...

Chairman Rogan stated you should have had a video camera for that.

Ted Kozlowski stated so I, that violation has still not been issued, I'm waiting for verification from the Health Department and then we will issue that violation as well.

Chairman Rogan stated I'll see him tomorrow, I'll tell him.

Ted Kozlowski stated I left a couple of messages.

Rich Williams stated motion to adjourn.

Chairman Rogan stated anybody have anything else, Michelle.

The Secretary stated no.

Chairman Rogan stated no, motion to adjourn.

Board Member Taylor stated send.

Chairman Rogan asked for all in favor. Motion carried by a vote of 4 to 0.

The meeting adjourned at 7:37 p.m.