

APPROVED
11/6/03 MB

TOWN OF PATTERSON

PLANNING BOARD MEETING

October 2, 2003

AGENDA & MINUTES

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6) Thomas Subdivision	13 – 17	Discussed site walk comments & house and septic locations
7) Barcon Builders – Driveway Relocation	17	No discussion no one appeared to represent the application
8) Noletti – Integrity Heating	18 – 20	Parking plan to be submitted
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14) Other Business		
a. Patterson Commons Bond	29	No recommendation to release the Bond
b. Shkreli Subdivision – Bond Reduction	29	Board recommended to Town Board the bond be reduced

CHAIRMAN
Herbert Schech

Secretary
Melissa Brichta

Town Planner
Richard Williams



PLANNING BOARD
P.O. Box 470
Patterson, New York 12563

MEMBERS:
Michael V. Montesano
David Pierro
Shawn Rogan
Russell Shay

Telephone
(845) 878 - 6319
Fax
(845) 878 - 2019

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October 2, 2003 Meeting Minutes

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

Present were: Chairman Herb Schech, Board Member Mike Montesano, Board Member Dave Pierro, Board Member Shawn Rogan, Rich Williams, Town Planner, Gene Richards, Town Engineer, Craig Bumgarner, Town Attorney and Ted Kozlowski, ECI Officer.

Meeting called to order at 7:32 p.m.

Approximately 21 members in the audience.

Chairman Schech led the pledge of allegiance.

1) **MONTIERO WETLANDS/WATERCOURSE PERMIT – Public Hearing**

The Secretary read the legal notice.

Mr. Montiero was present.

Ted Kozlowski was not present at this time

Chairman Schech stated this site is right across from Murphy's house on 311 if anyone knows where that is.

Board Member Montesano stated the air fields is easier, the RAM fields.

Chairman Schech asked is there any comments from the audience.

Eddie Keasbey asked are we going to get any information on it from anybody.

Chairman Schech replied it is basically just one house that is going in there and they have to cross a small wetland.

Eddie Keasbey asked what does Ted say about it.

Chairman Schech stated Ted agrees with it. We were hoping he would be here.

A member of the audience asked is the house going on top of the hill or in the wetland.

Chairman Schech replied it is to the left of the wetlands.

A member of the audience asked so the only thing that is crossing the wetlands will be a driveway.

Chairman Schech replied yes the edge of it.

Rich Williams stated wait a minute you need to bring this back to order, Mr. Chairman, Sir and get names for the record and get them to come up to the mic if they want to ask questions.

Board Member Pierro asked the gentleman who asked questions to step forward.

Rich Williams stated I don't see the engineer here so if you would like me to get a plan.

Board Member Pierro asked the gentleman for his name for the record.

Lee Davis stated his name.

Rich Williams asked do you want me to put a plan up.

Chairman Schech replied yes please.

Rich Williams put the plan on the board and explained that this is essentially a development of a single-family residential home on an individual lot. The property is located along Route 311. The wetlands is on the north end of the site it extends back towards Cross Road. What is being proposed is to install a driveway extending from 311 about two hundred and fifty feet back to a single-family house. They are proposing to do remedial work within there; putting up a stonewall on a side of the driveway, doing some plantings, they have been working with Ted Kozlowski coming up with remedial plans for the disturbance within the buffer of the wetland.

Chairman Schech asked is there any other questions. There were none.

Chairman Schech asked for a motion to close the public hearing.

Board Member Rogan made a motion in the matter of Montiero Wetlands Permit that the Planning Board close the public hearing. Board Member Pierro seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	yes
Board Member Pierro	-	yes
Board Member Rogan	-	yes
Chairman Schech	-	yes

All in favor and motion carried by a vote of 4 to 0.

Ted Kozlowski arrived at this time.

Rich Williams explained to Ted that Mr. Montiero is here, we just had the public hearing it is actually closed, you left it at the work session that you were going to contact the engineer about some things.

Ted Kozlowski stated I instructed the engineer to be here.

Board Member Rogan stated maybe he is late. Do you want to hold off on it.

Ted Kozlowski explained to Mr. Montiero that the Board and I and Rich discussed this at the work session it is not a major issue just on the plans we felt that the drainage here is just going to pond. It is not really going anywhere and this is a watershed too, the wet meadow so we wanted to see the water continue on to the wet meadow and we had suggested that he put a pipe under the driveway with some sort of retention pond, small just to disburse the water and let it go back into the wetland. I discussed this with him on Monday, he said he would make the changes and be here.

Chairman Schech asked do you want to hang out and see if he comes.

Mr. Montero agreed to wait.

2) BUDAKOWSKI SUBDIVISION – 280a Referral

No one was present representing the application.

3) EAST COAST PAIN MANAGEMENT – Sign application

Applicant withdrew application

4) MAIORANO & COLAO FILL PERMITS

Mr. Maiorano and Mr. Colao were present.

Chairman Schech stated they are adjacent properties I believe right.

Rich Williams replied right.

Chairman Schech stated we would like to do a site walk and take a look at this not this Saturday right.

Rich Williams stated I don't believe we are available this Saturday.

Chairman Schech stated okay so a week from this Saturday. We can't get lost or anything out there the houses are there and everything right.

Rich Williams asked do you want to schedule a time with them.

Chairman Schech stated we will probably get there between eight and nine.

Board Member Rogan stated I can't make next Saturday.

Board Member Pierro stated we could do it during the week. I would rather not make it.

Chairman Schech stated both of them can't so they can go during the week sometime.

Rich Williams replied let me know what your availability is so I can.

Chairman Schech told the Applicants we will give you a call but you guys don't have to be around either.

The Board will decide on a date and then call the Applicants.

5) BURDICK FARMS SUBDIVISION

Mr. Fred Koelsch, Attorney with Shamberg, Marwell and Mr. John Kellard, Kellard Engineering was present.

Chairman Schech stated we found that the new area that we basically went out there to look at down there was fine with a few adjustments. The only concerns that we have now are the wetlands up on the top by McManus. There were no indications of the wetland area on the map and we want it re-flagged too because apparently with the rains and stuff it has really changed up in there.

Mr. Kellard asked are we talking Wetland 3.

Chairman Schech replied right through there (referring to the map) where the road was going through that whole area.

Ted Kozlowski stated I think that the amount of time that this project has been here and the fact that there are no flagging at all in the field that all the wetlands should be re-flagged and identified by the Town markers as per our Code.

Chairman Schech asked the entire site.

Ted Kozlowski replied absolutely because we were only in that one section and there are no field identifications in the wetlands because it has been more than three years since these wetlands have been flagged.

Chairman Schech asked Mr. Kellard can you handle that.

Mr. Kellard stated they were flagged at one point.

Ted Kozlowski replied yes they were flagged about five or six years ago.

Mr. Kellard by Beth Evans.

Ted Kozlowski stated by Beth Evans. Say this project were to start tomorrow, how is your contractor going to know where the wetlands begin and end. It is important so we need to know and this Board has changed since they were first identified. You really need to maintain the flagging in the field of these wetlands. Generally, our permits are a one year thing even though you have not been given a permit yet you can't expect flagging to remain out there for six years in tact. It is not practical. You need to have your consultant go back out there and re-flag them and be re-verified by the Town.

Mr. Kellard stated but they were flagged at one point by our consultant and they were confirmed by the Town and placed on a map.

Ted Kozlowski replied yes.

Mr. Kellard stated we believe our map reflects accurate wetlands.

Ted Kozlowski asked but how is a man or a woman in a big machine about to start a roadway through a wetland how are they going to know in the field where the wetlands are.

Mr. Kellard asked can we flag them at point before construction starts. We all agree with the wetlands that are shown on the map.

Ted Kozlowski stated the issue here is you have still not obtained a Town of Patterson Wetland Permit. So, when you go through the permit process whenever that is those wetlands are going to have to be identified in the field. You also have to go through a U.S. Army Corp. of Engineers Permit for any of the disturbances to the wetlands at this point so they are going to have to be re-flagged one way or the other.

Mr. Kellard stated the only location where we will be impacting wetlands is Wetlands 3.

Ted Kozlowski stated yes but you are proposing impacts to other wetland areas and the Army Corp of Engineers requirements have changed since you first came before the Board. When this project came before the Board, your limit of disturbance to a wetland was one third of an acre. It is now a shovel full so the wetlands that you are planning to fill in are now subject to Army Corp. review.

Mr. Kellard stated there is only one wetland that we are probably going to fill in and it is only for that one road crossing on McManus.

Ted Kozlowski stated I understand but you still need to get a Town of Patterson Wetlands Permit and I personally am not going to recommend to this Board to issue any permits unless the wetlands are properly identified in the field. That is a very legitimate request.

Mr. Kellard stated the point I am trying to make is that the only wetland that we are impacting is Wetland 3.

Chairman Schech stated basically you are impacting with the project you are impacting all the wetlands. The only one you are directly intruding into is with the road crossing.

Mr. Kellard stated what I am requesting at this point is that we flag, re-delineate Wetland 3 to deal with that wetland issue and we would agree to flag all the wetlands before construction so that they are known where they are before construction begins. I just don't want to flag everything now and construction does not begin for another four or five years then they are going to have to be re-flagged again.

Ted Kozlowski stated but that is my whole point that it is entirely possible that these wetlands are different now at this point in time then they were when you first identified them. It is a possibility. It has been six years and if you wait another six years that may happen again. So, you no matter what you do you are going to have to go through the permit process and it is better to identify these things and find out if you have any new issues or you don't have issues. You very well may not but what happens that road way there what happens if it is within a wetland buffer or it does cross a wetland or up there by Bullet Hole Road. I mean it makes sense to have these things constantly out there in the field identified. This is an unusual project we don't have many projects that languish out there like this one has. Generally, the wetlands permit process or the planning process proceeds and within a year the permit is issued and everything is identified. This has been sitting around for six years. We had the same issue with Deerwood and Deerwood had to go back in there and re-flag because that hung around for ten, twelve years or whatever it was.

Mr. Koelsch asked at one point did they re-flag the wetlands.

Ted Kozlowski replied they constantly had to monitor it. They changed engineers, they changed ownership. These flags our out in the field, kids go in there take them down.

(Too many speaking unable to transcribe).

Ted Kozlowski stated we have these wetland identification markers that I put up permanently but what happens too is I put them on the property and say, you sell this, say in two years you are still here before the Board, you sell the property, the next guy comes in, he does not want to see those signs all over the place, he starts taking them down well that happens so guess what he has to go back out there and flag them. It is your prerogative but no matter what you do before anything is issued the wetlands have got to be identified.

Mr. Koelsch stated I understand that and as part of the Supplemental EIS we will do that.

Board Member Pierro stated I would like to go on record Ted, if I may this is my first time walking that portion of the Burdick Farms site.

Mr. Koelsch asked this portion over here referring to the plan.

Board Member Pierro replied no 3, Wetlands 3. The choice of that area for a roadway crossing pre-dates my involvement on the Planning Board. I am thoroughly unhappy with that choice. I don't still to this day I don't understand how that came to be and at this point I am thoroughly against using that as an access way. I don't think there should be any intrusion on that wetland. That area collects water from the northern side of McManus Road, from the wet lots that are to the north of that area, it collects water from the interior borders of the field and I strongly urge you to find another way to relocate that road to stay away from that wetland. I think it is a vitally important area and my next point is why do we have to wait until the project approval to see if these gentlemen can get a permit through Army Corp.

Ted Kozlowski stated that is up to the owner.

Board Member Pierro asked when is the time that Army Corp. is going to get called in because they have the ultimate decision on whether or not we are going through that wetland at all.

Ted Kozlowski stated that is up to the Applicant, Dave. It is not up to us. That is a whole different regulatory agency.

Mr. Kellard stated we have a lengthy permit through Army Corp. of Engineers obviously we would like to get, we have been looking for some feedback from the Board on our plans before we start to work through Army Corp. Once we do have some feedback as we are obviously receiving now, after you have walked the northeast portion of the site we will start preparing our detailed plans and documents and that would include a submission for a permit to Army Corp.

Mr. Koelsch stated I heard you say this project has been languished, it has been six years and it has done that for a number of reasons and we are at the point now we are ready to move forward with this and process it in a diligent way. We want to get your feedback and then get a comfort level and sort of set the engineer loose in doing all the design work and spending a lot of money to put this in a form that you can approve and then we can also get the other agencies with jurisdiction over this such as the Army Corp. Particularly the last eight months there hasn't been much movement on this but we are really here now to change that, get your feet back integrated into the plan and we are going to be back here next month processing this plan.

Chairman Schech stated definitely we want Wetland 3 re-flagged right now.

Mr. Koelsch replied we understand that and we will do that.

Chairman Schech stated but also, Board Member Montesano asked but with that point in mind can we get the entire thing flagged where the man is suggesting because he is the guy that has to do this.

Ted Kozlowski stated I think, if I may, the Board changes, we went out there on that Saturday, we are walking that site and we are walking down here and people are asking me where are the wetlands well my idea of the wetlands might not have been your idea when you put this plan together. There is no flags in the field. These gentlemen cannot make maybe the right decision on where this road should go or maybe it should stay there maybe it should not because they have no idea where those wetlands begin or end according to your consultant. Now, if you want to go by what I say that is fine but this area to me at least on the plans looks a little different than what is in the field. This ought to be resolved now instead of later. It is your choice.

Mr. Koelsch stated we would like to resolve these issues up front because we don't want to go through the process and you tell us you are not going to give us a wetlands permit. That does not make sense and I understand your point. To take a step back these wetlands were delineated by Beth Evans's office,

Ted Kozlowski replied yes.

Mr. Koelsch asked you went out in the field.

Ted Kozlowski replied yes at the time.

Mr. Koelsch stated at the time I am not saying today but at one point they were confirmed by you in the field through Beth Evans delineation.

Ted Kozlowski replied yes.

Mr. Kellard stated the wetlands shown on this plan are the exact wetlands.

Ted Kozlowski stated this should be a fairly easy thing if Beth is still your consultant.

Mr. Koelsch stated she is.

Ted Kozlowski stated she will go back out there and re-hang flags and then if you want I will go with her at the time. It has to be verified by us anyway.

Chairman Schech stated it was a long time ago. I mean this project came around my first year on the Board I believe.

Ted Kozlowski stated we have somebody before the Board later on in this meeting that has a similar project, the flags were up, Beth Evans actually did them and we are about to ask him to re-flag them. So, I am not picking on you but it has been six years and there are no flags in the field.

Chairman Schech stated and also look into an alternate site for that road entrance on to McManus. We think there is more sites in that area better suited than the site that you show the road crossing the wetlands.

Mr. Koelsch asked based on your site visit what other areas do you think.

Chairman Schech replied well that is up to you guys. We can't say.

Board Member Pierro stated I think what the Chairman is trying to say is that there is alternatives to even having an access on to McManus Road. There are other ways of designing this thing that the Town may be more amenable to. I don't think there is a need for an access on to McManus Road. I think it is putting an awful lot of traffic on to an already under developed road but from what I saw and that is very viable wetlands all along that portion and we had even discussed a possible bridge in the harder, the more rockier terrain to the south of where the current roadway is proposed. I don't even agree with that but I will make a decision based on what our engineer tells us and what the more experienced Members of the Board have to say about that but I really think you guys should go back to the drawing board especially on this wetlands issue and come up with some alternative.

Mr. Koelsch asked so are you saying you would consider an alternative without the second access.

Chairman Schech stated no I would like to see the second access that is his.

Board Member Pierro stated that is my personal opinion.

Chairman Schech stated my opinion is I think you really need it there but there has got to be another site up in that area for a crossing. Which one did we look at where they have the old turnaround.

Rich Williams stated we discussed while we were out there three different alternatives; the one that they are showing on the plan, the one that was farther to the south that went to the narrowest part of the stream corridor. The stream corridor has basically a wetland on either side of it, which is a wet meadow wetland. John, when we were out there one of the things that we saw was there was an incredible amount of amphibians in that wet meadow where the road is proposed. The third alternative that was discussed out there is bringing the road out on the northern side of the small parcel. I know there was a lot of discussion originally when we were first looking at this way back in 1996 about whether that would be a feasible crossing or not and I think many of the same uncertainties still exist with the ability to use that area but those were the three that were talked about in the field that I think is ultimately going to come down to in the SEIS evaluating those three.

Mr. Kellard stated what we are seeing with the new plan obviously when you first looked at the plan we were dealing with eighty-one lots we are now down to forty-three lots with this cluster plan. There are a handful of lots in the rear of the property that possibly certain trips out of the development may use the McManus Road access if they are traveling to the west. The connection to McManus Road as I see it will remove very few traffic trips off the front entrance. If the road is required for emergency purposes it could likely be a much narrower road. It could possibly if it is crossed in the wetland area or if we found an alternate location, it was a preferable location, if a portion of it crossing in a wetland was crossed with maybe a grass-crete type of surface instead of an asphalt surface. It is a porous surface, which is more receptive to that type of an environment when you are crossing the wetlands. We may be able to significantly reduce our impacts in that area whether it is the wetlands or an adjacent area. We are just questioning the need for an actual asphalt paved road through that complete western portion of the site.

Chairman Schech stated I think the Highway Super would have a lot to say about that.

Board Member Montesano asked how long is that road.

Mr. Kellard asked our road system to the back.

Board Member Montesano replied yes.

Mr. Kellard replied don't quote me on it but we probably have four thousand feet or so to the back.

Board Member Montesano stated I think we have a limit somewhere on footage.

Rich Williams stated fifteen hundred feet.

Mr. Koelsch stated for dead ends.

Rich Williams replied yes plus we do have a letter on file from the former Fire Code Enforcement Officer insisting that there be two points of ingress to the subdivision.

Mr. Kellard stated you will have a second access it will be for emergency vehicles.

Board Member Montesano stated well if you can't build a road more than fifteen hundred feet without an extra roadway coming in if you do that that is fine then you are limited to fifteen hundred feet and that is what you are going to get.

Board Member Pierro stated unless we agree to a variance and extend that, correct Rich.

Rich Williams replied you are talking about extending, Board Member Pierro stated extending the fifteen hundred feet.

Mr. Koelsch stated in recognition of this being provided but not to town standards. In other words, you would still have the access for emergency purposes and maybe something else.

Board Member Pierro stated maybe an exchange for crossing that wetland maybe we can investigate extending the fifteen hundred foot rule.

Rich Williams asked what would be the point.

Board Member Pierro replied you stay out of the wetlands.

Board Member Montesano stated you are still going to be going in and out.

Rich Williams stated you are talking about not having the, Board Member Pierro stated not having the crossing. Rich stated not having the crossing and giving them a waiver to extend the fifteen hundred feet.

Board Member Montesano stated and if you do that and there is no other way for a vehicle to get in on one road, one lane we are back to the same situation where there is no other way to get in or out of a project. Let's put it this way the idea of putting in more than one road is we have to go fifty miles out of the way to go across the street around here. We are not living in New Jersey. I detest that immensely because having one road in and one road out feels like you are in a boxed canyon. You can never get out when you have to. If something happens, one accident, one tie up, one emergency we are stuck and where is the planning in that two accesses are needed.

Board Member Pierro stated I may want to remind you that the fifteen hundred feet came about from a reduction from two thousand, correct Rich.

Rich Williams replied correct.

Board Member Pierro stated that we have other developments that are two thousand feet or better.

Board Member Montesano stated now. We also used flintlocks and now we have something a little better. You find something and you try to work it out.

Mr. Kellard stated I am not saying don't provide the second access. I am saying provide it but provide it only for emergency purposes. You don't need it for every day use.

Mr. Koelsch stated you can decrease the impacts to the wetlands. You can have a more pervious surface.

Board Member Montesano stated but then you are limited to fifteen hundred feet.

Rich Williams replied no.

Mr. Koelsch stated well that would sort of be the middle ground. There is really three alternatives to have it built to full town road standards, not have it at all that is limited to fifteen hundred linear feet or something in the middle would be to allow this to extend beyond the fifteen hundred feet but not build this to town standards so you are limiting the impacts to the wetlands. The concern probably of the Highway Superintendent is how do we maintain that and that is a legitimate concern. If you grass-crete they are going to say the plows are going to ruin that and then we are stuck with maintaining it so maybe this is something that is somehow maintained through a homeowners association or on a private basis meaning this area here referring to the plan. Really when you look at it how many homes does it access under this current design, four homes. So, you have a lot of road there especially if you are building it to town standards and that is what is producing the impact to the wetlands so maybe this is something and it goes more with the character of these larger lots and the open space that is here this is more of an Item-4 type road and perhaps this is under private ownership and maintained by maybe these four lots. It is something that I would have to think about more and obviously talk more to your consultants.

Chairman Schech stated no that way we are just creating a big problem for ourselves.

Mr. Koelsch asked what is. I am just trying to understand your concern about that.

Board Member Montesano stated pools were handled by associations and then when associations namely the people that lived in that particular development had a pool, all of a sudden nobody wanted to spend the extra money to maintain the pool so it laid there until the Town finally for health reasons and safety reasons had to go close it up but no one cares so that road is going to sit there and unless the average person gets stung they are not going to worry about a bee hive until they get stung. You are going to have people that are going to be paying extra to maintain a road, those four people for an emergency purpose that is going to benefit everybody else.

Chairman Schech stated most of the private roads around here they come and pound on the town's door and eventually the town takes them over. It just doesn't work.

Board Member Rogan stated when you last appeared before the Board, I will say it is four months ago when we asked you to layout flagging so we could do a site walk I had mentioned that I wanted to see the alternative of the southerly crossing of Wetland #3, after walking the site a few of us had mentioned that it seemed possible to span that section there without impacting the natural flow of water through that area and that is something that I will be interested in seeing as an alternative because I think that is a viable option because of the topography it seems that the flow of water is funneled or narrowed down.

Chairman Schech stated if you come in through the south there by the old turnaround and somehow bridge over the water you should be fine. This way you are "t" ing into the road instead of sweeping it in.

Mr. Kellard stated we will take a look at it, let me flag the wetlands and,

Ted Kozlowski stated I might add to that because I distinctly remember a discussion between myself and Beth Evans many years ago about doing just that because it is a narrower part and Beth's concern at the time was the amount of fill and the Army Corp. threshold. That has changed. No matter what you guys do that involves any of the wetlands you have got to go Army Corp. The threshold no longer holds so this might be the more viable alternative. I also want to remind, the Board knows this but you are probably a new owner I don't recognize you.

Mr. Kellard replied I am the engineer.

Ted Kozlowski stated from the get go I have always opposed anything going through the wetlands. It is in the minutes, it is in my correspondence to you in 1996. This defeats the intentions of the wetlands law according to me, my opinion. So, I just want to be up front about this. It is no surprise when you go for the wetlands permit I will oppose a wetland crossing for the road. That is not why we wrote the law and it has nothing to do with you. It is in there on paper since 1996.

Mr. Kellard stated I would just like to say that I have redesigned this project and I did everything I could to stay out of the wetlands across the complete site. The only place that I have to cross wetlands with our new design is the connection to McManus. I have no other choice. The Board is telling me that I have to have a connection to McManus Road okay. I have no other access to McManus Road except for crossing wetlands. There is no option here and if we are going to develop the property in a reasonable fashion I have to make that connection. What I am hearing tonight is I have to look and find a viable bridge option.

Chairman Schech stated alternative.

Mr. Kellard stated to cross the narrow portion of that wetlands and evaluate that to the proposed location.

Ted Kozlowski stated and regardless of what the Town says or our regulations there is a chance that the Army Corp. of Engineers are going to deny you crossing that wetland so I think the Board is telling you to consider other options, I am advising you of it and you may be told to do that so it is probably in your best interest to really look at this again a second time then look at it again after Beth Evans has re-flagged those wetlands.

Chairman Schech stated and check with Army Corp. before you go too far.

Mr. Koelsch stated really what that leads us to is a fifteen hundred foot road,

Mr. Kellard stated it could be a fifteen hundred foot road or we would connect to McManus at this location. We do have access,

Rich Williams stated John that does not help you. You still have, Mr. Kellard stated then I start fifteen hundred feet from here referring to the plan so it picks me up maybe an extra thousand feet so maybe it can get me back to the back of the property. Rich Williams stated it does not get you to the intersection.

Mr. Kellard or it may be two roads, it may be a road that comes all the way up here and another road that comes all the way back here. We can weigh those options versus the wetland crossing.

Board Member Pierro asked is this property contiguous to any other portion of Bullet Hole Road or can it be.

Mr. Kellard replied in the rear portion of the site no, not with the grades that come down there. They are very steep coming down to Bullet Hole. The other location may be up in this portion but it does not buy you any length and we all know the problems with site distance on that portion of Bullet Hole Road.

Chairman Schech asked is there any other comments. That is our main concern is right up in there. There has got to be a way.

Ted Kozlowski stated look technology has changed in almost ten years and Beth is a good consultant you have to talk to her see what she comes up with.

Mr. Kellard stated we will look at the options.

Board Member Rogan stated check the rest of the comments too on the site walk comments they are minor compared to this but certainly worth checking.

Mr. Koelsch stated yes we received that today and we appreciate that. That was helpful.

Mr. Kellard stated the minor shift on the rear road on the northeast section eight hundred, Chairman Schech stated suggested yes.

Board Member Rogan stated yes the old roadbed goes, the shift is more reflective of the old roadbed that exists there. The road as shown goes right up and over a chunk of ledge that seems and if it is shifted slightly to the north it seems to follow the natural topography with less impact. It is something to look at.

Mr. Kellard stated we were trying to balance geometry and road length and wetland setbacks.

Board Member Rogan stated we didn't know the setback to the wetland so that was the concern.

Mr. Kellard stated we will look to try and improve that situation.

Mr. Kellard stated I think the majority of the comments are really focusing on wetlands.

Board Member Rogan stated some of those back lots are some of the nicest lots in the subdivision other than the views from the front part of the property.

Mr. Koelsch stated that is really the issue here how do you get back to them without a secondary access there is no way to get back there unless we get a waiver from the fifteen hundred feet but then it does not address the concerns with public safety so again, it goes really towards the character of that access and how can we design it.

Chairman Schech stated I am sure you will come up with a way.

Mr. Kellard and Mr. Koelsch thanked the Board.

(TAPE ENDED)

6) THOMAS SUBDIVISION

Ms. Theresa Ryan, Insite Engineering and Mr. Thomas was present.

Board Member Rogan stated we want to redesign parts of your subdivision.

Ms. Ryan replied I see that. We have some junior engineers here.

Board Member Rogan stated we walked around as much of that property as we could to look at these proposed lots and that one lot I don't know what number it is but that house is down in a hole and the septic system is worse. I mean the septic area is flat but to get to it that slope is Billy goat country. It is ridiculous. We were wondering if we could pull the house up closer and bring the septic system for that to the east of the house, come to the front of the subdivision where you have the one already delineated more towards the front.

Rich Williams stated Theresa, take a step aside, what I think the Board was considering and Shawn is trying to relay to you is move the house on two up to the crest of the hill, use the septic system that you are proposing for Lot 3 and push the septic system for Lot 3 behind the house.

Board Member Rogan stated behind the Lot 3 house.

Ms. Ryan stated then we would have to move this house down there is that fifty foot separation if you have septic up hill.

Board Member Rogan replied between the house and the septic.

Ms. Ryan replied right.

Board Member Rogan asked can you put in some kind of clay barrier and reduce that to twenty.

Ms. Ryan replied the only question I had is the testing because I know that we had, Board Member Rogan stated the testing must have been good on the high side of the wall we wondered if it wasn't good on the low side.

Ms. Ryan stated down in this area I do believe we had heavy mottling.

Board Member Rogan asked but not on the high side.

Ms. Ryan replied it started to get better as you went up. It was acceptable as you crossed the wall but as you got up the hill it got better.

Board Member Rogan asked can we shift that lot line right there.

Ms. Ryan stated this is a stonewall.

Board Member Rogan asked yes but can we shift that stonewall lot line can we shift it to the south fifty feet or so.

Ms. Ryan asked this way referring to the plan.

Board Member Rogan replied yes since the soil gets better.

Board Member Pierro stated and that was one of our other suggestions was relocating the location of that house and bringing it further up the hill.

Ms. Ryan asked this one.

Rich Williams stated Lot #4.

Board Member Pierro stated it seems that the location of the houses all are in an attempt to clear the canopy away so you get a view.

Ms. Ryan replied actually I don't think that is the intention at all. The Thomas's are looking to build their own house here and they would like their privacy so when I walked it with Greg he even suggested that we pull it back this way further to give him some more privacy because this is developable land here and the closer he is to this the less his privacy is. Also to put us back closer to the cul-de-sac. I don't think it is the intention at all to clear this land, keep the woods as much as possible.

Board Member Rogan stated the two lots to the east are with some fine tuning I think we are okay with. It is that one on the west that is border line ridiculous.

Chairman Schech asked that is the one with the four hundred foot sewer lines right.

The Board replied yes.

Board Member Rogan stated why anybody would want a house in the bottom of that it is like a ledge on a cliff.

Ms. Ryan stated I liked it. You have a nice flat area here for the house.

Board Member Rogan stated it is just barely big enough for the house and God knows how much re-grading would have to be done to do anything else especially the type of house that is going to go in there it is barely big enough for the house.

Ms. Ryan stated the other alternative was to put the house over here referring to the plan but that, Board Member Rogan stated that is even worse. That whole edge is steep.

Board Member Rogan stated between the house and the septic that is one steep ridge. I don't know what the grade is but it has got to be thirty, forty percent grade.

Chairman Schech asked did we figure out how we are going to get to the septic area.

Ms. Ryan replied this would just have to be, Board Member Rogan stated you mean to construct it.

Chairman Schech stated right to construct it and maintain it.

Ms. Ryan replied well we got equipment down there to do the testing.

Board Member Pierro stated we didn't see any, Board Member Rogan stated we were surprised we looked for signs of your testing and found it on all the other lots but not down there.

Mr. Thomas stated I did the testing myself with a small Bobcat excavator and really coming in off of the old road, which is Old 164 along that ridge I went down that ridge, and then I just made a left hand turn down on to that hill but I was able to get down there without much difficulty. It is a small machine though.

Ms. Ryan asked did you go past the wall.

Board Member Rogan replied we were down in there.

Board Member Pierro stated we were behind the house that white house.

Board Member Rogan stated it seems like you would have an awful lot of water coming down that hill. I don't know what kind of testing you had.

Ms. Ryan stated actually the soils are beautiful in there.

Board Member Rogan stated everything has been running down the hill for a thousand years.

Ms. Ryan stated it is worse over here. This is beautiful soils.

Ms. Ryan stated this is just a matter of digging a trench for four inch or two inch force main or whatever we end up doing. We have this set so that we can even do it by gravity and it is just a minor trench.

Chairman Schech asked you can get a gravity flow from the house.

Ms. Ryan replied it is possible.

Board Member Rogan asked you can dig a trench along the side of that grade with a machine.

Mr. Thomas replied yes once I am down there.

Board Member Rogan replied no I mean between the house and the septic. We are going to sell tickets so we can all be out there to watch the machine go down the hill.

Mr. Thomas replied I am hesitating because I would have to walk it again. I have never considered doing a trench at that length. I just know that I was able to maneuver around to be able to get to the test hole sites but I don't know about a straight trench.

Board Member Rogan stated I am sure there is a way that is what they invented shovels for but I would not want to be the one to dig that.

Chairman Schech stated the main entrance on 164 you are going to have to do a little tree trimming and widening in there so you get pretty good site distance because they do come over that ridge quite quickly.

Board Member Rogan stated that is a tough one. We sat there for quite awhile watching cars and trying to see how much time you would have. If your timing isn't just right I would hope you would make right turns a lot more frequently out of there.

Ms. Ryan stated that is a tough access anyway.

Board Member Rogan stated and we walked up the hill to see if you could gain anything but as you crest the hill you never gain anything. You lose your site. It is worse as you go up the hill.

Mr. Thomas stated we would want to probably push it if it was possible push it down towards the corner of the property as far as we could.

Board Member Rogan stated you are showing it as far as you can.

Ms. Ryan stated yes we are right at the corner.

Board Member Rogan stated we wish you had another hundred feet.

Ms. Ryan stated it is a tough angle so a lot of improvements would have to be made there.

Ms. Ryan asked is there anything else, the lot count or common drive.

Board Member Pierro stated we had some side yard issues or layout issues where the houses were going to be along the road.

Ms. Ryan stated you want them rotated.

Board Member Pierro replied yes.

Board Member Rogan asked what is the front yard.

Mr. Thomas asked what does that mean.

Ms. Ryan stated rotate them ninety degrees. In other words have them face the, Mr. Thomas asked have them face the drive.

Board Member Pierro stated yes.

Chairman Schech stated it gives a better view from the drive to the house.

Board Member Pierro stated eventually that may be a town road someday who knows.

Mr. Thomas replied I don't see a problem with that.

Chairman Schech asked is there anything else guys. There were no more comments.

Ms. Ryan thanked the Board.

7) BARCON BUILDERS – Driveway relocation

There was no one present to discuss the application.

8) INTEGRITY HEATING & AIR CONDITIONING (Noletti Site) Change of Use

Mr. William Dean, Applicant and Mr. & Mrs. Noletti was present.

Chairman Schech stated okay we decided that you do need a site plan because first of all the site plan that was on the initial site was never completed what they were supposed to do so we do need a new site plan so we can see what you are proposing with parking and all that stuff.

Mr. Dean stated if it is necessary I guess we can get a site plan but just by walking by you can see there is plenty of parking there.

Chairman Schech stated yes but you have to get an engineer to put it down on paper so we have something that we can say hey, this is what you were suppose to do you didn't do it let's get it done.

Board Member Pierro stated we need a base line.

Mr. Noletti asked you mean I built the place in 78 there was no site plan.

Chairman Schech referred to Rich.

Rich Williams stated there was a site plan. There were two issues when we took a look at the site plan. Some of the parking wasn't installed and it was shown on the site plan. The other issue the driveway going to the back tower was not installed where it was shown on that approved site plan. It was actually moved over so it took away parking. The real issue here is parking that he is placing on the property and the fact that the current layout does not show enough parking to accommodate his needs. So, basically it should be a really simple matter either to take that existing plan and show how you can re-stripe it to accommodate the parking or show how you are going to improve an area by which you can do some parking in.

Mr. Noletti asked you said sixteen spaces here and on the site plan was twenty-two.

Rich Williams replied right but I can show on the site plan where there are certain spaces that were never installed, never improved.

Mr. Noletti stated I have fit more than twenty-two cars in there.

Rich Williams stated and that may be and that is what I am saying you may be able to take the existing parking area as it is right now and re-stripe it to show how you can get the necessary number of cars on there. It may not be a very big deal but based on the material we have here now the plans do not show that you can accommodate the necessary parking for this site. I am not saying the site can't do it. I am just saying the plans that we have don't show it.

Chairman Schech stated so we need something that shows it.

Mr. Noletti asked so I have to get an engineer.

Chairman Schech stated it is a paper trail.

Mr. Noletti asked I have to actually stripe the blacktop.

Rich Williams replied yes ultimately it will have to be striped.

Mr. Noletti stated I have a plan with them drawn up that is why I am a little.

Chairman Schech stated if you go back to the same engineer it should be a slam dunk.

Rich Williams stated and that is the issue he is going to be able to take the plans that you have which more than adequately has enough parking on it and just put that parking in.

Mr. Noletti asked but do I have to actually stripe the blacktop.

Rich Williams replied the blacktop at some point should be striped yes.

Mr. Noletti asked so this is another month that we are going to have to wait now.

Craig Bumgarner stated if you would have built it the way the plan was approved in 78 you wouldn't have to wait but we have a plan on file and that is not is what is out there. We need a plan that matches what is out there or.

Mr. Noletti stated it was approved.

Craig Bumgarner stated yes and then somebody went out and didn't build what the plan was approved. You don't have to. Then take the plan that you have and build out there what the plan says and you won't have to come back.

Rich Williams stated if that is okay with the Board.

Board Member Pierro stated that is fine but we still want the parking lot striped.

Mr. Noletti stated I will do that.

Rich Williams stated if you want to come in tomorrow and take a look at what I looked at with the plan we can go over that.

Board Member Pierro asked would we need the plan updated. Would we need to sign off on it.

Rich Williams stated under the new Code it allows me to make the changes as long as there is no improvements. The problem that I ran across is when I started looking at this I wasn't sure whether the Board was going to be comfortable with their not being any improvements, which is why I asked them to come in, and the easiest thing to do was a change of use. It gets a dialogue going and that is where we are.

Mr. Noletti stated to Rich we will call you and we will straighten it out.

Board Member Rogan asked did they get the comments.

The Secretary replied yes I gave them to them.

Mr. Dean stated my only question was about the fence would one be required. I typically,

Rich Williams stated your type of business they leave vehicles on the site they like to have those vehicles fenced in over night for security purposes so I raised that as an issue.

Mr. Dean stated we have no plans at this time of putting up a fence.

Rich Williams replied that is fine then.

The Noletti's and Mr. Dean thanked the Board.

9) **MONTIERO WETLANDS WATERCOURSE PERMIT**

Chairman Schech asked what do you want to do with him Ted.

Craig Bumgarner stated Ted had talked to me and it is my understanding and correct me if I am wrong that the amendment to the plans are fairly straight forward. The Applicant informed me that he has got a house that is going to be delivered in about a month so I know we have done it in the past where either the Town Engineer or Town Planner or even Ted has just confirmed that something got completed and if you guys feel comfortable approve it.

Chairman Schech stated we are fine with it as long as Ted is okay.

Ted Kozlowski stated all the conditions in his Wetlands permit are based on Richie's comments and my comments that they follow through. The problem is his engineer did not deliver the plans tonight.

Board Member Rogan stated he is going to have to get on his engineer then.

Ted Kozlowski stated you can't sign off on this until,

Chairman Schech stated he is going to have to get the plans so get on his tail.

Rich Williams stated but I think what Craig was suggesting is you can condition the approval on meeting those conditions.

Ted Kozlowski stated I have no problem with that.

Chairman Schech asked for a motion.

Board Member Pierro made a motion in the matter of Montiero Wetlands Watercourse Permit that the Planning Board approve the permit based on the impending the plan, Rich Williams stated conditioned on meeting the issues identified in the Town Planner's memo and the Environmental Conservation Inspector. Board Member Pierro stated the Town Planner memo and the ECI memo and that Rich Williams and Ted Kozlowski sign off on the completion of those items.

Board Member Pierro made a motion that the Planning Board declares the application an un-listed action and issue a negative declaration of significance.

Board Member Montesano seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	yes
Board Member Pierro	-	yes
Board Member Rogan	-	yes
Chairman Schech	-	yes

All in favor and motion carried by a vote of 4 to 0.

10) SCHECH LOT LINE ADJUSTMENT

Chairman Schech recused himself from this application.

Ms. Ryan stated there are three property owners involved in this lot line adjustment; the Schech's, the Forbes and now Martin's. Originally the Martin's property was owned by Guzzo, the Applicants were in contract with Guzzo to do a lot line adjustment to give these three existing lots additional property. Since then the Martin's have closed with the Guzzo's, the Martin's are now the new owners we are attempting to get their signatures on the application material. The names are already shown on the plat. Basically, there is an approximate fifty to sixty foot wide strip of land that the Martin's are going to sell to Schech and Forbes. It encompasses about one acre plus or minus and that is all that this application is for.

Ms. Ryan stated we got the comments there are a couple things that have to be changed on the application form and as I said we have to get you the authorization and the affidavit of ownership from the Martin's which we are attempting to do and there are signatures that have to go on the plat. We can do that if you are willing to give us a conditional approval this evening.

Board Member Pierro asked Putnam County Health Department has to endorse this because it is an acre.

Ms. Ryan replied it is non-jurisdictional.

Rich Williams stated it is a non-jurisdictional we request them to sign off just to make sure there are no issues with the Health Department.

Board Member Rogan asked Theresa, I might have missed it but being that you are the positive person you are you would not mind explaining it a second time; the main reason for the acquisition of the fifty to sixty foot strip of land.

Ms. Ryan replied it is just to give these lot owners additional property.

Board Member Rogan asked additional privacy.

Ms. Ryan replied yes.

Board Member Rogan asked is there any concern that Lot #1 now formerly Guzzo would ever need to get access to the common drive.

Ms. Ryan replied not that I would imagine because they have their own access. It is called Casandra Court. It is a private road.

Board Member Pierro stated and all of Lot #1, which is comprised of fifteen acres I know because I worked on the subdivision and I sold this house one time years ago, all of Lot #1 is on fifteen acres and there is no further access to that.

Board Member Rogan asked but they can get access, Board Member Pierro replied they can get access along this driveway. It is the same kind of common drive thing three separate owners.

Ms. Ryan stated based on the contract with the new owners the amount of lot area could vary a little bit so they might not end up with 13.88 acres it may be a little bit more or a little bit less but it is about an acre of conveyance.

Board Member Pierro made a motion in the matter of Schech Lot Line Adjustment application that the Planning Board approves the application with the three conditions listed in the Town Planner's memo and that we declare this an un-listed action and issue a negative determination of significance under SEQRA. Board Member Rogan seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	yes
Board Member Pierro	-	yes
Board Member Rogan	-	yes

All in favor and motion carried by a vote of 3 to 0.

Ms. Ryan thanked the Board.

NOTE: Chairman Schech was not present for the remainder of the meeting.

11) SYPKO WETLANDS WATERCOURSE PERMIT

Mr. Harry Nichols, Engineer and Mr. Sypko was present.

Mr. Nichols stated I think Gene has given us all his comments (unable to hear the rest of his statement).

Board Member Rogan stated we are just down to engineering on this aren't we.

Mr. Nichols stated we are down to two pages. We have some errors that have to be corrected and questions asking for additional engineering.

Board Member Pierro asked how are you Gene.

Gene Richards stated I guess you just got our memo today so you probably haven't had a chance to read through it. It is primarily all engineering concerns at this point and I am not sure if Rich issued a memo or not.

Rich Williams replied I did not.

Gene Richards stated Harry, there is some house cleaning to be done on the plans and the swale along the driveway is something that we never received any calculations for. It is a different configuration than any of the other swales just look at it and give us something to show its size.

Mr. Nichols stated it is not handling very much but we will give you something.

Gene Richards stated the dry well for the roof drainage. I think those were the most significant ones.

Rich Williams stated Harry, I just have three quick things for you. I know that I have been concerned about the thermal impacts so has Ted and I think the Board is too and we have been suggesting that you put some trees in some key locations to cool things down I think that is still an outstanding issue.

Mr. Nichols replied yes we are going to put some plantings along here.

Ted Kozlowski stated that is another issue what Rich is talking about is up top.

Board Member Pierro stated we are talking about cooling the water coming down the driveway not at the base.

Rich Williams stated I was talking about putting some deciduous trees along the drive to cool the driveway blacktop. It is not a big deal. I think the two other real issues though there is a lot of work that has gone into this, a tremendous amount of work and I don't think that you have been to the DEC yet or DEP.

Mr. Nichols replied we have been talking with DEC. DEP we have had conversations with them, they are actually sitting on the review of the septic plan.

Rich Williams asked how about the rest of it.

Mr. Nichols stated and their concern with the crossing here was the use of an impervious type surface as opposed to blacktop for the initial hundred feet. We are less than one acre so therefore, excuse me less than two acres of disturbance.

Rich Williams stated it does not matter.

Mr. Nichols stated so they won't be involved in any Stormwater Pollution Prevention Plan.

Rich Williams stated I will fax you down the regulations, which require an individual residential permit for this project.

Mr. Nichols stated I understand that the residential permit yes.

Rich Williams replied they need that. It has to do with the stream crossing. That is what I am saying we have been doing a lot of work about the design about how the stream crossing is going to happen and we have all experienced all of sudden getting derailed by DEP for whatever reason. You need to get down there to make sure that they are okay with this so that this someday gets wrapped up.

Mr. Nichols stated now that the Board appears to be satisfied with the details of the crossing we feel comfortable to go to DEP now for whatever comments they might have.

Mr. Nichols asked you are talking about planting trees along the low side of the driveway.

Rich Williams replied well I am assuming that you are going to be clearing out most of that to put the driveway in because you are going to have to re-grade that section going in.

Mr. Nichols stated we propose to use on site specimens re-plant them.

Rich Williams replied as long as they are large enough, health enough and they survive I don't have a problem with that.

Board Member Pierro stated and if they don't survive they have to be replaced within a year.

Ted Kozlowski stated some of that is probably dry hill side definitely not wetland but Rich is right you want a deciduous tree so in the winter time the sunlight is hitting the pavement.

Mr. Nichols stated the permit that we are shooting for is the erosion control and the wetlands watercourse permit.

Rich Williams stated let's be clear before this Board is the wetlands permit. The erosion control permit is pending before the Building Inspector.

Mr. Nichols asked we made that submission does he get his input from this Board.

Rich Williams replied no me.

Mr. Nichols asked in the order of approvals will these town permits be issued prior to receiving the other approvals.

Rich Williams replied my recommendation would be that we at least see some significant responses from both the DEC and DEP before we even consider it because it makes little sense for this Board to approve a plan that is going to have to undergo a radical change for whatever reason. I am hopeful that that is not the case but I don't know what their issues of concern are going to be. Again, that is why I am encouraging you to and have been right along to go submit your applications to them so we can get them in the loop and work out the issues.

Mr. Nichols asked is there anything else.

The Board had no more comments.

Board Member Rogan asked Rich how does the order of the projects get set. I mean do we mix them up a little bit so Mr. D'Ottavio does not get stuck here every night.

Rich Williams replied I am not going to comment on how Mr. D'Ottavio got put on the bottom but there was a significant reason for it nothing to do with Mr. D'Ottavio personally.

Rich Williams stated just for your edification I generally try to well public hearings go first then the simpler applications; fill permits, driveways just to get them out of the way and then generally I try to put people on the agenda by order of seniority like Burdick Farms has been here so long it has moved up to the front because at some point they were at the back.

Board Member Rogan stated plus it makes sense to have Harry up here three times in a row.

Mr. Nichols asked the Board do you want to keep Mr. D'Ottavio here for as long as we can or do you want to let him go ahead of the other one.

12) D'OTTAVIO SITE PLANS

Mr. Harry Nichols, Engineer and Mr. D'Ottavio was present.

Mr. Nichols stated this is about the concern that the Board had for the various cross easements that we are going to have just to simplify it I am going to show you what those easements will consist of. This area here (referring to the plan) will be an easement for a septic that is on parcel "b" in favor of parcel "a".

Board Member Pierro asked didn't we get this draft.

Board Member Rogan replied yes.

Mr. Nichols replied yes and now they have been combined but you wanted to see all the easements and how they ran. The access easement would be however it is worded it would essentially include an area that would allow a person to get back into here as well as this user to get back into there. While there will be an easement over a portion of "b" so that "a" could get in and get to his part. (TAPE ENDED).

Mr. Nichols stated this would be the common area for the access part of it is on parcel "a" and part of it is on parcel "b". They both have access. The only other easement that is required is for the drainage. In interest of saving this Pine Tree the basin has been moved and hope this thing does not die. We are talking two detention facilities we have pipes from a parcel "b" that has drainage that has to get over through parcel "a".

Board Member Montesano asked is there anything on here that doesn't have easements on it.

Mr. Nichols stated on these various easements the septic one is very easy. The access, Craig Bumgarner stated is easier still. Mr. Nichols stated on the drainage it will be two facilities located on parcel "a" but there are pipes getting to it from parcel "b", I assume that could be just outlined as a general drainage easement in favor of both parties.

Craig Bumgarner stated yes.

Board Member Pierro asked is there going to be any kind of maintenance agreement involved in that as well.

Mr. Nichols replied there is going to have to maintenance in regard to the access and there will have to be in regard to the drainage facilities. There are some places that only serve one user and those will be the pipes coming from parcel "b" to the common property or actually all the way to here. At this point parcel "a" is kicking in drainage likewise you have drainage coming from the common access road that goes into the system again that is part of common usage. I don't know do we limit what drain lines are included in the easement or would you just include it overall.

Craig Bumgarner stated I would just do a general drainage easement but I would like to see at least some metes and bounds for them. I want metes and bounds as to where they are going to be.

Mr. Nichols asked a portion of the line that is strictly on parcel "b" that serves parcel "b" would not have to be part of the easement or would it.

Craig Bumgarner replied no I would just put the whole thing in the description.

Mr. Nichols asked make all drain lines part of it.

Craig Bumgarner stated and just do it as a cross easement yes.

Board Member Montesano asked and the septic systems has an easement too for maintenance.

Mr. Nichols replied yes.

Board Member Pierro stated yes that was the first one.

The Secretary stated for maintenance Mike said.

Mr. Nichols replied maintenance to get to it that is true.

Board Member Montesano stated you are going to need it.

Craig Bumgarner stated on the septic system easement you will only need metes and bounds as to where because it is only servicing the lot to the left-hand side we will only need the metes and bounds as to where it goes on the lot to the right side.

Mr. Nichols stated but I think what Mike was alluding to was to have access to get to it and repair it.

Craig Bumgarner replied that is no problem that is pretty standard in any easement. The drainage easement will have that language in it as well.

Board Member Montesano stated okay just keep it simple.

Craig Bumgarner stated the drainage and the septic you are probably talking about two pages maybe.

Mr. Nichols stated if it is acceptable we will then proceed with completing the plans.

Board Member Rogan stated but we do want those easements drawn up to Craig's satisfaction before we go, we want to make sure we are going to get those done now as opposed to later the actual paperwork I think that was the way were leaning last meeting.

Mr. Nichols replied we still have other approvals to get we have DEC and we have DEP.

Board Member Rogan stated so why save it all to the end.

Mr. Nichols stated the DEP may change alignment. I think agreeing to provide you with that prior to getting final approval.

Board Member Rogan asked how about the verbiage you can add in the, Rich Williams stated they can do the verbiage without doing the metes and bounds description.

Mr. D'Ottavio stated we can do that.

Board Member Pierro stated you can get the verbiage started on the easement and then we will put the metes and bounds in later on.

Mr. Nichols stated Rich, you spoke to Mike Budzinski today.

Rich Williams replied yes I did talk to Mike.

Board Member Rogan stated right that was the other part of it.

Rich Williams stated he had Mike call me up to tell me that Mike was going to be okay with both the septic on one lot. I was sure it was.

Board Member Rogan stated well we did ask. We had asked Harry to provide a letter signed in blood that the Health Department would allow this. We knew that they would but we wanted,

Rich Williams stated I apologize I didn't think it was a relevant issue.

Mr. Nichols stated not with the current members that are here but, Board Member Rogan stated Herb, was concerned.

Craig Bumgarner stated I think that I was too actually because I remember a time when the Health Department wanted septic on the lots they serviced. I don't think I was looking for confirmation but we did raise the issue.

Board Member Rogan stated and I am sure it is different for individual versus commercial. That might open up a whole, Rich Williams stated for an individual I am sure it would not be permitted.

13) RALPH BURDICK SITE PLAN

Mr. Harry Nichols, Engineer was present representing the Applicant

Rich Williams stated we are still waiting for a Stormwater Plan.

Mr. Nichols stated the stormwater seems to be the most significant. You don't like our sandbag inlet traps. We just thought that they would last longer.

Gene Richards stated I don't have a problem with those sandbag inlet traps but they are for use on pavement not for where you can use silt fence or hay bales and bury the bottoms. That is all. That is a better, New York Guidelines show you use. The only reason you would use sandbags is because you can't bury the bottom of a silt fence or a hay bale in the pavement so that is an acceptable alternative. There are other products too.

Mr. Nichols stated I was trying to minimize having a moat around the inlets because it is a very small project. That will be done very quickly.

Gene Richards stated you don't have to create a moat around it you just have to whether it is sandbags or hay bales or silt fence you are going to have the same affect. It is going to force the water to pool around the perimeter.

Mr. Nichols stated we will correct that.

Gene Richards stated you mentioned that you are still working on the stormwater report.

Mr. Nichols replied yes.

Gene Richards stated I know you have revised the ponds.

Mr. Nichols stated yes we are going with the four bay and the secondary similar to what DEC does.

Board Member Montesano stated until he (Gene) gets happy you are done.

Board Member Pierro asked Ted is happy with White Pines and White Spruce.

Board Member Rogan stated yes we had talked about that.

14) OTHER BUSINESS

a. Patterson Commons

Board Member Montesano stated we are not releasing the bond on recommendation from the memorandum.

Rich Williams stated I do not believe that we are in a position to take an action on it. Tom did do a memo on the bond and there is some issues that we have to work out with Benderson. Ted and I have not been out to look at the wetlands as of this juncture and there is some issues with the water tank.

Gene Richards stated what Tom did was he reviewed the history on the project and there is still a number of issues that are outstanding as well as the new issue that Rich noted about the pipe that was installed in the berm and it's the Ryder's property. We are going to attempt to get Benderson to correct that and then apparently Rich and Ted will do an inspection on the wetlands part of it and we will have to get Benderson to react to the other issues that are still outstanding as well.

b. Shkreli Bond Reduction

Board Member Montesano stated on the recommendation of our Town Engineer they believe that there is sufficient work done so we can reduce his bond.

Board Member Rogan made a motion in the matter of Shkreli Subdivision that the Planning Board recommends to the Town Board that the bond be reduced from \$57,000.00 to \$5,700.00. Board Member Pierro seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	yes
Board Member Pierro	-	yes
Board Member Rogan	-	yes

All in favor and motion carried by a vote of 3 to 0.

15) MINUTES

Board Member Rogan made a motion to approve the August 28, 2003 and September 4, 2003 minutes. Board Member Pierro seconded the minutes. All in favor and minutes were approved by a vote of 3 To 0.

Board Member Montesano made a motion to adjourn the meeting. Board Member Pierro seconded the motion. All in favor and meeting adjourned at 9:06 p.m.