

**TOWN OF PATTERSON**  
**PLANNING BOARD MEETING**  
**October 5, 2006**

**AGENDA & MINUTES**

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1) <b>Burdick Farms Subdivision – Public Hearing</b>	1 – 26	Public Hearing opened and closed. Discussion on Lots w/Possible Zoning Issues
2) <b>Paddock View Subdivision – Public Hearing</b>	26 – 35	Public Hearing opened and closed. Fire Tank Discussion
3) <b>Bear Hill Subdivision – DeBaerstrand Letter</b>	35 – 39	Discussion on land swap with Bear Hill Developers and how to apply
4) <b>Guiding Eyes for the Blind – Sign Application</b>	39 – 42	Sign Application Approval with conditions
5) <b>Plunket Lot Line Adjustment – Initial Application</b>	42 – 44	Lot Line Adjustment Application Approval with conditions
6) <b>Greenlands, LLC Site Plan - Discussion</b>	44	Did not appear
7) <b>Couch Road Subdivision – Final Subdivision, Initial Application</b>	44 – 53	Preliminary Subdivision Approval Granted. Discussion on drainage, grading, driveway location, and HOA
8) <b>Green Chimneys School – Amended Site Plan</b>	53 – 57	Discussion on addition to horse barn and health center. Site walk scheduled.
9) <b>Clover Lake Congregate Care Facility – Initial Subdivision Concept</b>	57 – 61	Discussion on subdivision and lot line adjustment. Site walk scheduled.
10) <b>White Birch Realty - Discussion</b>	61 – 69	Discussion on roadway for bus garage, garage doors, and cabinet shop concerns. Site walk scheduled
11) <b>Other Business</b>		
<b>a. Putnam County National Bank Request for Extension</b>	69	Two week extension granted.
<b>b. Kessman Subdivision Request for Extension</b>	70	90 day extension granted.
12) <b>Minutes – August 31, September 13, and</b>	70	August 31 Approved, September 13 & 14

**September 14, 2006**

Held over to 11/2/06 Meeting

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**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**ZONING BOARD OF APPEALS**

Howard Buzzutto, Chairman  
Mary Bodor  
Marianne Burdick  
Lars Olenius  
Martin Posner

**PLANNING BOARD**

Herb Schech, Chairman  
Michael Montesano  
David Pierro  
Shawn Rogan  
Maria Di Salvo

**Planning Board  
October 5, 2006 Meeting Minutes**

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

Present were: Board Member Mike Montesano, Board Member Dave Pierro, Board Member Maria DiSalvo, Alternate Board Member Charlie Cook, Rich Williams, Town Planner, David Raines, Interim Building Inspector, Gene Richards with Town Engineer's office, Stantec Consulting Services Inc., Ted Kozlowski, Town of Patterson Environmental Conservation Inspector, and Anthony Molé from the Town Attorney's office, Curtiss, Leibell and Shilling P.C..

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

Vice Chairman Montesano took the seat of the Chairman in his absence.

Michelle Russo took the seat the Secretary in her absence and transcribed the following minutes.

Vice Chairman Montesano led the Salute to the Flag.

There were approximately 34 audience members.

**1) BURDICK FARMS SUBDIVISION - Public Hearing**

Present were Vinny Conditto, the Applicant and John Kellard, the Applicant's Engineer.

Vice Chairman Montesano stated folks if you have cell phones please put it on vibrate or you can take the call outside in the corner. Thank you.

Board Member Rogan stated thank you for reminding me. I just turned mine on vibrate.

Vice Chairman Montesano stated it is the only way I remember, see now I know if it goes off it will bounce on the table. Okay, our first Public Hearing will be on Burdick Farms.

Rich Williams stated Mr. Chairman we do not have the legal notice present, so you just have to announce there is a public hearing.

Vice Chairman Montesano stated okay we are having a Public Hearing on Burdick Farms Subdivision.

Board Member Rogan stated John if you could just use the microphone and give a very brief caption of where we are.

Vice Chairman Montesano stated you are now on candid camera, state your name, you can leave your address off.

Mr. Kellard stated good evening, John Kellard, Kellard Engineering; we are the project engineers for the Burdick Farms Subdivision.

**Eddie Keasbey** stated we can't hear you.

Mr. Kellard stated is this better.

Board Member Rogan stated much better.

Mr. Kellard stated we are the project engineers for Burdick Farms Subdivision project, which is a 168 acre parcel located on the north side of Bullet Hole Road which is located here on the plan and immediately to the east of McManus Road which is located here on the plan, Ice Pond Road intersects Bullet Hole Road at this corner of the property. We received preliminary subdivision approval, we went through a complete environmental review, during the preliminary phase of the project and at this stage we are in the final subdivision stage of the project. Whereby we have prepared final design drawing, submitted those drawings to the Town Engineer, the Putnam County Health Department, the New York City DEP and obviously the Town Planner and the Town Wetland Consultant. The Public Hearing tonight is for two items, it is for the final subdivision approval for the project and also for the wetland permit for the project. The project that is presently proposed is consistent with the preliminary approval in that the project includes 37 lots, 5,589 feet of roadway, the roadway would be accessing the property off of Bullet Hole Road which is located here on the plan. The roadway would be a thirty foot wide boulevard which would enter the project site it would then be reduced down to the twenty-four foot wide loop roadway, which would loop back into the boulevard, the boulevard length is less than 2,500 feet, as I mentioned this overall length of the roadway is 5,589 feet. You may recall during the preliminary process we had other alternatives, I should say our main project had an access, a roadway access back out to McManus Road which would provide a second entrance into the project site, but during the environmental review process other alternatives were studied and this preferred alternative that was chosen by the lead agency which is the Town Planning Board was the single boulevard road with the loop at the end. I might mention to the Board during the review process with the Putnam County Health Department we will be reducing the project from a 37 lot subdivision to 36 lots due to soil conditions on one of the lots which could not support a septic system. Ninety percent of the lots are 40,000 to 55,000 square foot in size, there are a handful of lots that are greater than 55,000, one lot exceeded the 80,000 maximum lot requirement, but we went to the Zoning Board and received a variance for that lot and the reason for the excess size on that lot is the distance the septic was from the house site, we required a larger lot to accommodate the septic needs for the parcel. All lots on the plan conform to size, shape, set back requirements, and coverage requirements as per the R-4 cluster overlay district. The plan includes 103 acres of open space and 13 acres of open area which would include storm water detention ponds and treatment areas, that is shown on the plan in green. There are three ten thousand gallon fire storage tanks located along the roadway which would be used for drafting purposes in case there is a fire in

the subdivision. There are five storm water basins proposed. They are located about the project site, the storm water basins are part of the overall storm water management plan for the project and the storm water pollution prevention plan which was prepared to satisfy New York City DEP requirements and New York State DEC requirements, I might say that our storm water plan was accepted as complete by New York City DEP. We are presently working through a few last comments with them but we anticipate a re-submission to them to address those last comments shortly. We have also had a full review of the plan by Putnam County Health Department. We are currently working through their comments at this time and expect a resubmission within the next weeks. Off site improvements of Bullet Hole Road are also planned with the project, the proposed improvements are located between Ice Pond Road and McManus road, they include some slight widening of the roadway to a 22 foot width at various points and then widening of the roadway around the two curves between our entrance drive and McManus Road being the curve right across from McManus Road and the curve in between McManus and our entrance drive. In addition we will be performing some grading along the shoulder on the north side of Bullet Hole Road to increase some sight lines along that road. The project would be constructed in four phases, the phases would proceed from Bullet Hole Road into the site and around the loop. It would work it's way in, in sections. That section of the roadway would be built then the homes would be constructed and they would move on to the next section. The intent is to keep the disturbance at any one time less then 5 acres in size so that erosion and sediment controls can be maintained through out the process. The second public hearing, I guess it is a combined hearing is for a wetland permit. There are actually three activities associated with the wetland. Two of the activities are associated with the storm water basins or storm water treatment areas, one location is at the northern end of the project where we have a discharge from our storm water basins to the wetlands to the north and this second location is on the western portion of the site where we have a drainage swale that feeds back into the wetlands along McManus Road. In both situations where we originally intended to keep the improvements 100 feet back from the wetlands DEP had requested us to extend the drainage facilities right up to the wetlands and the intent there is to make sure that long term we don't create any erosion issues within that wetland set back. So in the northern area we are extending the pipe down to the border of the wetlands and on the western section we are extending a rip rap swale right down to the edge of the wetlands and it is DEP's, I have seen this policy on a number of projects lately where they feel the improvements should go right to the wetlands. The third portion of the wetland permit applications is associated with the roadway improvements on Bullet Hole Road, wetland number six is located immediately east of Bullet Hole Road at that location we will be widening the western shoulder of Bullet Hole across from McManus Road and widening the northern portion of the intermediate curve between the two roadways, the widest portion of that shoulder widening is three feet in each situation it tapers down as it approaches the wetlands, that is the extent of the wetland permits required for the overall project. I think that summarizes the application.

Board Member Pierro stated the only thing I would like to confirm is the softening of the curve below the current barn, that sharp corner there, Mr. Conditto had spoken.

Mr. Kellard stated Vinny worked very hard to get that, I missed that point. Mr. Conditto has entered into a contract to purchase a portion of the land which we all know as the location where the barns are, that would, is intended to be given to the Town for future purposes of realigning Bullet Hole Road and that was a requirement that the Planning Board stipulated through the findings statement during preliminary approval which has been accomplished by Mr. Conditto.

Board Member Pierro stated and we appreciate that, and I would also like you to address the softening of the curve down below the barn there was a corner that Mr. Conditto agreed to turn over to the Town so that we could make that sharp curve a little safer.

Mr. Kellard stated correct, I believe that is it this location.

Board Member Pierro stated right.

Mr. Kellard stated right along our frontage on Bullet Hole Road.

Board Member Pierro stated when I drive it, it doesn't look as gradual as that curve there.

Mr. Kellard stated it doesn't look bad on the plan.

Board Member Pierro stated right.

Mr. Kellard stated yes, we are committed to that also.

Board Member Pierro stated very well.

Vice Chairman Montesano stated are there any questions from the audience.

Board Member Rogan stated please come up and use the microphone and state your name for the record.

**Jean-Yves Noblet** stated questions or.

Board Member Rogan stated yes, but you need to use the microphone though.

**Jean-Yves Noblet** stated Jean-Yves Noblet, Bullet Hole Road, the variance that you got for the area variance for the 80,000 square foot lot was done by the Town Board not the Zoning Board, correct. Thank you.

Board Member Rogan stated thank you.

Vice Chairman Montesano stated any one else.

Board Member Rogan stated you can not close the Public Hearing until we make a decision.

Board Member Pierro stated there are technical issues they need to address.

**Edie Keasbey** stated Edie Keasbey, Couch Road, what would happen if the Town doesn't take the property with the Barn. They weren't very happy about it at the Town Board Meeting, of course what happens behind the scenes I don't know.

Board Member Pierro stated I think a lot of that has been addressed, Edie and I think Rich would speak to that.

**Edie Keasbey** stated well I was just wondering.

Rich Williams stated my opinion on the subject is this, the findings statement required Mr. Conditto.

**Edie Keasbey** stated oh I know it.

Rich William stated to make an offer.

**Eddie Keasbey** stated that's all.

Vice Chairman Montesano stated that's all.

**Eddie Keasby** stated smart.

Rich Williams stated I thought so.

**Bob Dumont** stated Bob Dumont, Bullet Hole Road, exactly what was the offer, because I am not clear on what is happening at the barn.

Board Member Rogan stated Bob, that area that you are pointing to is not the barn property.

**Bob Dumont** stated is it down here.

Board Member Rogan stated no, no, it is much further up.

Vice Chairman Montesano stated no it is up. All the way up by the road keep going.

Board Member Rogan stated keep going, yes, there.

**Bob Dumont** stated this is the Ice Pond intersection.

Board Member Rogan stated Bob, the findings statement required the Applicant to make an irrevocable offer of dedication to the Town of Patterson for that property, so that the Town could do the improvements that they deemed necessary at that area. The discussion for the Town Board that they were unhappy about, that Ms. Keasbey was referring to seemed to be one just of making sure that they were going into it with their eyes open and not taking on a liability, but I think that they discussed that today and I know that the Town understands the Planning Board's opinion that it is very necessary that the Town accept that property. I think the issue is whether the barn will be standing or not when the property is acquired, that really speaks to the issue.

**Bob Dumont** stated so really how much of the property is going to be acquired.

Board Member Rogan stated I believe it was about two and one-half, it was about two acres I think.

Mr. Conditto stated one and one-half acres.

**Bob Dumont** stated about one and a half acres right on the bend.

Board Member Rogan stated correct.

**Bob Dumont** stated so how did we get from the fact that the Applicant was supposed to improve the road.

Board Member Rogan stated they were not supposed to improve the road. Not with any of the findings statements since it has been. The Applicant was supposed to improve McManus Road, the intersection.

**Bob Dumont** stated the Applicant was supposed to improve the intersection of Ice Pond and Bullet Hole, that has always been, how do we get from the Applicant paying it to me paying it.

Board Member Pierro stated Bob I think you are misinformed on that particular issue.

**Bob Dumont** stated I don't think so.

Board Member Pierro stated we as a Planning Board requested that property be turned over to the Town so that we could make a safer intersection at Bullet Hole Road at our expense. We were going to be given the property and our highway department was going to make the necessary improvements, the only improvements Mr. Conditto was going to be responsible for was a widening up near the entrance to the site and he was going to turn over property at the sharp bend where Henry Burdick's house is so that the Town could eventually straighten that roadway.

**Bob Dumont** stated I think that I would have to respectfully disagree with you, I don't ever remember the Town, because I remember sitting here painfully nights discussing stop signs and stop lights and three way things and all kinds of nonsense. I don't know how it got to be we are footing the bill now for this.

Board Member Rogan stated Bob in all fairness to the Applicant, they are more then willing to put stop signs and stop lights at that intersection.

**Bob Dumont** stated that never solved anything which is why.

Board Member Rogan stated which is why the Board did not feel that that was an adequate correction to that intersection.

**Bob Dumont** stated right.

Board Member Rogan stated the Board felt the most appropriate action was a straightening of the road.

**Bob Dumont** stated right.

Board Member Rogan stated we have gone through also great pains.

**Bob Dumont** stated which is not going to happen, I mean when do we get control of this.

Board Member Rogan stated I'm sorry.

**Bob Dumont** stated when do we get control of the property.

Board Member Rogan stated prior to any building permits being issued on this property.

**Bob Dumont** stated so we have to basically improve it so he can build.

Board Member Rogan stated no, we have to improve it because it is a recognized safety hazard as it exists today, whether they build the project or not, the Town has to do something there.

**Bob Dumont** stated what I am saying is, he is causing the damage and we foot the bill.

Board Member Rogan stated you didn't listen to what I just said, back up a second. The Planning Board has recognized that that is a dangerous area currently, irrespective of that subdivision, we are taking the steps to try to improve public safety regardless of a subdivision, if we can do that by these means I think we are serving the greater good of the community regardless on whether we agree to disagree on this issue.

**Bob Dumont** stated you make, you may make the case that this is a dangerous intersection, you may also make the same case that is it more dangerous with 36 more homes, so he is adding to the danger and not adding to any of the expense, maintenance or whatever.

Board Member Pierro stated I beg to differ with you Bob, Mr. Conditto has partners on this project and they owned this barn site.

**Bob Dumont** stated I know and he sold it away.

Board Member Pierro stated and his partner sold it off, Mr. Conditto is paying dearly to reacquire that property to a point where, it almost came to a legal battle over this. The Town and this Planning Board have always been adamant that we need the property that we are speaking about, turned over the Town at no cost to the Town and we have said repeatedly over the years sir, with all due respect that our Town Highway employees will be a part of the project of straightening that road.

**Bob Dumont** stated that is fine that our Town employees can do it but that doesn't mean we have to pay for but now we are getting footed with the bill. No question on that, no question of that okay.

Rich Williams stated if I can just interject it has always been maintained and once we acquire the property we would be putting applications in under federal programs and multi-modal funding to try to get the money to offset the cost of this. So we are not looking entirely to place this on the burden of the local taxpayers.

Board Member Pierro stated state funding.

**Bob Dumont** stated not all of it but some it will, regardless. The mere fact and let me jump back okay we are rewarding this person's incompetence, he sold the property which flew in the face of everything you guys said and then he had to buy it back and eat crow, it is not our fault he sold it, he sold it, he knew he could not sell this property and sold anyway. We are now rewarding the fact that he has to pay maybe triple or whatever it is to do what he had to do. We can move on, alright we are fixing this side of property as far as grading, right. I'll tell you what I live right here, I don't see what that is going to do one bit. This drop, you can't see out of my driveway, if I was on the Planning Board I would never built my house.

Board Member Pierro stated agreed.

**Bob Dumont** stated okay, but it is built, you come out of my driveway not only will you not see this car, you still won't see this car and you won't see this car because we are not doing anything to this side. Back this thing up forty feet maybe, okay so maybe you don't have a house here, we aren't doing that we aren't solving a problem we are making a problem by twelve feet, you think twelve feet is going to do anything to see this corner, which is only sixty feet away, what do we have, nothing. Drainage swales now going into the street I know the last time I was here, and I stopped coming because I was irritated. What does that do for the homeowners on McManus, on a street of 5,700 foot paved road. It is going to be coming off like a waterfall, you know where that is going to end up. I'm glad I am close to the top of hill but these people down here and over here, already over here on McManus you have a nice swimming pond. It sounds like it

is going to get worse to me. Who did the engineering on that, anybody address the already problems that are at the wetland and at McManus Road on the corner right now, any engineer, anybody at the Town, No, nobody.

Board Member Rogan stated we aren't saying no, we aren't answering the question.

**Bob Dumont** stated well answer the question.

Board Member Rogan stated we aren't engineers, nor are you an engineer you are giving your personal opinion.

**Bob Dumont** stated I've seen it. I live there. I've seen the ducks in front of people's houses.

Board Member Rogan stated you noticed that a lot of the storm water isn't going in that direction.

**Bob Dumont** stated where is it going to go, it is going to go up.

Board Member Rogan stated of course it isn't going to go up, don't be a wise guy.

**Bob Dumont** stated I am not being a wise guy, I'm asking a question.

Board Member Rogan stated yes you are.

**Bob Dumont** stated you are telling me this drain, where is it going to go.

Board Member Rogan stated look at the map.

**Bob Dumont** stated it is going to go to McManus right, where is it going to go, it is going to go down where the people live, okay. I know, okay what happened to the absolute necessity of having a second point of access, the same number of homes are there, what changed.

Board Member Rogan stated a wider entry road.

**Bob Dumont** stated a thirty foot wider entry road.

Board Member Rogan stated not thirty foot wider, a thirty foot wide.

**Bob Dumont** stated a thirty wide entry road, why does that mitigate the fact that you don't need a second entrance anymore.

Board Member Rogan stated what is your feeling on why you need a secondary.

**Bob Dumont** stated why did the Board feel it.

Board Member Rogan stated the Board originally felt it that they needed a secondary access, so that in case one of the areas got blocked you had secondary means, by widening the road there is much less like that, what would have to happen there to block a thirty foot wide road that you couldn't get a vehicle past it.

**Bob Dumont** stated a thirty foot tree.

Board Member Rogan stated there are no trees along there, right there.

**Bob Dumont** stated so, now we don't have, we are going to scale back everything that is there.

Board Member Rogan stated it is all field.

**Bob Dumont** stated it is all open field here.

Board Member Rogan stated no not right there, but.

**Bob Dumont** stated where the entrance is.

Board Member Rogan stated I don't think you are going to have a thirty foot tree.

**Bob Dumont** stated you don't think.

Board Member Rogan stated not to mention, I am not going to argue with you Bob, make your statements please.

**Bob Dumont** stated I am asking the question, what changed, even when I left I think there is was a twenty-four foot road at best. Six more feet changes everything, gets a fire truck in and out of there, six feet. Okay, that is great.

Board Member Rogan stated how wide if Bullet Hole Road in front of your house.

**Bob Dumont** stated it isn't wide, like I said, if I was on the Planning Board I would have never built that subdivision, but that isn't me.

Board Member Rogan stated I wasn't on then either.

**Bob Dumont** stated we have all of these, we basically have, and I have addressed this before but you have houses here and you have septic up here every one of these septic you know with maybe what 60, 70, 80, 100 feet of downhill passed, have they passed. I mean this is pretty good hill on Bullet Hole, you got a house on the top of the hill and a septic in the middle of the hill, you have a good incline, I know I have addressed that in letters to the Board.

Board Member Pierro stated but the septic are not on an incline Bob.

**Bob Dumont** stated yes, the septic are straight, but the water coming down that septic is going to be flying out of the chute.

Board Member Pierro stated it will be in a pipe.

**Bob Dumont** stated yeah. I know.

Board Member Rogan stated they baffled the distribution box Bob.

Board Member Pierro stated it will slow it down

**Bob Dumont** stated it will slow it down until somebody doesn't clean their septic (whistles) right through. I just don't see, I haven't been here in a year for a lot of reasons, I don't see any improvement, I see the same issues, I see the same problems I don't see anything resolved, other then I guess we got tired of listening to the guy and finally just shook our head and said let's move on, I think that is what happened here. I'm pretty sure that is what happened here.

Board Member Pierro stated I think you are incorrect and I think this Board has put an incredible amount of time and effort into this project to reduce it from where it came through in the beginning. It is a much safer project now the roadway system will be much safer and I believe that this is something that the Town can live with.

**Bob Dumont** stated the last thing I'll say is the statement of we did everything we could to reduce it is almost flies in the face of logic okay to say that this subdivision could have existed 128, or 81, or 64 homes is sheer nonsense.

Board Member Pierro stated I didn't say that, you did.

**Bob Dumont** stated I'm making my statement here.

Board Member Pierro stated I didn't say that you did.

**Bob Dumont** stated alright, because we accepted, the Board accepted 81, okay, so this subdivision should have started at 36 homes and worked it's way down. I'm all for 20 homes, I'm all for 12 homes.

Board Member Rogan stated you were all for 40 homes.

**Bob Dumont** stated 40 homes.

Board Member Pierro stated it is on the record Bob, you said that. You said it on the record.

Board Member Rogan stated yeah.

**Bob Dumont** stated 40 homes, I don't think you'll have to see 40 homes, if you could fit 40 homes, I'm all for it, you can't fit 40 homes, you can't fit 36 homes, I'm all 150 homes, if you can fit them. It is his land, you can not fit 36 homes, you can't fit 20 homes on this property, it's a hill top, with 5700, paved, feet with paved road, over a mile of paved roadway going in, okay on a hill top, you can't do it.

**Jean-Yves Noblet** stated are these questions or comments.

Board Member Rogan stated they are comments.

**Jean-Yves Noblet** stated these are commentary, can we put up another map.

Board Member Rogan stated I don't see why not, just please use the microphone.

**Jean-Yves Noblet** stated that is the map, these are for you, there is one set, there is also one for the project sponsor.

Board Member Pierro stated there is one set here for the project sponsor.

**Jean-Yves Noblet** stated yes, you have two pictures of each. My name is Jean-Yves Noblet, I live on McManus Road South and I have this property here, which in fact before I owned those parts and I subdivided and I got the one lot for 10 acres. Since 2002 I have been fighting this project, this piece of land which offers many challenges steep slopes, wetlands, and ground with high water levels. On this map in pink you have the wetlands and the buffers, in green you have all the steep slopes, you can see here also, are steep slopes and wetlands. During the process of the Town Code can be amended for reason not always in favor of the intent of the law, through this process I came to understand better and I appreciate the work done by the Planning Board and the Town Planner. They have to find ways between a comprehensive plan and greed of developers' common sense against the fear of lawsuits. Now we are the last public hearing for final approval we are faced with 36 lots cluster development, 81 lots then 49 lots on 168 acres hill top where pretty much all the houses would be clustered facing south. You can see here they are facing the road and this is up here. So in fact of these house will be seen from Route 22, Farm to Market Road, and all the way Bullet Hole Road when the back of the property, nobody is able to see it, okay. So in doing so we are completely destroying the view shed of the Town of Patterson. Also the condition for approval, we would have to destroy one symbol of Town of Patterson, the barn and the silo down the road on Bullet Hole Road. We can see now in regard to the Town Code which says one of the point for the intent of cluster developments, the first one minimizes non-point source pollution by reducing the amount of impervious surfaces in the development site. We now have 5800 feet of road instead of 1500 allowed by code that is almost 2.2, maybe more then 2.2 acres of impervious surface. My second point is reduced pollutant loads to streams and other water resources when we look at here the way they are using the wetland and fertilizers of the septic systems that are here, if something happens it is going to go directly in the wetland. Number three, Reduces potential pressure to encroach on resource buffer areas, my engineer will be able to speak about this. Provide adequate buffers between adjoining properties, this is number four, as you can see on the ridge that is already here you have seven houses and in four acre developments you will have one or two. Now the Town Planner asked them to move the grass swale to the east and to keep all the trees I know that nothing happened. As you can see in the pictures, you have a number of streams going down seeps, I have a vernal pond, you have one stream going down here going to my pond, and you have another stream because of the curtain drains that they put, certainly they are going to put a grass swale, no. Fifth point, encourage creative and flexible design that is sensitive to the land's natural features and adapts to the natural topography, as you can see, the view shed from here, all the houses are this side is going to be a big eye sore. Number six, preserve natural drainage patterns you are going to speak about it. Number seven promotes cost savings in infrastructure installation and maintenance by reducing the length of the streets, from 5800 feet, again 1500, that not reducing the cost. Eight, protect environmental sensitive areas of a developmental site and preserve on a permanent basis open space, natural features, that's great you can see this is preserve, this is preserved, that is perfect. But what we should notice is, they can't put a septic system here, they can not touch the wetland, most of the land that is saved could not be developed anyway. On top of this open space, look at this parcel number 3 there is no access to it, look at number thirty-five, not even fifty feet going from the front of the lot to the back of lot, what is this guy doing when he is going to buy this land he is going to use the open space as his garden, which he is going to mow the grass, he is going to take care of this, how are you going to prevent that. It may be difficult for me to use these arguments in the court of law but at least we should demand of the project to be in compliance with the Town Code, the project is an R-4 zoning development overlay which means that you have now in front of you an application which is trying to comply with the require of an R-2 Open Space Overlay Zone but part 1, he is not in compliance the Town Code is saying, by the way this project had been grandfathered until December 2005, now this project has to follow the law. If you take the Town code, you will see 138.47 that there is hereby created and Open Space Overlay Zone, as shown on the Town of Patterson Zoning Map dated May 1, 2003. Any application requesting subdivision approval for a plat showing lots, blocks or sites

with or without streets that has been submitted to the Planning Board as required by Part 1 of this Chapter, which lots, blocks, or sites also lies with the Open Development Overlay Zone, shall in addition to the procedures and requirements of Part 1 and Chapter 154 shall also comply with the requirements of this Part 2. for this project, Part 1 doesn't comply anymore, it was grandfathered until 2005, December but now this project should not even be here. So I a copy for all of you, please my engineer, Rob Pape.

**Robert Pape** stated my name is Robert Pape, I work for CEA Environmental, I am a professional Engineer, I was hired by my client, Mr. Noblet to take a look at the Storm water Pollution Prevention Plan and the plan drawings. Okay, to start out I'll give a little description and probably extend a little more of what was previously said. There are two, one of the focuses we looked at were Mr. Noblet's property, there are two locations or what they call drainage areas on the final plan, they called this over a section around here called drainage area 10 and over here would be drainage area 2. Located right around here, A is a pond based on Town Zoning Codes, all ponds or wetlands or infrastructures or streams that you are seeing in the photos. The water going to them can not be increased or decreased. What we are seeing here on this parcel and based on documentation from the SWPPP the amount of leaving this area will be decreased by a minimum of 25 percent. The second thing that we noticed looking at the SWPPP was Area Two where the water is now traveling in this direction now I know he said this was another direction, what I see here is an access road, in other words a driveway so that water will be going to this wetland. Again this system based on their calculations you definitely see a reduction in the amount of water going to this wetland as based on their calculations, overall, in a lot of instances and case it is good to reduce the amount of water to areas, but not directly to the wetlands. So in both cases, both drainage areas are not designed properly for the wetlands that are receiving, I heard he just said that the DEP approved it. A lot of it that DEP looks for is to make sure that their reservoirs for their drinking water is satisfied and then we look at some calculations and tried to figure out the sizing and what this was, the SWPPP doesn't provide any design calculations on, let's say the width of this grassy swale or the slope of this grassy swale they should be included in the SWPPP, the same thing with this treatment system, no particular design, what is it, how big is it, what are the sizes, what is the composition, that make up of it, some design guidance that the manual itself gives. Particularly for this would be the ten year SWPPP, what is also even further interesting is that there are wetlands in this area, the water that is going to be run off that normally is occurring now, is not. So this area will be come considerably dryer as will the pond over here because of the same reason. We looked through the manual again based on the pond elements, in particular, we've got the ponds down here, here and here, this is a typical layout of a particular pond where you have the water coming into this area, called the four bay and then the four bay, is like the entrance to the house and then it goes into the pond itself for treatment, this pond as drawn, doesn't have a four bay, I don't see the four bay in the pond so becoming picky on that, that should be remedied and fixed. Additionally on other drawings for the pond when we get to the details the storm water management design manual states that the pond must have an aquatic bench of at least fifteen feet wide, none of the drawings show the aquatic bench so again, in complete on the SWPPP. Additionally we looked at the SWPPP for seeding plans, although the drawings you have may show the seeding plans that should be included in the SWPPP particularly when you are planting the grassy swales and other treatment areas. Finally the SWPPP is void of post construction maintenance, what happens once this is all put in, who is going to maintain it, who is going to check the ponds, who is doing all the work on those systems, they do requirement maintenance, not every day but. Finally you are going to have roadways and driveways, what is happening with the oil that maybe leak on the driveways and road ways and be flushed off, should be also addressed in the SWPPP, so the SWPPP has, from my recommendations and CEA's recommendations the SWPPP is kind of weak in a lot of particular areas and the design needs to be revisited a little bit more strongly. Thank you.

Vice Chairman Montesano stated are there any other comments.

**Robert Zappolo** stated my name is Robert Zappolo, the husband of Margaret Burdick Zappolo, the daughter of Claire Burdick, who the family, who and her sister and two brothers are the owners of the property now, that was always addressed as the corner here. We are just trying to get an understanding there was some talk at the time of trying to purchase this property by Mr. Conditto, we just want to know that this is no longer a factor in the straightening of the road, that any improvements being done that nothing is going to effect this corner, we just want to know for ourselves that that issue is no longer up for anything.

Vice Chairman Montesano stated as far as I know it is no longer.

**Robert Zappolo** stated great, as far as Town improvements to the road, anything that is possibly going to be done there, if that has to be cut down a little bit for Town purposes.

Board Member Rogan stated I know that is the Town had to cut anything back, it would have to be within the Town right of way, without you selling the property or an eminent domain, I know that there has been discussion on making sure it stays clean so that it improves site line visibility but I have heard no mention of any excavation or anything to that effect.

**Robert Zappolo** stated Thank you.

Vice Chairman Montesano stated any other comments or questions.

Rich Williams stated not me.

Vice Chairman Montesano stated are you sure.

Board Member Rogan stated one gentleman is coming up.

Rich Williams stated make it a little easier

Vice Chairman Montesano stated okay, you want to make a motion.

Board Member Rogan stated no.

Board Member Pierro stated no.

Board Member Rogan stated second guessing. Thank you.

Vice Chairman Montesano stated thank you.

Board Member Rogan stated please state you name for the record sir.

**Bruce Eisenstein** stated my name Jose Jiméiuez, hi my name is Bruce Eisenstein, I live at 428 Bullet Hole Road and I wrote a bit of an epistle here so bear with me. I wanted to thank the Board for holding this hearing and for it's commitment to honor the rights of all citizens particularly those who will be directly impacted by those decisions, as I mentioned I live at 428 Bullet Hole, across the street and downhill from the subject property, I would say it is probably right about here. There is a lot in here so I won't get that detailed. On the north edge of my property approximate twenty feet from my house is a Town right of way for run off from Bullet Hole, hence from the Burdick Farms property, down to wetlands which are in the

back of my property and on the property that is further back. So in other words it comes down here, here is my house wetlands, and then wetlands on the next property okay, this carries run off from a large portion of the subject property okay because the whole slope which is not shown on this map here, there is a lot of slope, this whole area heads downhill. So that is an area of concern of mine. My property also fronts Bullet Hole Road between Route 164 and any of the existing and to my knowledge proposed access roads into this property, therefore the traffic concern I have is coming from stated the road up to this property directly impacts me. I have two school age children who take buses to Carmel schools, both of whom have to cross and walk down the street to their bus stops, for these reasons it should be apparent that this subdivision proposal and the Board's decisions impact my family directly, okay. Now I would also like to add that I am not a lawyer, I am not an engineer, I am not an environmentalist, I have no expertise, my only qualification is that I live here. I own a home here, I pay taxes and I am raising my family here. Please allow me to go through a number of points and concerns that I have regarding this subdivision. Number one, the roads. As I am sure the Board is aware, Bullet Hole Road is a windy rural road there are consistent number of accidents and near accidents on this road. No one seems to expect a car or a truck around the next corner and not only the corners and the areas of the road that have been mentioned in earlier discussion here, but pretty much the whole length of the road up until it widens out right before it gets to Carmel. When trucks are on the road, many of these vehicles can not even stay on their side of the road no matter how hard they try, in bad weather the problems are multiplied and as a resident, I don't want the road changed as it would increase traffic and speed, there by lowering my quality of life. When was the last time a traffic study was done regarding this, does any body know, I'm very curious about that, I know there were some traffic studies done, anything done.

Rich Williams stated maybe 1996.

**Bruce Eisenstein** stated maybe 1996, how many years ago was that, that's ten, right.

Rich Williams stated something like ten.

**Bruce Eisenstein** stated something like ten, that is ten years ago the last traffic study, okay I think that that is a valid point. Is the Board aware of the accident statistics on this road. You are, and what are they and how do they compare.

Board Member Rogan stated only on personal observation. I agree that there are a lot of near misses and accidents on the road and anyone that I have been aware I have put on the record here sir.

**Bruce Eisenstein** stated okay, but there are probably statistics that are available, I would think that those should be checked into and considered before any approval to go ahead with this would occur, yes, no, maybe. No.

Board Member Rogan stated because we have spent a considerable amount of time working on the necessary road way improvements based on everyone's belief and acknowledgment that there are some unsafe areas on that road.

**Bruce Eisenstein** stated what about down by the Mooney household, the Mooney House, I think it is around one, I can't remember, I think it around 460, 465 somewhere around there, has anybody checked out that corner. Let me mention something else regarding the road, when these quote end of quote I won't even say it, when these changes are done and this turn is softened or whatever is going to happen and this turn is softened etcetera notice this straight away here, everybody see this straight away, I don't have one of those speed-o measuring things in front of my house but I could tell that thirty miles an hour is a rare event.

So this is also on a steep downhill grade, is that correct, yes, those of you who know the area know that, so what is going to happen now is that this is going to become a starting chute on the road. So now we are going to have more people with a longer straight away and a better ramp up or ramp down to increase their speed as they drive by my, as well as some other homes. That is a concern. As I mentioned I have two school age children. My children have to walk on and cross the street to the bus stop, on many parts of this road there is no room to walk off road, which by the way is fine but has this issue been taken into consideration in light of the increased traffic that this development would add, if so what is the proposed remedy so no one gets hit by a car or a truck. If not, I ask the Board to thoroughly evaluate this concern, if this development causes the need for quote road improvements who is going to pay for them, and I understand that that was answered before it sounded like we get to pay for them. In the spirit of the quality wouldn't it be fair that one who contributes disproportionately causing added expense be charge with a contribution in proportion with what his actions caused.

Board Member Rogan stated if that were true I wouldn't pay school taxes the same as someone with a different, I mean come on.

**Bruce Eisenstein** stated that is a different issue, isn't it.

Board Member Rogan stated yes it is a different issue but you are talking about disproportionate uses and impacts. The people that buy those houses will pay taxes.

**Bruce Eisenstein** stated you are talking about someone putting in 36 homes which is triggering the need all of sudden to revise things here, to change this, and therefore it is a disproportionate impact if you look at how many house are on that road and you consider the impact amount, it is a large percentage and it impacts things and you are basically telling us from what I heard before that we the Town get to share that expense. But let me continue with my statement, does the fact that, noise levels we have to do something about them, does the fact that widening and straightening the road will negatively impact the character of the neighborhood and increase noise levels have any impact on the final decision.

Board Member Rogan stated I'm sorry, I didn't hear your question.

**Bruce Eisenstein** stated my point exactly. Does the fact that widening and straitening the road negatively impact the character of the neighbor hood and increase noise levels have any impact on the final decision.

Board Member Pierro's cell phone goes off.

**Bruce Eisenstein** stated does it.

Board Member Rogan stated I don't believe that residential noise has or is a measurable impact to whether or not you can approve a subdivision, no I don't believe.

**Bruce Eisenstein** stated so you are saying it doesn't have an impact.

Board Member Rogan stated I don't think it has an impact any more then when your house got approved having an impact on your neighbors.

**Bruce Eisenstein** stated okay so.

Rich Williams stated Shawn, I think we are getting off topic here, all these, a lot of these questions were address in the Environmental Impact Statement.

Board Member Rogan stated absolutely.

**Bruce Eisenstein** stated well Listen, this is my opportunity as a citizen, to express myself.

Rich Williams stated listen I was expressing to the Board. Why are you coming into my space here.

**Bruce Eisenstein** stated I am coming into your space because you just interrupted me. I have opportunity to address this Board once, if I can ask questions to the Board.

Vice Chairman Montesano stated fine, this is our advisor, when he wants to give us some advice we will cease and we will listen to him.

**Bruce Eisenstein** stated okay that is fair and this advice is.

Board Member Rogan stated and I understand that we are being respectful of one another, so let's continue that along those lines please.

Board Member Pierro stated we appreciate the comments that you have submitted and we will make them available to anyone in this room who would like them but I have the ability to read this document.

**Bruce Eisenstein** stated I would like to given the space to read it.

Board Member Pierro stated there are many other people behind you that would like to make comments as well.

**Bruce Eisenstein** stated that is fine and I am trying to move through and this is a public hearing, please give me my due. So was this answer to that question, does the fact that widening and straightening the road will negatively impact the character of the neighbor hood and increase noise levels have any impact on the final decision was no.

Board Member Rogan stated what is your next question.

**Bruce Eisenstein** stated that is the question. Would you answer that please.

Board Member Rogan stated a public hearing does not have to be a question and answer exchange.

**Bruce Eisenstein** stated so you won't the answer the question.

Board Member Rogan stated I did answer the question but you didn't like my answer, so I don't know what else to tell you.

**Bruce Eisenstein** stated was it yes or no, it is a simple question.

Board Member Rogan stated my answer was that I don't think that residential noise is not a sole reason for reviewing a project, the area is zoned residential, and residential noises is normal noise, it is different.

**Bruce Eisenstein** stated it is normal noise, so it is safe for me to interpret that as a no.

Board Member Rogan stated it is safe that you can interpret it any way you'd like.

**Bruce Eisenstein** stated thank you.

Board Member Rogan stated I'm only one person. There are four other people here.

**Bruce Eisenstein** stated well I am asking the question to the Board, if that is the answer that is going to be given then I will take that as a no.

Vice Chairman Montesano stated you can take it.

**Bruce Eisenstein** stated is it a yes or a no.

Vice Chairman Montesano stated we are allowed under law to do certain things under that same law there are things that we can take under advisement that doesn't mean that they are going to be adhered to because we have no control over it.

**Bruce Eisenstein** stated I think what I am really saying here and why I am putting this into a question is I'm asking if this obvious change to the neighborhood and the quality of life by increasing the residency not to mention, as I will later about the years of construction involved, if that impact on the surrounding people is taken into consideration.

Board Member Rogan stated I would say yes, it is weighted proportionately, that is probably the best answer and that is probably the more appropriate answer, yes it is considered but it is weighted proportionately to the concern and to the other concerns.

**Bruce Eisenstein** stated okay, I think that you can catch my drift without reading a bunch of this now since you do have a copy.

Board Member Pierro stated hold on sir.

Board Member DiSalvo stated we have to change the tape.

**Bruce Eisenstein** stated regarding the road, one final point there had been a small number of houses built on Bullet Hole Road in Patterson over the last five years or so, four if I am not mistaken, of those four, two have caused road flooding, one of which I believe has turned into a law suit with the Town, something having to do with approving, because the Town approved the engineers report or I don't even know but it turned into a law suit. But fifty percent of the houses built on Bullet Hole Road and this is, I don't know if this is exact but from what I can recollect have caused flooding on the road, okay. What happens if any of this causes flooding on the road, who is responsible for that, is there any way to ensure that the developer would maintain responsibility for the liability.

Vice Chairman Montesano stated not to my knowledge, if there was a way to predict how far in advance something could be done, I'm sure we would all like to have the numbers and running down buying tickets. We can only anticipate something we can not predict.

**Bruce Eisenstein** stated right and I am trying to point out, and you absolutely right sir, I am trying to point out that fifty percent of the houses built on Bullet Hole Road over the last five years have caused flooding in the road way, and one of them is in a lawsuit right and then other one still floods on occasion. So if we were to just you know put that fifty percent quotient on to this proposal that means that eighteen of these house would be causing flooding and problems on our roadways and it sounds to me like there is no way for us to have any protection against, that is all I will say about the roads, okay. The septic, I don't know anything about this stuff from an engineering stand point but I do know that I live directly below the parcel in elevation, alright I am concerned about that, the whole topography of this half of this project and probably a lot of this and again you can't see it because there are none of those lines on here it slopes sharply and it continues sloping through a lot of my property down to wetlands, as I mentioned, there is a Town right of way for run off on the edge of my property about twenty feet from my house, am I protected in any way from what is going on here.

Vice Chairman Montesano stated in what way.

**Bruce Eisenstein** stated in what way, what happens if the run off is increase and what happens if the water on this little right of way run off stream ends up on my house and my basement flood, because of it or my first floor floods, who covers that.

Vice Chairman Montesano stated hopefully the engineer.

Board Member Pierro stated if there is a right of way, Rich, is it a Town right of way. Do you know which particular run off corridor he is talking about.

Rich Williams stated Burdick Farms is probably a road by use, there is probably a drainage system along side the road, specific to his property I'm not even sure where he lives on the road.

**Bruce Eisenstein** stated 428. And it is between 428 and.

Board Member Rogan stated which house of the three houses on the flat are you.

**Bruce Eisenstein** stated the middle.

Board Member Rogan stated the middle house on the flat.

Rich Williams stated I am still not that familiar with it.

Board Member Rogan stated the three house on the right as you head down hill as you pass Henry's.

**Bruce Eisenstein** stated needless to say.

Board Member Pierro stated one second sir.

Gene Richards stated I am with the Town Engineer's office, one of the things that this project has undergone as part of the review process that started back with the environmental impact statement; they have prepared an extensive storm water management report that is four inches thick. By Town code what they are obligated to do is to ensure that their drainage study shows that they do not increase run off leaving the site over what is currently leaving the site in it's undeveloped condition, they are proposing a total of five storm water basins, the storm water basins attenuate flows so that, it holds flow back so the rate at

which it leaves the site is not increased. I don't know the four houses you are speaking about along Bullet Hole Road, but typically for a single family house there is no detention pond or any kind of storm water basin to attenuate flows, if they do something that increases flow, you could have impact to the Town road. In this case, you've got thirty-six lots, thirty-six houses, but there is also an extensive system, drainage system that is all intended to treat the quality concerns and treat the quantity concerns or rates of run off so our office is reviewing that, the Town Planner is reviewing that, the DEP is reviewing that, collectively, you are pretty much assured that what is going to up happening here is that you are not going to have any increased drainage problems from this project.

**Bruce Eisenstein** stated I appreciate that but I think that, and maybe this is unfair but it seems that fact that the people here in responsible positions and I don't mean to pick on you sir, but someone advising the Board is not even sure what I am talking about on a project with this impact to a rural area, it sounds to me like there is room for more diligence, that is all I am saying there. So we talked about run off for a little bit, how about my organic gardens, the addition of thirty-six septics, a number of them being on slopes that are substantial heading right down to the road and heading right to a run off that goes right through the edge of my property, in case something fails, what happens when something fails.

Vice Chairman Montesano stated you just had an engineer tell you that they are not allowed to have any more run off going down after the project is complete right now without the project, you keep asking the same questions over and over that have been answered over and over.

**Bruce Eisenstein** stated then I will move on, what about the potential impact of drilling an extra thirty-six wells, there has that been considered, and I think there is blasting required for this project to put in the basements and all that stuff, is it required, anyone, any blasting going to go on.

Unknown Speaker stated there is some blasting at the entrance.

Board Member Rogan stated what I heard, I'm thinking back to the project, there would have been significantly more blasting with the other road way alternatives, we have reduced that. The only blasting that would seem appropriate would be around the entrance, the rest of the property.

**Bruce Eisenstein** stated what about basements. That won't require any blasting.

Board Member Rogan stated I can not say for sure but I don't believe so. The deep test holes for septic areas were rather deep so, I can't answer your question one hundred percent.

**Bruce Eisenstein** stated I would think that that question, like I said, I'm a layman this is only stuff because I live in the neighborhood.

Board Member Rogan stated well Mr. Eisenstein, the questions you are asking, if you look back to the environmental impact statements have been addressed, it is not fair to ask me to state everything that is in the environmental impact statements and I certainly can not remember, especially given all the other projects we have.

**Bruce Eisenstein** stated let me make this point, I said to begin with that I am a layman with all this, I can not even read an environmental impact study and understand what the heck it is talking about, alright, and if this type development in the neighborhood causes me to have to hire an attorney or an engineer, or whoever you have to hire just to find out what the heck is being spoken about, and I would expect in all

honesty and I am not trying to be accusatory, but I would expect that these are the types of questions the Board could respond to.

Board Member Rogan stated in all fairness, you have hired four very capable professionals, and they are sitting right in the front row, you have wetlands inspector who is top notch, you have a top notch attorney, a planner, and an engineer.

**Bruce Eisenstein** stated and I am asking a question about blasting and they are saying I'm not sure, I think maybe by the entrance.

Board Member Pierro stated you asked if they were blasting for basements, our recollection was that there was no blasting for basements, the only blasting I recall if the first one hundred feet of the entrance roadway.

**Bruce Eisenstein** stated okay. Well then that is an answer to the question and that is fine, that is what I was looking for. What about quality of life, during development construction and beyond, this is something I am very concerned about, is there anything that will be there to mitigate, and I will tell you from personal experience that when some whatever they call it, preliminary development was done on the property when they were putting in curtain drains and they put in that little road etcetera. there were trucks on Sundays, there were trucks extremely early in the morning and later in the day, does any of that, I mean, to live through years, I guessing at least five, I don't know how long the construction period is planned for, I am guessing at least five, to live through that, in an area where I hear people sitting on their patio, three parcels away, and these are pretty big lots but the Burdick's up on the corner, when they are outside, certain times of the day I can hear them, people who live three lots away the other way I can hear them. Does that noise concern, you know, that, I would just like to bring it to the Board's attention as a resident, this is a concern of mine, to live through five years of that is like, it sounds like to me, that one person is getting preferred over other people. The taxes.

Board Member Rogan stated you asked a question, you are asking for answers.

**Bruce Eisenstein** stated yes, yes you're right, please.

Board Member Rogan stated the Applicant brought in a developer that was planning on buying the project, if I remember correctly and he estimated, the representative estimated the that build out, full build out on this, through the four or five construction phases was estimated at sixteen to twenty-four months, so granted that is an estimate but that is better than anything.

**Bruce Eisenstein** stated and there is building the road and changing the corners and doing this and that, and I mean look at the bridge on Fair Street, look at how long that has taken, I know that that is outside of your and you not responsible for that.

Board Member Rogan stated but that is.

Vice Chairman Montesano stated you're dealing with New York City.

Board Member Rogan stated if you had said Simpson Road, I would understand.

**Bruce Eisenstein** stated and you are not responsible for that, that is what I mean the one at Simpson and Fair, that thing has been going on, they have been doing a bang up job there, but be that as it may, that is

something that effects eighty feet, maybe one hundred feet, two hundred feet at the most, we are talking about acres, so this is a concern of mine as a resident that the effect on my quality of life is substantially impacted by what these people are proposing. There is the tax issue which comes up because, it is a proven fact, and I know that every body's got studies that say this that and the other thing but all you have to do is take a look at a highly developed residential area and a rural area and see whose taxes are higher, the answer is, the more developed an area is residentially speaking, the higher the taxes are. This is a concern and something that I don't know. I have read about something called residential development impact fees being assessed on developers to compensate community residents, I don't know anything about these things, so what is the deal.

Board Member Rogan stated recreation fees.

Vice Chairman Montesano stated they weren't allowed when we had.

Rich Williams stated except for recreation fees, exactions in New York State are not legal.

**Bruce Eisenstein** stated okay, I would also like to take a moment, this might be a little bit edgy, but please indulge me, to characterize the history of this developer as far as from a residents point of view. Since the beginning this developer has danced on the tight rope of what is allowed and what is not allowed, he has demonstrated a lack of respect for other residents, tried to use any and every under handed method, he and his lawyers could conceive, including low ball offers to neighbors to secure property needed to change Bullet Hole Road and Ice Pond Road area, a thinly veiled attempt to buy his approvals, through a one time payment to the Board contingent upon receiving all final subdivision.

Board Member Rogan stated not this Board.

**Bruce Eisenstein** stated okay Town Board, Town Board, I'm sorry, subdivision approvals, the Town Board rejected it.

Board Member Pierro stated the Town Board does not administer approvals for projects like this.

**Bruce Eisenstein** stated well there was an argument about this.

Board Member Pierro stated I don't care what there was, I don't care what there was sir, and the Town Board does not administer approvals for this project.

**Bruce Eisenstein** stated okay, fine, but I'm talking about the developer's history and putting some characterization to it the developer did indeed offer a one time payment to the Town, it was addressed to Mike Griffin, so whoever, you know, that I'll make a donation to the Town and it will be contingent upon getting all my final approvals. So that is a thinly veiled attempt to buy the approvals.

Board Member Pierro stated that donation was made in the context of acquiring, having the Town acquire by eminent domain the parcel of land where the barn is sitting, that was not a donation.

**Bruce Eisenstein** stated I read what it said, and it said, that is not what it said, that may have been the intent, but that is not what it said sir, and I would be willing, if anybody wants to pull it out and read it, there was an offer to buy something to be used for whatever the Town thought appropriate, such as road improvements, so let's face it, the guy was willing to give money for, conditioned upon him receiving final approval. Is that right or wrong.

Board Member Pierro stated you are wrong.

**Bruce Eisenstein** stated you're wrong, okay, well.

Board Member Pierro stated let's ask Mr. Conditto, sir is your attorney here.

Mr. Conditto stated nope.

Board Member Pierro stated did you offer to bribe the Town Board so that they could get an approval on this project, sir.

**Bruce Eisenstein** stated I never said that part, was there an offer of money, do you have the letter.

Mr. Conditto stated I never bribed anybody.

Board Member Pierro stated thank you.

**Bruce Eisenstein** stated I'm not saying anyone bribed. I will produce this for you. I'll produce the letter for you, that was printed in the newspaper so you could see it, in case you haven't.

Board Member Pierro stated sir, it was made, that article was about the context of arranging a transfer of property to, for the Town to take ownership of the barn property when he ran up against a stone wall in acquiring that piece.

**Bruce Eisenstein** stated and right he did, which I am thankful for. But I am characterizing what has gone on in the history here, so please allow me to.

Board Member Pierro stated you are characterizing it wrong sir.

**Bruce Eisenstein** stated okay, I disagree with you and I would be more than happy to contact Mr. Griffin who wrote me a letter about it and talk about it.

Board Member Rogan stated we read the letter.

**Bruce Eisenstein** stated further more, if I may, there have been unfounded complaints about the historical Burdick barn, which now looks like it is going to be torn down, where this developer had this audacity to invoke the safety of our children as the imaginary reason for tearing down this barn. I think he started out at about 160 houses, wasn't that the first proposal, originally way back when, which of course was just a ploy, because that would never fly, he shunned advances from Putnam County to purchase the property and I don't know what else has gone on, in the years that have gone on, but I would characterize some of the things that have gone on as nothing more than a way to exploit our community and the Board's website says that the Planning Board is responsible for controlling and guiding development in the Town, with concerns for the impact on Town economy, Town services, especially emergency services, water quality, New York City watershed, traffic, air, noise, and light pollution, quality of life in the community.

Board Member Rogan stated notice it doesn't say anything about an applicant's personality, fortunately we look at the land and not the people, the people that are proposing the project.

**Bruce Eisenstein** stated fine, well, I would just ask that all these be included in your considerations. Thank you,

Board Member Pierro stated thank you.

Vice Chairman Montesano stated are there any other comments.

Board Member Rogan stated Mr. Chairman before we entertain a motion to close the public hearing. I would just like to bring up that with the Applicant that throughout the process we have been diligent to speak about these houses having useable property, back to Kristina Burbank, is that her last name. With the understanding that the last thing the Board wants is to say that when someone moves into a house they have to go to the Zoning Board because they want to put a shed or a pool in. So, there are a few lots that we have recognized even just, while I have been looking at the map this evening, that may need a little bit of modification, some areas in particular, I think Mr. Noblet mentioned Lot 35, that is a very tight lot. In terms of the building envelope, and the house sitting within that envelope, recognizing that a structure whether it be a swimming pool or whether it be a shed, would need to be so many feet away from the structure and also so many feet away from the property line. So I want to just reiterate that I am not in favor of any of the lots that do not provide at least some room for one of those structures and there are several on there that don't seem to meet the essence of what we spoke about, so what I would like to do is just a get a confirmation from the Applicant that if we close the public hearing this evening that we can waive the sixty-two day requirement for a decision because I think that there are. Sixty-two days from, if we close the public hearing tonight, we have to make a decision on this in sixty-two days and given that there are still some technical issues and given that, I myself, Dave and I have looked at seven lots just this evening that look a little bit, they may have to be tweaked. I don't think they affect the overall layout of the subdivision, I don't think they effect the lot count necessarily, they may effect the lot area.

Board Member Pierro stated a couple of those.

Mr. Conditto stated we did mention before, under your assistance that we wanted a request from the builder that they would notify anybody that bought this lot that they wouldn't be expecting a variance and we agreed to do that.

Board Member Rogan stated correct. Absolutely, I still want to be sure a house doesn't, a great for instance is Lot seven, it has less then 600 square foot of within the building envelope and that is from the foundation, that is not from a ten foot off set or a twenty foot off set, so lot number seven, there may be a way to move the house location so that, understanding that we are not moving septic at this point in time, I am not asking you to do that, but working within the building envelope to make a lot that lays out to be more friendly so that exactly what Mr. Noblet said. It will happen, people will encroach as they have in other municipalities, when they are bordering properties that are either other ownership or in this case Putnam Land Trust, I don't want to have a situation where we have that.

Board Member Pierro stated a couple of these lots that we look at are up against open space parcels and it may be a matter of twenty feet.

Mr. Conditto stated what we did (unable to hear)

Board Member Rogan stated Vinny can you use one the microphones please.

Mr. Conditto stated we did have a discussion last month with the head of the Putnam Land Trust and she asked for information on how she can delineate these areas from the rest of the lots so there will be some, I don't know exactly what she is going to do, but there will be some means of showing.

Board Member Rogan stated some demarcation whether it is similar to how the Wetlands Inspector delineates wetlands, with triangular, some of them are on Mr. Noblet's property. Lot twenty-one for instance, I know Rich had pointed this out and we had noticed as well would seem to make more sense, that is one of the two lots that in the loop road, the interior loop road, to move that property line to the south to avoid that open space dog leg, something similar to that. So what I think the Board is looking for prior to closing the public hearing is a verbal commitment to waive the sixty-two day time frame.

Mr. Conditto stated yeah, that's fine.

Board Member Pierro stated very good.

Rich Williams stated we have a form for you to fill out.

Board Member Pierro stated before he leaves tonight.

Rich Williams stated I don't have it ready.

Board Member Rogan stated you have to wait, I couldn't hear, we can't hear you.

**Jean-Yves Noblet** stated until when are you expecting the written comments, because we got the all calculations very, very late and we still need a little time to do all the review.

Board Member Rogan stated what is the current time frame.

Vice Chairman Montesano stated how about a ten minute break.

Rich Williams stated this is different then a review process for an environmental impact statement with in the context of the process for the review of a final subdivision plat, there is no specific written comment period, we will take written comments at any time, prior to, and even after an approval or denial is given, but there is no written comment period per se.

Board Member Pierro stated okay Mr. Noblet.

**Jean-Yves Noblet** stated okay so if I give them to you before the next working session, that is okay.

Board Member Rogan stated that is fine.

Rich Williams stated I don't think that anybody is approving this tonight are they.

Board Member Rogan stated no.

Board Member Pierro stated no.

Vice Chairman Montesano stated no not tonight.

Board Member Pierro stated that was not out intent was it.

Vice Chairman Montesano stated do you want to close the public hearing or do you want to continue it.

Board Member Pierro stated now that he has agreed to the waiver, we can close the public hearing. On a motion sir.

Vice Chairman Montesano stated on a motion.

Board Member Pierro stated in the matter of Burdick Farms Subdivision I make a motion to close the Public Hearing.

Board Member Rogan seconded the motion

Vice Chairman Montesano asks for all in favor:

Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Board Member Cook	-	aye
Vice Chairman Montesano	-	aye

Motion carried on a vote of 5 to 0.

Board Member Rogan stated so John can you write down specifically.

Mr. Kellard stated I have seven and.

Board Member Rogan stated six, seven, the two to at least take a look at, lot number six, lot number seven, twenty-one, seventeen, and then thirty-five, thirty-three, and thirty-two, and the reason I mention those do they even say, there are even a couple of others. Just to look at twenty-five, twenty-four, twenty-three, we mentioned the drainage easement runs through the back yard and I know that there are limitations on what someone can do with a drainage easement running through their back yard and we keep going to that these are going to be large homes that people are going to want to use the properties and so I want to make sure that they can utilize those properties the way that they are envisioning, because unfortunately sometimes even with the best of notes, realtors can sell things for whatever they think they can.

Board Member Pierro stated tell me about that.

Mr. Conditto stated which way you want these (unable to hear)

Board Member Rogan stated I think if you move them in a way that creates more useable area within the confines of what you have and it may mean that you have tweak a lot line, I know we are trying to stick within the 40 or 50,000 square foot.

Mr. Kellard stated we could go to eighty thousand.

Board Member Pierro stated maximum is eighty.

Rich Williams stated you have to look at the overall form, the way it is structured right now, you can go forty to eighty but you have to keep an overall average.

Board Member Rogan stated Lot number six for instance, the back yard abuts a very steep slope, we want to make sure that even though the area is there, that it is useable area, recognizing that we are not building a septic system but we may want to build a shed or an out building.

Mr. Kellard stated there is a little more flexibility with the revisions to regulations, let us see what we can accomplish.

Board Member Rogan stated okay.

Board Member Pierro stated thank you John.

Vice Chairman Montesano stated thank you, Ladies and Gentlemen we are going to take a ten minute break.

Rich Williams stated five.

Board Member Pierro stated five minute break.

Vice Chairman Montesano stated a five minute break.

## 2) **PADDOCK VIEW SUBDIVISION – Public Hearing**

Mr. Daniel Donahue, the Applicant's Engineer, is present.

Board Member Pierro stated Ladies and Gentlemen we are coming back to order, clear the hall way please.

Vice Chairman Montesano stated Paddock View Subdivision Public Hearing, here we go again.

Mr. Donahue stated are you ready.

Board Member Rogan stated sure, okay.

Vice Chairman Montesano stated go ahead.

Board Member Pierro stated Frasca.

Vice Chairman Montesano stated John.

Mr. Donahue stated my name is Daniel Donahue, I'm a consulting engineer and I am representing the owners of Paddock View Estates and we are here on the matter of the final public hearing for the ten lot subdivision for the Paddock View Estates. The subdivision is located.

Board Member Rogan stated Dan could you just take the microphone.

Mr. Donahue stated the subdivision is located off of New York State Route 292, within about 300 feet of the intersection of Route 311. This subdivision consists of ten lots, one lot has an existing dwelling as well as an existing barn and what we plan to propose is an additional nine lots in the subdivision, the lots vary from size of 1.3 acres with the majority around a half to 1.7 acres with the largest lot being 2.4 acres. The subdivision will be served by individual water supplies, individual wells and individual sewage treatment systems. The lots will also be serviced by a twelve hundred foot road with a cul-de-sac at the end with an entrance onto the New York State DOT Route 292 Road. Presently we received preliminary approval from the Town of Patterson, we have filed plans with the New York State DEC, the New York City DEP which we have just recently received approval for our storm water plan from the New York City Department of Environmental Protection. We have also filed our plans with the Putnam County Department of Health and they are in the process of reviewing them as well at the New York State Department of Transportation, which they have indicated to us that they would give us access at this particular point, we are in the process now of designing a retaining wall that they want, the retaining wall that we proposed and they want our engineering design on that, we are in the process of working on that but they have given us access through this point. Now we expect the storm water drainage, the storm water drainage will be handled by a series of catch basins and a piping system which will take the majority of the flow into a storm water retention basin, the storm water retention basin will then discharge into a culvert crossing 292, the state DOT has reviewed our drainage computations with respect to that and they concur with our calculations and it is not an issue to them otherwise they would not have granted us access to their road. The road, we laid out the road such that our adjoining property owner, there is an existing rock wall and there is always a series of trees that are existing along the boundary line, at the beginning of the process of developing the subdivision the Board had asked us to do what we can to be able to protect this, and what we did was we actually moved our road over, so that we could ensure the protection of the trees and also the rock wall and there is also a note on the construction drawings to make sure that the contractor will put a construction fence to ensure that these areas will be protected and any of those areas, to ensure that the trees are not damaged and that the rock wall is not damaged. We have also provided a conservation easement along the ridge area, along each one of the properties, that essentially with protect these areas down here from having to view any of the proposed homes, this is also a requirement that the Board has asked us address during our development.

Unknown Speaker stated could you go over that part one more time, I'm sorry I missed it, the part that you just finished now.

Mr. Donahue stated surely, the, what we have established is a conservation easement that runs along, that will be running along the ridge of the properties, as such that the areas below the ridge where all the steep slopes are, so none of that area will be utilized or developed, all of the work will be done of the other side of the ridge line.

Board Member Pierro stated Dan what is the width of that conservation easement off the top of you head, or off the map.

Mr. Donahue stated it ranges from about 200 feet down to about 150 feet. I don't have a scale with me. So that essentially is our project.

Vice Chairman Montesano stated we didn't do it the last time.

Board Member Pierro stated any comments from the audience.

Vice Chairman Montesano stated I know, give me a minute, I asked Charlie if he had a comment, alright. Charlie is there anything you'd like to ask.

Board Member Cook stated no that is okay.

Vice Chairman Montesano stated are there any comments from the audience that would like to be made, if so come on up, use the microphone here please, state your name.

**Mark Brummit** stated I'm Mark Brummit, my wife Jennifer and I live here, and this is the first time I have seen the plan in a little while so it may take me a minute to familiarize myself. The first few concerns I would have not only is there the wall and the tree line here there is in fact a line of trees that run for almost the whole property line, big row of white pines and spruces, it is white pine here and spruces here at the most part, are those going to be cut at all, is there any problem with that.

Board Member Rogan stated that area is not being impacted sir.

Vice Chairman Montesano stated it is not be impacted at all.

**Mark Brummit** stated okay and this.

Board Member Rogan stated not the tree line.

**Mark Brummit** stated this.

Rich Williams stated are you sure.

Board Member Rogan stated not within ten foot of the property line.

**Mark Brummit** stated would that be the septic system you were talking about.

Vice Chairman Montesano stated the septic system is going to impact those trees.

Rich Williams stated yes that would be the septic system.

**Mark Brummit** stated yeah that is going to be in those spruces and white pines in there. What is the set back on that septic system from the property line.

Rich Williams stated I am guessing it is about fifteen feet.

**Mark Brummit** stated that is going to cut a lot of trees.

Board Member Pierro stated Dan.

Mr. Donahue stated there are some trees located on Lot one, they are surrounding bigger areas. This is the area we are required to show, the house is presently served by an existing water supply and an existing septic system. The Health Department requires that we, what happens is that when we do this is that we grade a whole new lot, so it fills a lot by itself, so it fills the requirements so then we are required to show the septic area that may have to be potentially used if they have a problem with the existing septic system, this septic system (unable to hear). Of course there are certain areas that would have to be used, and there

are trees that will be impacted but none of the trees along the property line will be impacted, we have no reason to go back there, we aren't going to touch any of the trees in here.

**Mark Brummit** stated that is just there so the person that buys that lot has a right to do that, if they need to.

Mr. Donahue stated well that is correct, this lot has to conform to Putnam County Health Department standards as it stands now, that is why we had to show that.

**Mark Brummit** stated but it is not planned at this time and what about this that is now a dwelling, people live in this.

Board Member Rogan stated half of it is coming down.

Board Member DiSalvo stated half of it is coming down.

**Mark Brummit** stated where is the septic for that, is there a pre-existing septic system for that.

Board Member Rogan stated aren't they all going into the.

Board Member DiSalvo stated it is going to be disconnected, right.

Rich Williams stated it is not going to be used as a residence, it is not a legal residence.

**Mark Brummit** stated it never has been but people live in it none the less.

Rich Williams stated it is going to be converted back to a garage.

**Mark Brummit** stated I've heard that one before, in all honesty.

Board Member Rogan stated but we've never had a site plan for it though, have we.

**Mark Brummit** stated the song remains the same but the setting is a little different, these would be detention ponds is that.

Board Member Rogan stated yes.

**Mark Brummit** stated okay and how does that impact the outflow of the vernal pond and wetland on my property that flows across here, I don't know a year and a half ago maybe a pipe was, I don't know where it originally entered but it runs through here under the road, a pipe was dug some distance that now picks it up about here, just inside the property line. How does that impact the outflow of this, is that pipe going to change. The wetland going to flow into these detention ponds, is that in fact legal for it to flow into those detention ponds, is the change of the water flow off of all this, we are going to take a lot of the water that would fall here that is now going to go down the road and into these detention ponds normally would have flowed across and erupts in a couple springs here and flows with the gradient down to the wetland here, how is that going to change, does that meet the proper changes, does that alter the flow of the water, that would reduce the flow of the wetland on my property, I would imagine, because this would have normally drained to me, I imagine all these septic have percolation and they were all approved at this point.

Mr. Donahue stated we have done deep holes and we have done percolations tests with the Putnam County Health Department and they all past muster and the plan has been submitted to the Putnam County Health Department for their review.

**Mark Brummit** stated so they have approved it at this time, but are you expecting approval.

Mr. Donahue stated that is correct.

**Mark Brummit** stated okay, and this conservation easement, does that just handle the down slope from the peak of the ridge, there is some pretty sensitive area environmentally with the really big stand of very mature hardwood trees up on top of that ridge, are those going to be cut at all for any of the project.

Mr. Donahue stated no, the conservation easement, which is on the first plan, runs essentially right through here along the ridge.

**Mark Brummit** stated runs up from the high point of the ridge down slope.

Mr. Donahue stated right, and as I recollect, there is not a real stand of trees in this area, but there is a very substantial stand of trees.

**Mark Brummit** stated there are huge trees.

Mr. Donahue stated but they are on the down slope.

**Mark Brummit** stated they are on the peak and the down slope.

Board Member Rogan stated that was one of the main reason that we wanted that conservation easement, was for view shed protection coming from Patterson towards that site because there were I remember significant oaks, there were some forty inch, thirty-five inch trees in there and then when we site walked it, we wanted that to be part of the conservation easement.

**Mark Brummit** stated so that mature stand of trees will be maintained.

Board Member Pierro stated it will be protected.

Vice Chairman Montesano states it is protected.

**Mark Brummit** stated because I am not sure that the proposed width of that conservation easement really covers all of those trees.

Board Member Rogan stated it may not cover all of them but I think we did our best.

Board Member Pierro stated a substantial amount of them sir.

Board Member Rogan stated yeah.

**Mark Brummit** stated and what are the regulations involved with these detention ponds handling the run off altering the flow dynamics of the wetland here and the way it out drains into the down ultimately into the stream that is going into drinking water.

Board Member Rogan stated that is a very technical question for someone other than us to answer.

Board Member DiSalvo stated Dan.

Board Member Pierro stated Gene.

Board Member Rogan stated you or Gene.

Rich Williams stated essentially the out flow to wetlands isn't going to be altered at all it is going to exit off of the site the way it currently does. It is going to be picked up in a diversion swale and actually be diverted around the storm water ponds and enter the pipe that is going in under Route 292, so in that respect there is not going to be any change to the wetland hydrology. There will be probably a minor reduction in hydrology going into the wetland, recognizing that it takes a significant amount of run off or a significant amount of rain fall to generate any sort of run off going over into the wetland, most of it is going to continue to enter the wetland as it does now which is infiltrated into the ground, travel as interflow under the surface of the ground and then pop back up into the wetland.

**Mark Brummit** stated and now what is the, what is the set back, is there legal set back off that property line.

Rich Williams stated there is no legally required set back off of that property line, there is a set back that we are trying to maintain, so that we can maintain some sort of a buffer between the two properties.

**Mark Brummit** stated what is the scale on this.

Rich Williams stated it should be 1 in 50

**Mark Brummit** stated so it is, I'm guessing thirty feet.

Rich Williams stated twenty-five, thirty feet somewhere in there.

**Mark Brummit** stated which is pretty close, I mean we do, we do use our paddocks.

Rich Williams stated if I could just interject, it is twenty-five to thirty feet before the Town right of way, and then the road, there is probably another twelve to thirteen feet before you actually hit the actual road surface.

Board Member Pierro stated Rich if I might, Ted had some concerns early on, with any impacts on the tree line in that area and that nothing was going to be removed from the property line.

Rich Williams stated right we are not taking anything off the property line.

Ted Kozlowski stated you wanted the stone wall and the other trees and the cedar trees left from, early on, and that is why we moved the road back.

**Mark Brummit** stated thank you.

Vice Chairman Montesano stated are there any other questions or comments from the audience on this project.

**Jennifer Brummit** stated I'm Jennifer, the other half.

Board Member Rogan stated Jennifer what is your last name.

**Jennifer Brummit** stated Brummit also, so the only other two questions I have, thinking more of the horses, is here going to be blasting for this project, because I know there is a lot of ledge back here, I didn't know if the house if you were going to have to blast to get to the foundations.

Mr. Donahue stated there is some filling in right over here, our subsoil investigations for the septic systems didn't find any rock.

**Jennifer Brummit** stated okay.

Mr. Donahue stated the only rock that we noted was, we have a retaining wall out here but the ridge line, you can see there is a huge rock cropping out there so whether or not that retaining wall will be built is whether or not we scrape rock away and such, it depends on what happens when we get out there. But from our investigations through the area, we didn't find any ledge rock.

**Jennifer Brummit** stated it's just because we have so much, you know on the hills and spots at our place, I we were just concerned as far as blasting with the horses in such close proximity.

Mr. Donahue stated the best I can say is that these are deep holes and percolations holes that we did and I think we found rock maybe down about six feet over here but all through this area we didn't find any rock at all.

**Jennifer Brummit** stated I know it is kind of a crazy question but if you come across things and you have to do blasting, will we be notified just ahead of time.

Mr. Donahue stated yes, that would be required by the Building Department, the Building Inspector.

Mr. Raines stated I would call you and let you know.

**Jennifer Brummit** stated and the other question is just approximate construction time, how long do you think this project is going to take, a ball park I'm just curious.

Mr. Donahue stated I would say getting the road and some of the houses in, again it depends on the market, and it would have to be at least a year depending on how it would go.

**Jennifer Brummit** stated I was expecting longer, but that isn't really going to be bad.

Board Member Pierro stated well rough construction for the roadway and septic systems wouldn't be that long, that is usually done historically in the initial portions of the project, so any concerns you have for blasting as Dave said, he would take care of that.

Mr. Donahue stated and like I said, we didn't find any rock and there was ledge there, I have it noted.

**Jennifer Brummit** stated Thank you.

Board Member Rogan stated thank you.

Board Member Pierro stated thank you.

Vice Chairman Montesano stated anything of that nature. She gets preference.

Board Member Rogan stated what do you call that dance.

**Laura Breden** stated I live on Sapling Court, my name is Laura Breden.

Board Member Rogan stated can you use the microphone please.

Vice Chairman Montesano stated can you use the microphone, Laura, please.

**Laura Breden** stated my name is Laura Breden, I live right here it is not on the map, but it's Sapling and I live on a little hill thing and I look out on the back porch and you have this gorgeous, gorgeous view of the ridge, my main concern is and I know that we already touched on this subject but how far back specifically are these houses going to be, how much of this ridge, I know you guys are going to cut into somewhere.

Board Member Rogan stated no, look.

**Laura Breden** stated not at all, none of those trees at all.

Board Member Rogan stated take a look.

**Laura Breden** stated somebody point it out to me, here is North Street.

Board Member Pierro stated come one Dan would you coach her a little bit on the distance.

Rich Williams stated show her the ridgeline.

Board Member Rogan stated the top of the slope.

**Laura Breden** stated help me please.

Mr. Donahue stated this is the ridgeline that runs right through here, so essentially this area that runs right through here, down through here and across, that is essentially the way the conservation easement runs.

**Laura Breden** stated so in other words when I look out my back porch I am still going to have that amazing view.

Board Member Rogan stated I can't imagine you seeing any of these houses.

**Laura Breden** stated I am pretty high up if you know what mean and it.

Board Member Pierro stated they can't touch anything on the steeps.

**Laura Breden** stated the steep, up above; I don't want to see a bunch of houses.

Board Member Pierro stated but its a hundred to two hundred foot wide at the top.

**Laura Breden** stated it is.

Board Member Pierro stated it is a hundred to two hundred foot wide on the top.

Rich Williams stated it goes from the peak; it is not that wide on top.

**Laura Breden** stated this is my concern, we are high up, we can see a lot of that, you know what I'm saying, and I just don't want to see a whole bunch of house up there.

Vice Chairman Montesano stated Laura, can you see up over the top and down.

**Laura Breden** stated no, we can not.

Vice Chairman Montesano stated well that is where some of the houses are going.

**Laura Breden** stated so okay there is a bit of a slope going back down when you get to the top of the ridge, I don't go up there it is tick territory, it's not my thing, that's all good to me then.

Board Member Rogan stated thank you.

Board Member Pierro stated thank you.

Board Member Rogan stated I think Dave Raines is up.

Mr. Raines stated David Raines, I am currently the Building Inspector here in Patterson and the Fire Code Officer. Just to address the issue of the blasting, it has been an issue Town wide with many project both single home subdivisions and larger subdivisions, we don't issue the blasting permit until we are sure that everyone has been notified. I am not going to issue a blasting permit and then notify, if somebody come in and applies, I go and make phone calls, make notifications, make sure everyone knows what is going on because I have had situations where people are having an outdoor wedding or something else is going on and there are horses or other animals and we want to sensitive to that, the contractor can wait to blast if there are concerns. The other issue is directed towards the developer here, and I'm not sure, how actually the Board, what kind of commitment do we have on the fire tank, do we have a commitment on a fire tank.

Board Member Rogan stated we have commitment on the space and the installation of the tank pending a Town Board resolution, I believe.

Mr. Raines stated which is forth coming but we do that, we will have some sort of fire protection tank. I don't have any other questions.

Board Member Rogan stated thank you.

Vice Chairman Montesano stated any other comments from the audience.

Board Member Pierro stated I make a motion that we close the public hearing on Paddock View.

Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asks for all in favor:

Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Board Member Cook	-	aye
Vice Chairman Montesano	-	aye

Motion carried on a vote of 5 to 0.

Vice Chairman Montesano stated done.

Board Member Rogan stated Rich, Gene, anything you guys want to go over before we send Dan off.

Board Member Pierro stated you have both the comments from Rich and Stantec.

Mr. Donahue stated yes I do.

Gene Richards stated just real quick, we did issue a memo and Dan has that, and we spoke about that earlier, that we could get together at some point and go through the comments.

Board Member Rogan stated Dan does that sound good. Great, let's make it happen.

Mr. Donahue stated yes.

Board Member Pierro stated thank you Gene.

Board Member Rogan stated I make a motion that the Town Engineer meet with the Applicant's Engineer and finalize these issues.

Vice Chairman Montesano stated only if you behave.

Mr. Donahue stated thank you very much.

Board Member Rogan stated thank you.

Board Member Pierro stated thank you.

### **3) BEAR HILL SUBDIVISION – DeBaerstrand Letter**

Mr. Robert Lusardi, from Daniels & Porco, Mrs. DeBaerstrand's Attorney, was present.

Vice Chairman Montesano stated Bear Hill Subdivision.

Board Member Rogan stated I lost my agenda somewhere along the line here today, someone took it on me.

Board Member Pierro stated here.

Board Member Rogan stated no, I said I lost my agenda earlier. No I can look on, I just meant it had my notes, I somewhere along the line I lost it.

Vice Chairman Montesano stated grab that one.

Board Member Rogan stated it doesn't make a difference, thank you.

Vice Chairman Montesano stated okay, can you use the microphone please, you can take it off the stand, hopefully it will work, and there we go.

Mr. Lusardi stated good evening, first want to say that I don't represent Bear Hill Developers, I represent Ellen DeBaerstrand, who is a neighbor to the subdivision and we were, we asked to have an opportunity to address the Board this evening.

Board Member Rogan stated sorry we just want to be able to hear you and.

Vice Chairman Montesano stated gentlemen could you bring it down.

Board Member Rogan stated thank you.

Mr. Lusardi stated we asked for an opportunity to address the Board this evening as a neighboring property owner in connection with the letter I sent to the Board on August 24<sup>th</sup>, I think that the Board is aware of the situation that we have. There is a boundary line dispute between my client and the Bear Hill Developers. This is a portion of their subdivision map and here is our survey and you can see that survey shows that we own essentially two separate parcels. The main parcel where the house is located and a separate parcel over here which goes across the road but is separated from the main parcel. The developers map shows a similar situation with two separate parcels, here is the main parcel where my clients house is and here is the separate vacant lot, it is being show in this map as being more into the center of this proposed lot in the subdivision. Now, I was retained by Mrs. DeBaerstrand to see if I could help her resolve this issue and trying to find the simplest way to work it out, my thought was to see if we could just do a land swap with the Bear Hill people and use it as a way to essentially move this separate lot up to adjoin the main and just make this one parcel instead of two separate parcels. Where it is here, as it shown on the Bear Hill Subdivision map, it is in the middle no where. It is right in the middle of this lot and it interferes with the lot I think and it really has no business being there. I called up Mr. Branca, and again I don't want to tell you exactly how the conversation went but it seemed to be, he seemed to be receptive to the concept of doing a swap of land but he had a concern on how that would affect his subdivision application. And so I thought to write to the Board and just address the issue to you and perhaps get some direction from the Board as to how you feel about this situation, so that is why we are here.

Board Member Pierro stated Rich have to review this particular issue.

Rich Williams stated I am aware of the issue.

Board Member Pierro stated as we all are.

Rich Williams stated I pushed it early on with everything going on. If everybody is agreeable to do a land swap that it probably the easiest way to do it is to roll Mrs. DeBaerstrand and the land swap into the existing application as a lot line adjustment or if not they could do a separate lot line adjustment prior the final determination on the subdivision.

Board Member Pierro stated but does this land swap impact the application.

Rich Williams stated it doesn't impact necessarily the application, it may impact some of the design issues, it may give us more flexibility where we lay a house or a driveway out, but certainly this is an issue that really needs to be resolved one way or another prior to making any final determination.

Board Member Pierro stated time out.

Tape Ended

Anthony Molé stated advising the Board, a lot line adjustment seems to make the most sense here, whether it gets more complicated making them part of the existing application or doing it separately first so we can see the application, you know that is something for you guys to take into consideration, to see if it is quicker or easier process. Can you hear me now, what I was saying basically as Rich said there will be a lot line adjustment one way or another and which of these is the easier process.

Board Member Pierro stated in addition I think in advance it ought to be cleared up, there will be some expense in filing a new survey and a deed and that will not be, there will be no fees laid upon this board.

Anthony Molé stated it is an issue between two private property owners, there is nothing against the Town that is holding up this subdivision application, maybe that is something for both parties to consider, I don't know.

Board Member Pierro stated okay, what would we need a statement or a letter.

Board Member Rogan stated a lot line adjustment application.

Anthony Molé stated just an application.

Vice Chairman Montesano stated just an application.

Board Member Rogan stated a survey, a lot line adjustment application.

Anthony Molé stated it is nothing that they wouldn't be permitted to do otherwise.

Board Member Pierro stated I just want to send this gentleman home with a clear direction that we are willing to get this accomplished and that we don't see a lot of problem in doing it.

Board Member Rogan stated time frame wise Rich, in order to get a lot line adjustment done, you are talking about realistically six months to filing.

Rich Williams stated it depends on the surveyor, I mean that is going to take the most time of anything. As far as the Board goes, generally we are doing lot line adjustments in one meeting.

Board Member Pierro stated right.

Board Member Rogan stated someone in the back just said really.

Rich Williams stated but.

Board Member Rogan stated don't we have a lot line adjustment coming up.

Rich Williams stated we are taking three or four, but again I go back you can either amend the existing subdivision application so the lot line adjustment happens concurrently with final subdivision approval and that way it would all get filed by the developer over at County, which is why I suggested it that way.

Vice Chairman Montesano stated it would probably a lot easier that way.

Board Member Rogan stated that is fine.

Rich Williams stated or you can go through the expense of doing it separately, as a whole separate lot line adjustment.

Vice Chairman Montesano stated well if he has the application, the application is going through.

Rich Williams stated he would have to get an amended subdivision application you know, there is some paper work associated with that.

Board Member Rogan stated well let's leave it up to them that whatever works out to be the simpler method for you folks we are fine with, the main thing is that we are okay with the intent of what you are doing. So whether you choose to do it through an amended subdivision application through Bear Hill Estates or whether you do it on your own as a lot line adjustment, I don't think it really matters to this Board.

Vice Chairman Montesano stated no, as long as it gets done.

Anthony Molé stated either way it involves all parties, which you want on the application.

Vice Chairman Montesano stated it will probably benefit the applicant anyway because it would clarify the road way, so I think it would be a lot easier to get it done that way.

Board Member DiSalvo stated yeah.

Board Member Pierro stated right.

Board Member Rogan stated fine, okay, thank you.

Mr. Lusardi stated thank you.

Board Member Pierro stated thank you.

Board Member Rogan stated that was the easiest one tonight.

Board Member Pierro stated good night Evelyn.

#### 4) **GUIDING EYES FOR THE BLIND - Sign Application**

Mr. Jose Vargas, the director for Guiding Eyes was present.

Vice Chairman Montesano stated Guiding Eyes for the Blind, sign application.

Board Member Rogan stated good evening.

Mr. Vargas stated Jose Vargas is the name, and I am one of the directors for Guiding Eyes for the Blind and I just received the letter from Mr. Williams, a very kind letter and we are willing to do everything that is necessary to comply with the Town Codes or whatever. You do not have the sign that we are applying for, you could share it.

Board Member Pierro stated we all have it.

Mr. Vargas stated you all have it, okay, the sign that we are applying for, is a very simple sign, the only thing is the maximum square footage that is allowed by Town Code. As I said and I repeat we are willing to comply, I know when I submitted the application we did not put that the lighting is going to be shield and everything is going to be screened and again we are not going to violate any code, that is the bottom line.

Board Member Rogan stated Rich can we ask you as a condition of this sign application, as a condition of the approval to meet with the applicant to confirm that the location does not create sight distance problem with exiting the facility. Because as it is shown, it doesn't appear to be but I would like someone to kind of confirm that.

Rich Williams stated sure, what I asked the applicant to do is to stake it in the field and I will come take a look at it.

Board Member Rogan stated that would great.

Vice Chairman Montesano stated and the lights too.

Mr. Vargas stated we will do that.

Board Member Rogan stated we are talking about some lighting, some shielding and a little bit of plantings.

Mr. Vargas stated absolutely.

Board Member Cook stated would this light be on all night.

Mr. Vargas stated no, no, no, the light will be, it will only on all night only up until maybe nine o'clock, not anymore, there is no need to have the light on all night.

Rich Williams stated is that something the Board is interested in making a condition.

Board Member Rogan stated you were saying on a timer.

Vice Chairman Montesano stated I think it should be like ten p.m. to six a.m. you can not have light on after that, it has to be off by ten p.m.

Rich Williams stated you want to make sure you put that in the resolution.

Board Member Rogan stated let me ask a question though, would there ever be a situation where emergency crews or something would need to respond to that and having that sign lit would allow them to locate the facility better, maybe with idea that someone may not know where the facility is, in other words do we then extrapolate that to every sign that when a business closes at eight p.m. the sign goes off at nine.

Vice Chairman Montesano stated you have a unique thing because you are in a residential area.

Board Member Rogan stated no, I know, I am just trying to make sure with our fire person here.

Mr. Raines stated the sign is secondary to numbering, the house number would still be primary, any numbering on the sign is going to secondary to locating that.

Board Member Rogan stated the primary numbering.

Mr. Raines stated primary numbering would still be the normal mailbox numbers, house numbering.

Board Member Rogan stated as long as you are okay with that.

Mr. Raines stated this would secondary numbering, the fact that there is a number on the sign.

Vice Chairman Montesano stated if you look at it we've been going in and out of there without the sign being there.

Board Member Rogan stated I just made sure of point of everybody thinking about.

Vice Chairman Montesano stated but it is also for liability reason, if you tell them they had to shut it off at a certain time and something happens.

Board Member Rogan stated this is the first time in five years that I can recall discussion on a time of lights, since I have been on the Board so that is why.

Vice Chairman Montesano stated it is also the first time that we are having a sign really put into a location where you have homes, residential right across the street and directly down.

Board Member Pierro stated in a residential zone.

Board Member Rogan stated I think it is reasonable. Maria are you doing the.

Board Member DiSalvo stated make it until ten o'clock.

Vice Chairman Montesano stated make it from ten o'clock to six a.m. no lights.

Mr. Vargas stated if it appeals to the Board, one thing we would like it to eliminate the number on the sign.

Board Member Rogan stated take the number.

Mr. Vargas stated take the number off the sign.

Rich Williams stated I don't think it is necessary.

Mr. Raines stated as long as the driveway is still properly numbered.

Mr. Vargas stated oh yes.

Vice Chairman Montesano stated as long as the mailbox has the number, you don't need the number on the sign.

Mr. Vargas stated absolutely, on the sign. Thank you very, very much.

Rich Williams stated we haven't done anything yet.

Board Member Rogan stated we are going to do it right now.

Board Member DiSalvo stated in the matter of Guiding Eyes for the Blind, I make a motion that we approve the five feet by four foot high, twenty square foot sign, to be wood with white background with blue lettering to be placed on the right side of the driveway entering off of Route 164, lights will be shielded and will be on a timer to be off by ten p.m. and the sign location to be staked pending approval by Rich Williams, our Town Planner.

Board Member Rogan stated and SEQRA.

Board Member DiSalvo stated I am not good at that one, you want to do that one.

Board Member Rogan stated you have to roll it right into the motion.

Vice Chairman Montesano stated just roll it right in.

Board Member DiSalvo stated I know, I always forget that.

Vice Chairman Montesano stated a negative determination, it's a negative determination.

Board Member DiSalvo stated a negative determination of SEQR.

Board Member Pierro seconded the motion.

Vice Chairman Montesano asks for all in favor:

Board Member Pierro - aye

Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Board Member Cook	-	aye
Vice Chairman Montesano	-	aye

Motion carried on a vote of 5 to 0.

Board Member Rogan stated good job.

Mr. Vargas stated thank you.

Rich Williams stated did we get the condition with the lighting.

Board Member Rogan stated yes.

Board Member Pierro stated yes.

Vice Chairman Montesano stated yes.

Mr. Vargas stated thank you very much.

Board Member Rogan stated thank you.

##### **5) PLUNKET LOT LINE ADJUSTMENT – Initial Application**

Mr. Frank Plunket, the Applicant, was present.

Vice Chairman Montesano stated Plunkett Lot Line Adjustment.

Board Member DiSalvo stated look at this one.

Mr. Plunket stated good evening, my name is Frank Plunkett, I am submitted an application to have a two line lot adjustment, the first one will be on the low property which is now approximately one acre and it will increase three acres for a total of five acres, the second line lot is on the rear of the Sprague property, about forty feet, approximately from the current line, it will just basically square off the property. The existing line is only about ten feet from the back of the house. This will give her more property to extend her area. The well is located here, the septic, I don't know if that is involved or not, because you can't, this was the original property which probably was subdivided from the Brandon Farm around 1958, I don't think it is a full acre, in those days they didn't require that. The paper work that we submitted has some of errors in it, as Rich pointed out.

Board Member Rogan stated that is not a problem.

Mr. Plunket stated and that can be easily corrected. Rich do you see any problems in this.

Board Member Rogan stated it doesn't look like there are any others.

Rich Williams stated the only issue that I would like to bring up to the Board has to do with the septic systems, our code requires that all the septic systems be shown, the septic system is shown on Frank's lot which is the larger lot which is losing the property, there are no septic systems shown on the two parcels that are gaining the property, but as they are gaining the property it really is non-issue, not an impact but it is a Code Requirement unless the Board waives it.

Board Member Rogan stated so we need a waiver on item number three. So we have a waiver for the locations of the septic systems we have basically a lead agency uncoordinated review, because the only other agency involved is the Health Department in this case, and that would be for non-jurisdictional. A Negative Declaration SEQRA determination. That would just about wrap it up.

Rich Williams stated what about a condition that they address the issues.

Board Member Rogan stated we need a new up to date application.

Rich Williams stated and some changes to the plans.

Board Member Rogan stated is everyone on the Board comfortable with this. Yeah.

Vice Chairman Montesano stated yeah.

Board Member DiSalvo stated yes.

Board Member Rogan stated Charlie, okay.

Board Member Cook stated yes.

Board Member Rogan stated okay. In the matter of Plunket Lot Line Adjustment, I'll try to make this as concise as possible, I make a motion that the Planning Board conducts an uncoordinated review, approves the Lot line Adjustment conditioned upon the applicant meet the Town Planning Board memo, specifically the filing of a new application and addressing the issues in the Planner's memo dated September 28, 2006, that we grant a negative determination of significance of SEQRA, oh we need to do a public hearing. We need to do a public hearing on this.

Rich Williams asked did I put that in there.

Board Member Rogan stated yeah, we don't need a public hearing on this.

Rich Williams stated no, no public hearing, I apologize.

Board Member Rogan stated let the record show that Rich wanted a public hearing.

Board Member Pierro stated on October 5, 2006.

Vice Chairman Montesano stated we reviewed.

Board Member Rogan stated twelve members in attendance, sorry Rich. That we waive the requirements that the septic systems be shown as reference in the note number three, so moved.

Board Member Pierro seconded the motion

Vice Chairman Montesano asks for all in favor:

Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Board Member Cook	-	aye
Vice Chairman Montesano	-	aye

Motion carried on a vote of 5 to 0.

Vice Chairman Montesano stated done.

Board Member Rogan stated thank you Mr. Plunket.

Board Member Pierro thank you Mr. Plunket.

Board Member Rogan stated thank you for this change as opposed to the subdivision plan that we were reviewing, I hope that worked out well for you.

Mr. Plunket stated it would have taken forever.

Board Member Rogan stated none of us have forever.

**6) GREENLANDS, LLC SITE PLAN – Discussion – Postponed until November 2, 2006 Meeting.**

Vice Chairman Montesano stated Greenlands is off.

**7) COUCH ROAD SUBDIVISION – Preliminary Approval**

Mr. Joe Buschynski, the Applicants' Engineer, Tom Frasca and Vince McGough, the Applicants were present.

Vice Chairman Montesano stated Couch Road Subdivision.

Board Member Rogan stated do you need a glass of water.

Vice Chairman Montesano stated no, thank you.

Board Member Rogan stated you're okay.

Board Member Pierro stated I am going to get one.

Board Member DiSalvo stated I think this candy makes us thirsty.

Vice Chairman Montesano stated it's all in your imagination eating all that candy is bad for your teeth, want to borrow mine.

Board Member Rogan stated you got him mad, that's two tonight. What are you doing, must be nice to have that kind of power. Lucky guy.

Vice Chairman Montesano stated she has been trained. Oh boy.

Board Member Rogan stated he is, what she's saying.

Vice Chairman Montesano stated no, no, no, you don't understand, first she had to be trained and then she trains the dog, I mean the person. You ever see that book, how to train a dog.

Board Member Rogan stated good evening Joe.

Mr. Buschynski stated good evening.

Board Member Rogan stated could you use the microphone please, you are soft spoken, we need to. Give us the bad news that we have come to look at here in terms of storm water.

Mr. Buschynski stated since we last saw you folks we have fully designed the grading and drainage required for the project and what our drainage needs call for is use of a good portion of, let me get you oriented here, these are the northern most lots one and two and these four lots to the south. What our drainage needs required is considerable use of what we were pegging a conservation buffer, we had anticipated drainage improvements in the buffer. We didn't stipulate at that time that there would be no grading, obviously the driveways had to cross, but we did stipulate that this one hundred foot would be a no structure impediment line, obviously there are no structures but we have some major grading to accommodate the basins that we need to detain and treat storm water. The intent in the basins is to capture disturbed area, in the case of lots one and two to bring it to a single water quality basin which would provide both treatment, detention, and provide it with an outlet and a drain line connecting to an existing culvert underneath Couch Road. Similarly for lots three, four, five, and six a combination of pipes entering and these two basins connected in series in the case of this outlet for the southern most basin we need to continue a pipe system down Couch Road to connect to an existing catch basin which again crosses over to the east that would extend down about 250 feet. We have received review comments from Planner and Engineer, one of the major issues impacting, it's not really major, but is an issue from the stand point of what the road widening twenty-five foot from center line would mean to us if we were not allowed to make improvements within it. In the case of our southern most basin we need to shift into the hill, meaning a little bit more grading up the hill, I am not sure it would be significant compared to what we already have and it may be best that we make that shift rather than seek an exception, because as Rich and Gene pointed out, the road is not a full Town width now and it conceivable that it could want to be one day, we will look at that shift and what impact it has. One of the comments suggested that perhaps this should not be considered conservation buffer anymore I would say although we are changing the terrain, we are going back to vegetative cover and it would still be buffer in that sense, where we have re-landscaping proposed, physically you could not put structures within that one hundred feet because of the grading we have created we have one on three slopes which are manageable.

Board Member Rogan stated we have a lot of trains tonight.

Mr. Buschynski stated if we could have minimized it we would have, believe me.

Board Member Rogan stated Joe anywhere off site to pick up some property across the street, that way you could put everything into one basin, a wet pond that would be an attractive feature.

Mr. Buschynski stated I wouldn't really have an answer for that question, I know this is in single ownership, the Stillwell piece on the other side. It is fairly steeply sloped from Couch Road.

Board Member Rogan stated it is kind of steep.

Rich Williams stated it flattens off to the bottom and becomes wetlands.

Board Member Rogan stated obviously for our newest Member's edification, Charlie, down this road we were looking to maintain the rural character of the road, there were some of the Board Members who felt the houses should be set closer to the road, others felt further away and I think we arrived at some type of a compromise here, we tried to limit, we tried to group the driveways close to each other to try to limit the amount of disturbance so we kept as much of that rural, wooded character, and while I appreciate plantings, I think it was more the forced structure that I think we were shooting for, recognizing that this is another agency, not us, and not our engineers that are pushing this, I would like to see, a way to reduce this down to two ponds, obviously, we are not happy, it blows everything we were trying to do this subdivision, everything we worked so hard at, with all the different scenarios and ideas and this is a tough one to swallow, recognizing that it is not your doing but it's the.

Vice Chairman Montesano stated we have the same comment, there is not too much you can say, they decided that their rules are their rules. You can fight with them all day long, what you can gain, I don't know and since the County has gone along with it.

Board Member Rogan stated Rich is there any way to, this may be totally off the cuff but let me just throw it out there, because maybe we haven't talked about it, is there any way to throw in a Town road from the lower side of the map here, from the 164 side come in where it is fairly level, with a less than 1500 foot road way and access the properties off and keep all the front part of the property vegetated, right now it would par of what is shown as our conservation easement, the green area.

Board Member Pierro stated they have a house on the corner. He is talking about a separate road way.

Board Member Rogan stated where the first lot is at the bottom of the page, Joe if you point to that lot, is there any way to come in there where that, that is about the flattest part of the whole subdivision, isn't it.

Mr. Buschynski stated it's consistent throughout.

Board Member Rogan stated is there any way to come in there with a Town road and access this property instead of accessing them from Couch Road, access them from one point of access.

Board Member Pierro stated I think the cost of a Town road for a six lot subdivision would be out of the question.

Board Member Rogan stated I am just asking the question.

Rich Williams stated well forget about the cost.

Board Member Pierro stated the disturbance would be.

Rich Williams stated it has frontage on 164, could we conceivable get a Town road in there, sure but you have that much more impervious surface, you have that many more storm water ponds, you have to put the storm water ponds at the low point of drainage and that is where they are now.

Board Member Pierro stated right.

Mr. Buschynski stated I would like to point that originally we steered away from any driveways off of 164, this is a tough point.

Board Member Pierro stated yeah it is steep.

Rich Williams stated well I am just talking in hydrology and theory.

Mr. Buschynski stated yeah.

Board Member Rogan stated I wasn't talking about accessing from 164, I was talking off of Couch Road.

Board Member Pierro stated then you double the size of the impervious surface all the way through it.

Rich Williams stated are you talking about running a common driveway all the way behind everything.

Board Member Rogan stated not a common drive, a Town road. What I am looking at is look at the line of those houses right there, all six of them are all in a line, if you had a Town road running right along where they are showing the front property line all the driveways would be very short, take all the lengths of those driveways and all the combined disturbance to that hill, flip that over into a Town road that is running along the top of that ridge there or it cut in and.

Mr. Buschynski stated the total disturbance would be a lot more.

Board Member Rogan stated a lot more, but where would the storm water have to go, can we get those ponds away from the roadway.

Mr. Buschynski stated it has to go at the low point.

Board Member Pierro stated you can't make it go up hill

Rich Williams stated you also have the situation with the house locations and the septic, are you going to be able to get the septic back in that far pushing them down.

Board Member Pierro stated I don't see any other way of doing it then the way it is here. By moving the storm water ponds up the slope a little bit more to keep them out of the right of way.

Board Member Rogan stated yes, absolutely, as long as you use the microphone.

Mr. Frasca stated Tom Frasca, one of the principals of Couch Road Corp. I just wanted to point out that where we could in the project, I know that some people are new to the project, we actually have split and

moved septic systems to maintain the ancient trees that are on the site there are some centurion oaks and very large trees in the back, which we made. We have actually split the septic systems so that we would have to take down the really, we are talking five or six foot in diameter trees, the state trees, they are in the back and on the ridge so.

Board Member Rogan stated no I understand.

Mr. Frasca stated most of the wood line here, believe me I didn't want to do this either, is second growth.

Board Member Rogan stated yeah, I know, and I drove Couch Road the other day and I just said before the meeting tonight almost all the trees that are in that area, they are not providing cover from the lower, they are just canopy trees, like you said they are second growth trees, I'm not saying it is quality vegetation but recognizing that if we have to put basins there we do everything we can to re-vegetate and not have a landscape feature but have more of a natural feature where we can work with that, I think that was we were really shooting for with that.

Vice Chairman Montesano stated yeah but the City of New York does not feel that you should do that because it would interfere with their water.

Rich Williams stated if I could just jump in, because I don't want to give anybody any false hopes here either, putting storm water basins in and there are going to be limits as to what vegetation we can put.

Board Member Rogan stated I understand. I was just hoping that we could combine some of these ponds and make a larger pond that was a feature, a wet pond, I know the slopes don't really allow for it though, I mean.

Mr. Buschynski stated I should point out, that from Couch Road you won't see the ponds.

Board Member Rogan stated right you'll look at the bank.

Mr. Buschynski stated we have embankment up and then a berm and then back down to create the pond, not visible, from the road. Extremely visible for the owners, the lot owners.

Board Member Rogan stated sure.

Mr. Buschynski stated it would be in their interest to have adequate landscaping.

Board Member Rogan stated I can't imagine looking out my front door and seeing a pond between, but that is what people are going to buy, it's not like it's going in after they buy it, I understand that but again from an attractive stand point it would certainly make sense to have those ponds maintain water all the time to have them be wet ponds, from an attractive stand point, not water quality.

Mr. Buschynski stated they are wet to the extent of six to eight inches of permanent pool.

Board Member Rogan stated that is not a whole lot.

Mr. Buschynski stated they are extended detention wetlands.

Board Member Rogan stated I understand.

Vice Chairman Montesano stated depending on who buys it, they are stuck with it, and if they don't like it, don't buy it.

Board Member Rogan stated don't buy it.

Mr. Buschynski stated there is a fair amount of screening available to these lots, particularly five and six maybe a little less on four but quite a bit on three and two and one, for what they can see down below, driving out of the driveway, yes. We propose for care of these pond, that responsibility to rest with an HOA of the lot owners.

Board Member Rogan stated do we have Home Owner Associations currently, just based on what Joe is stating, scenarios that are set up that are working that we know about, that are functioning.

Rich Williams stated we have HOAs set up.

Board Member Rogan stated that are working, because it seems that those tend to be a tricky scenario then having a, just like we are talking about having fire protection districts that storm water districts should also be incorporated.

Rich Williams stated I have a subdivision in particular they have an HOA, and I've got some problems with their storm water. At this point nobody in the subdivision can tell me how to address the HOA, because it's I didn't know I was part of an HOA, I don't know who to talk to.

Board Member Rogan stated of course, they could care less about it. So not that that helps you here but I would prefer that we look at it from a Town wide perspective and have a storm water district. Rich has lots of free time.

Mr. Buschynski stated a drainage district.

Board Member Pierro stated yes a drainage district.

Mr. Buschynski stated I was under the impression that those weren't popular in Town, I was wrong. The Town maintaining but assessing for cost to maintain.

Rich Williams stated that is the way we have been doing it for the larger subdivisions, when it gets down to two and three lots and you know, we don't want too a lot of varying systems going on because it becomes a pain to maintain. The smaller subdivisions we shy away from and hopefully we get the practices on each individual lot, in this case when you are right on the edge, six lots, I foresee or prognosticate that soon we are going end up with a Town wide drainage system.

Board Member Rogan stated even if that were the case all the Homeowner Associations that are currently existing or even if this were build would revert into that or be encompassed.

Rich Williams stated we would then, there would be some legal mechanisms, some hoops we'd have to jump through.

Board Member Rogan stated I can't imagine any of those Homeowner Associations wouldn't want to get out of that business, they don't have anything to do with this, so it just one more.

Rich Williams stated we would have assessed the cost.

Board Member Rogan stated yeah, you would pay it either way. Yes, well maybe not, if they don't do it.

Rich Williams stated but certainly if we have the existing drainage district we could combine that easier and we are going to you know.

Anthony Molé stated yes but the overall cost for combining all districts would be cheaper then each individual district maintaining it, if they are maintaining and that becomes the question.

Board Member Rogan stated so which ever way our Town Planner is comfortable with, certainly as long as they are being maintained, I don't think we have concern about who maintains them whether it is a district or a Homeowner Association. You know when these projects come along, we get a project occasionally that we are excited about seeing built. We have a market that is going to be on 22, the open air market that we are excited about. It has something that my help enhance the community, what we see as the vision, the master plan for Patterson and subdivision usually don't fall into that category. But this was one, based on the way you guys came in here and I have said this many times with the open thought process of giving us a few options to consider and the way you have worked with cooperatively and this was something that I thought we were going down that road. We were maintaining that rural character of this historic area and road and this, while I recognized this is not your doing really is disheartening to all of us, especially, one you gentlemen wanted live in this subdivision at the last lot. I personally wouldn't want to look out, between my house and the road and see a storm water basin but that is up to the buyer, it is what it is, we will have to do the best we can.

Board Member Pierro stated Rich, is any communication been made to the City on this particular project relative to how these changes have altered the conservation easement.

Mr. Buschynski stated we made a submission of the SWPPP to DEP and a comment letter was generated, I believe they copied you folks, there were no objections to the intended method of treating and detaining storm water, no comments in that regard.

Board Member Rogan stated I guess we are asking did you happen to read tonight the letter from our Code Enforcement Office, relating to fire suppression.

Mr. Buschynski stated no.

Board Member Rogan stated they are asking for, it looks like placement of one ten thousand gallon water source tank, which for a six lot subdivision doesn't sound all that bad.

Mr. Raines stated there was just no water close by, I'm sorry, I missed it, I'm sorry it was so late, Rich and I just kind of looked at real quick to say where the heck can we put a tank and it wasn't easy, I think we looked at Lot Six.

Rich Williams stated Lot Six, down in the corner.

Mr. Raines stated I thought maybe we could pick it up you know in here and be available to access anything going north, in the even there was a fire.

Board Member Rogan stated make them a little deeper and we will have three water sources.

Mr. Raines stated yes, exactly. I believe that one ten thousand will be more than sufficient.

Board Member Rogan stated it seems reasonable.

Board Member Pierro stated Annie's pool is right down the street too.

Board Member Rogan stated any other thoughts from the Board.

Board Member DiSalvo stated it is very disappointing, I felt like what do they need us for.

Board Member Rogan stated like they took all the air out of our sails. We should be shipping these to the DEP first and let them chop them apart and then.

Board Member DiSalvo stated let them give us ideas on what to do now.

Board Member Rogan stated because we all spent a lot of time on this one.

Vice Chairman Montesano stated their ideas don't develop anything.

Board Member Pierro stated we did SEQR on this.

Board Member Rogan stated I can not think of any other, I mean.

Board Member DiSalvo stated I just don't want this to be a reflection of us that it is our fault the way this was designed.

Board Member Rogan stated it will be, don't worry.

Vice Chairman Montesano stated if anybody gets the blame, you will.

Board Member Rogan stated Joe, you don't live in Patterson do you.

Mr. Buschynski stated no.

Board Member Rogan stated oh, you'd make a really good Planning Board Member, I would even be willing to give up my position for you.

Vice Chairman Montesano stated excuse me, Joseph was the Town Engineer at one time and he knows better than to get on Planning Boards.

Board Member Rogan stated tonight was a rough night.

Board Member DiSalvo stated if we do put the tank on Lot Six and idea where on Lot Six, you want access for it right.

Mr. Raines stated down in the corner.

Vice Chairman Montesano stated it is not going to interfere with anything.

Board Member Rogan stated close to the road.

Board Member Pierro stated close to the road and it is not steep and it can be accessed for maintenance if it needs to be.

Board Member Rogan stated so I guess the main question is though do we still even consider the idea of a conservation easement knowing that the topography and the limitations don't allow and structures anyway, I would say just can the idea.

Rich Williams stated I think at that point, you know it is a big legal document we are going to have to draft and of course.

Board Member Rogan stated for not.

Rich Williams stated which isn't going to do a thing.

Board Member Rogan stated yeah, I mean, it seems like we can scrap that idea for that portion, the back portion, the green area shown, is that open space.

Rich Williams stated the green area is the portion that is going to the Putnam Land Trust.

Board Member Rogan stated that is not conservation easement per se, that is open space, then we are done with it then.

Rich Williams stated there will be a conservation easement also placed on that benefitting the Town.

Board Member Rogan stated so it would reasonable sense to do away with it, the brunt work. And continue on. Joe you are always a gentleman.

Rich Williams stated if you gentlemen are comfortable with design then (unable to hear)

Board Member Pierro stated that resolution should be done contingent upon a new plan pushing the storm water basins further.

Rich Williams stated this is only preliminary.

Board Member Pierro stated okay. On the motion, Mr. Chairman. I make a motion that in regard to 17 Couch Road Subdivision we grant preliminary subdivision approval with the four general conditions in the memo dated October 5, 2006, from Rich Williams.

Vice Chairman Montesano stated anything from Gene's memo.

Board Member Rogan stated it would be in the resolution.

Board Member Pierro stated it would be in the resolution.

Vice Chairman Montesano stated okay, can we get a second.

Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asks for all in favor:

Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Board Member Cook	-	aye
Vice Chairman Montesano	-	aye

Motion carried on a vote of 5 to 0.

Vice Chairman Montesano stated done.

Board Member Rogan stated thank you.

Board Member Pierro stated thank you.

Mr. Buschynski stated thank you.

Board Member Rogan stated if a for sale sign goes up between now and final, we might be looking at buying a piece of hill. We do appreciate how you have been through this process, they should be that nice.

Board Member Pierro stated this really hasn't been that bad.

Vice Chairman Montesano stated the next three items we have on here, we discussed going on site walks so, bring them up and then we are perfect.

## **8) GREEN CHIMNEYS SCHOOL - Amended Site Plan**

Ms. Theresa Ryan of Insite Engineering was present to represent the Applicant.

Vice Chairman Montesano stated Green Chimneys.

Board Member Rogan stated have a good evening. The knight in shining armor.

Ms. Ryan stated good evening.

Board Member Rogan stated good evening Theresa.

Ms. Ryan stated how is everybody doing.

Board Member Rogan stated we are doing better now.

Vice Chairman Montesano stated no, next.

Ms. Ryan stated I guess you are all familiar with Green Chimneys, what they proposing to do, this is the over all site, we have an existing horse barn here now they are proposing a 72 by 108 addition to that with a little bit of grading just to level it off for the barn elevation. They have an existing health center in this area they are going to remove a portion of the building, this portion right here, this is the existing structure right now and there is another smaller structure right here, you can see on this plan, they are going to remove this, a portion of that and add a new addition here. They are going to acquire this area where the old building was, they are going to put pavement so they can have circulation around here, they are going to have a planted island, they are going to seed and mulch this area where the existing building is being removed and add some curbing it right here. This, the elevations were prepared by Perkins Eastman, these are the elevations for the health center addition, this is the view from here when you can see the existing structure that is going to remain right here and this is the addition and this is from this direction as you look at it from here, this is from this end and this is from this side right here. I don't have elevations on the barn another company preparing those, Old Time Barns; they have done a lot of barns (unable to hear). The other thing that the Applicants want to do is dredge this pond right here, it has filled up with sediment over time, this is a duck pond right here, they would like to remove the sediment from that storm water basin, from that existing duck pond.

Rich Williams stated we are not going to be able to hear any of this on the tape, so she is going to have to start over using the microphone.

Board Member Rogan stated let the record stand that Theresa gave us a summation that Green Chimneys wants to add three buildings and that is about it. Theresa, the health center, the area directly in front of the health center isn't that like a children's playground, and if so are they looking at relocating that useable space it seems to me.

Ms. Ryan stated that is over in here.

Board Member Rogan stated yeah. It seems like when I go into the health center there the whole front area in front of that building seems to be set up as a playground and I am wondering if they are just reducing that area or I guess we can see when we go out there.

Mr. Raines stated I walked it, I walked the facilities the other day and it should have little or no impact, the set back is substantial from that, they erected a new fence around that playground and re-worked it. the impact is really in the area of the cottage that isn't staying there it is going to be moved. That is the area that is going to be directly impacted.

Board Member Rogan stated if I remember some of that area around the health center some of the building were falling apart pretty well.

Mr. Raines stated ready to come down.

Board Member Rogan stated it had seen better days, so this will be an improvement.

Ms. Ryan stated not counting the pond dredging it will slightly less .6 acres of disturbance for those facilities.

Board Member Rogan stated it is within an area that has already been disturbed so, it is not an additional disturbance.

Ted Kozlowski stated is there are plan for the dredging.

Ms. Ryan stated not yet. This is just a schematic at this point.

Board Member Rogan stated great.

Board Member Pierro stated Rich at what point does this have to go to Zoning.

Board Member Rogan stated have you been there.

Rich Williams stated there is an issue I raised in my memo and did some historical research on a project and essential it is a pre-existing non-conforming activity on the site, you can not expand a pre-existing non-conforming activity without ZBA approval, the alternative is, it is a school it could go get a special use permit and make everything legal.

Board Member Pierro stated from this Board.

Rich Williams stated no, no, from Zoning.

Board Member Pierro stated from Zoning.

Rich Williams stated they will have to go to the Zoning Board of Appeals, so they are going to have to Zoning Board of Appeals prior to this Board making a determination, that is my opinion.

Board Member Rogan stated should we refer them over sooner rather then later so they can start that process and we can take a look.

Rich Williams stated you don't have to do anything they can just go.

Board Member Rogan stated alright.

Ms. Ryan stated we will talk to the Applicant about that, I would suggest a special permit too, but it really their decision so we will talk with them about which way they want to go with that.

Board Member Rogan stated in the interim can you have the new facilities at least staked, so that we can, because we did want to go and take a look at that, we can do that concurrent with your process so that we are ready when you are ready.

Rich Williams stated if I might, they are all addition on to existing facilities.

Board Member Pierro stated does it really need to be staked.

Rich Williams stated just pull tape rather then have the stakes put into the ground.

Board Member Rogan stated spray paint on the ground, just a dot.

Rich Williams stated that fine.

Board Member Rogan stated because it either paved or dirt, disturbed anyway.

Board Member Pierro stated we can measure it off the existing buildings.

Vice Chairman Montesano stated you want an specific colors for spray paint, white, orange, green.

Board Member Rogan stated bright orange.

Ted Kozlowski stated in regard to the pond I would like to know (unable to hear).

Board Member Rogan stated great.

Ms. Ryan stated there is also an existing storm water basin here which was created when the maintenance facility in, which has some sort of maintenance requirements, which I'm sure were required at that time.

Rich Williams stated who designed it.

Ms. Ryan stated was it our office.

Board Member Pierro stated maybe we can go out and take look at that when we go on the site walk.

Ms. Ryan stated they would like to remove a small amount of material from there as well.

Rich Williams stated I was going to run out there and take a look at it and see, but that wouldn't require a permit.

Board Member Pierro stated could that be used as a de-watering facility.

Ms. Ryan stated no, Ted, Ted.

Rich Williams stated it is not wetlands it is a storm water basin. It is a storm water basin.

Ted Kozlowski stated it is within one hundred feet of a regulated wetland.

Board Member Pierro stated okay girls can that be used as a de-watering area for the pond.

Board Member Rogan stated no, it is too far away, it is one the other side of the campus.

Board Member DiSalvo stated it is too far away.

Board Member Pierro stated it is too far away. Alright, I thought it was a good thought.

Board Member Rogan stated I thought it was a good thought.

Vice Chairman Montesano stated especially the snide remark, I thought it was very double edged.

Ms. Ryan stated Rich also mentioned that there is a short environmental assessment form that we submitted, did you want anything further or is the short okay for what we.

Board Member Rogan stated I don't think, if Ted is happy with the plan for the pond.

Vice Chairman Montesano stated we don't know yet.

Board Member Rogan stated no, I know that, no I mean at the point we can address it, if more is needed. What are the impacts here, other than that.

Rich Williams stated it comes out as a question to take a hard look at the environment impact, whether it is efficient.

Board Member Rogan stated I don't think it is necessary. Ted is our internal long form.

Board Member Pierro stated let's do a site walk.

Board Member Rogan stated thanks Theresa. You are here for other stuff aren't you.

Board Member Pierro stated we have to schedule these site walks because time is getting of the essence. Like the 14<sup>th</sup> is opening day of (unable to hear).

Board Member Rogan stated the 14<sup>th</sup> is also the opening day of duck season.

Vice Chairman Montesano stated okay look here Robin Hood.

Board Member Pierro stated girls.

Board Member Rogan stated Michelle, you have your things, we have ours. That is just the way life works, the soon you learn that.

## **9) CLOVER LAKE CONGREGATE CARE FACILITY – Initial Subdivision Concept**

Ms. Theresa Ryan from Insite Engineering, is present.

Vice Chairman Montesano stated Clover Lake. Are we going to site walk Clover Lake too.

Board Member Rogan stated absolutely.

Board Member Pierro stated we have to go back there.

Board Member Rogan stated Theresa is here for Clover Lake.

Board Member Pierro stated why do we have to go back.

Board Member Rogan stated for that new subdivision.

Board Member Pierro stated okay, right.

Ms. Ryan stated you are all probably familiar with this site also, Clover Lake, the Plaza at Clover Lake over off Fair Street. What.

Ted Kozlowski stated we are talking about you behind your back.

Ms. Ryan stated the site.

Board Member Rogan stated she is blushing. You are blushing.

Ms. Ryan stated the site has, the site consists of two pieces of property, the facility, the existing Clover Lake facility is on fifty acres. The parcel is configured like this for the fifty acres and the remaining eighty-eight acres is on this side and what we are proposing to do on behalf of the Applicant is do a lot line adjustment between the two existing lots. These lines would be extinguished and these would become the new property lines and then subsequently we would like to have this parcel subdivided into two separate parcels this would still be on a fifty acre parcel to meet the requirements for the use. This piece would be reduced to about sixty-eight acres and then this would be about eighteen acres, what the Applicants are trying to is to sell this facility off and maintain the development rights for this portion of the property which still have some developable land.

Board Member Rogan stated that is tough, especially considering the access road goes through that property.

Ms. Ryan stated yeah and the property line goes right now through the access road, there would be cross easements for these.

Board Member Rogan stated the other obvious issue is the remaining vacant property to the right, is very, very challenging even just to for access.

Ms. Ryan stated well that exists as a parcel now.

Board Member Rogan stated I know I realize, I understand. We were looking at the topography on that existing parcel is very difficult.

Ms. Ryan stated this one.

Board Member Rogan stated yeah, it would probably hard for us to put two houses in there.

Ms. Ryan stated well what they want really is, to, this parcel, this has a developable portion of land right in here and what they would be willing to do also, that we talked to them about is to put a conservation easement on the back of this property, because this is not developable.

Board Member Rogan stated you can't use it anyway, you can't even get to it. especially, even by rights look at the existing parcel for the Clover Lake compound, you can not legally get to the back end of that property without going either across the water or on to somebody else's property.

Ms. Ryan stated they truly have no desire to anyway, most of these people.

Board Member Rogan stated you can't see their clients wanting to get to the back. What exactly are you saying.

Ms. Ryan stated what did I say.

Board Member Rogan stated would they consider subdividing that parcel to the left and having the property line be in front of the, how do I say this, in front of where the road way cuts into the parcel, the main entrance to Clover Lake curves, and the curve is right in the middle of that parcel.

Ms. Ryan stated right along pretty much the, along the zoning line.

Board Member Rogan stated you said the developable property is up front anyway.

Ms. Ryan stated it I right in here.

Board Member Rogan stated yeah, so why not put the line fifteen feet or so off of that, so that all the improvements are on. I don't like the idea of having any improvements like that off the lot but if you could bring that property line forward and acknowledge that there is a small amount of useable property there of what, probably ten acres, I don't know whatever it is.

Ms. Ryan stated that is a possibility.

Board Member Rogan stated and just keep that back property beyond either a useable part of Clover Lake and tie it up in a conservation easement whatever, you know because the topography probably isn't too useable anyway.

Ms. Ryan stated this is two zones also, this front portion is the industrial zone and this is in the residential zone in the back. This is the zone line, the approximate zone line right here. That is a possibility right now the way this is configured, this facility would need a variance, because it requires two hundred feet from the property line, it is fifty feet right now.

Board Member Rogan stated does it already have the existing variance on the right hand side there, you said there the existing property line. Or is that not the existing property line.

Ms. Ryan stated this is the existing property line, right here.

Board Member Rogan stated so right where you just ran your pen down through, right there, does it already have the, it obviously already has the variance from two hundred feet or is that a new requirement.

Rich Williams stated new requirement.

Board Member Rogan stated okay, on the left hand side, recognizing the requirement for two hundred feet if we made the property line up close to the front that would clean that up.

Ms. Ryan stated that would go away.

Board Member Rogan stated so maybe that is something that you could talk to the applicant about and then, at least then you are working towards the right direction.

Ms. Ryan stated the other thing too is that, if they ever decide to develop this, the access would make the most sense to come off the interior road and you are supposed to come off through your frontage, there is 200 feet of frontage here, which is required for the industrial zone for that lot, but rather then have another

cut here right next to exiting access we would probably come off of the interior road, we would need some kind of variance or if it is a waiver.

Rich Williams stated you would need a variance from our code requirement saying that you would need to get access from (unable to hear – Train). Along those lines so, rather see the property line along the side not down the middle of the road, so that one property owner maintains ownership of the road, easement.

Board Member Rogan stated an easement for use rather than ownership, or not an easement.

Rich Williams stated it gets very complicated with a line down the middle and then who owns what who maintains what.

Board Member Rogan stated the only question or concern that I would have with the sharing of that road way would be if it was, depending on what the use would be the proposed use on that lot recognizing that the traffic going in and out of Clover Lake is a special kind of traffic in terms of, how do I say it.

Board Member DiSalvo stated clients, residents.

Board Member Rogan stated clients, that, safety, let's put it this way, I wouldn't want tractor trailers running in and out through that entrance, that would not be appropriate, that would not be something I would even consider, you know.

Rich Williams stated that would all be looked at when we get the site plan.

Board Member Rogan stated exactly, but you know it is just worth saying it up front.

Board Member DiSalvo stated you can't make the turn in that driveway.

Board Member Rogan stated so at this time again, the only changed to the right hand lot is the one line that is going to be extinguished and moved to the left.

Ms. Ryan stated this one, this line will be extinguished and moved over to here, so this lot will get.

Board Member Rogan stated okay, that doesn't impact that, I'm sorry that doesn't impact the developable property, because that is so rugged back there anyway. The main, so right now we are only looking at the other lot then. That would be my recommendation to look at changing those lot lines.

Ms. Ryan stated you are all in concurrence on that.

Board Member Pierro stated set that up for a site walk, I need to look, I need to be out there to really go over this.

Vice Chairman Montesano stated what do you want done.

Board Member Rogan stated it doesn't look like we need anything done. Rich can you think of any staking based on this, there is nothing that needs to be done,

Board Member Pierro stated really nothing, no.

Ms. Ryan stated the Board is okay with just strictly just the lot line adjustment subdivision.

Board Member Rogan stated boy the tapes are going fast tonight.

Vice Chairman Montesano stated we can pull this up. We can pull up a picture of this right.

Rich Williams stated aerial.

Board Member Rogan stated I just was looking at it the other night, on Google.

Vice Chairman Montesano stated just when we go out for the field trip, this way we will mark it off.

Rich Williams stated sure.

Board Member Rogan stated okay.

Ms. Ryan stated I mean, just before the tape ran out I was asking if you are okay with this just this concept, just the lot line adjustment and subdivision, since they don't know what they are proposing for this, you wouldn't require a site plan for that.

Board Member Rogan stated there are no, you are not approving it for anything then what is zoned for.

Vice Chairman Montesano stated all you are doing actually is changing a lot line. You are not approving it or disapproving it.

Rich Williams stated you are doing a subdivision.

Board Member Rogan stated you are doing a subdivision, you are creating a lot.

Rich Williams stated you are meeting the requirements of our code when you are doing it and so.

Mr. Ryan stated okay.

Board Member Pierro stated okay.

Ms. Ryan stated okay, very good, so you'll let us know when you are going to plan to walk it and I'll make sure it is staked.

Board Member Rogan stated we are going to walk it soon, you don't have to stake anything. We are letting you off on that one because we like you.

Ms. Ryan stated thanks.

Board Member Pierro stated okay.

Board Member Rogan stated there isn't really anything to stake.

**10) WHITE BIRCH REALTY – Discussion**

Mr. Joseph Buschynski, the Applicant's Engineer and Mr. Peter Montelone, the Applicant are present.

Vice Chairman Montesano stated White Birch.

Board Member Rogan stated the steaks out there are on the grill.

Rich Williams stated yeah they do, that is something to stake.

Vice Chairman Montesano was unable to heard.

Board Member Rogan stated yes, that is a good idea.

Board Member Pierro stated what.

Board Member Rogan stated we will talk to Gerry.

Vice Chairman Montesano stated we will talk to Gerry and get it tuned up.

Board Member Rogan stated although given the recent budget concerns and cut backs we probably shouldn't ask for (unable to hear) we probably shouldn't even approach that subject.

Board Member Pierro stated what cut backs.

Board Member Rogan stated on the site walks.

Board Member Pierro stated oh yeah, have to give them something. Hey, Michelle, these are extras you can throw them with those.

Vice Chairman Montesano stated the floor is yours along with the blackboard and the audience.

Mr. Buschynski stated we have, since we last appeared, there has been some progress made on the site, most of it good, I am happy to report. The main issue at hand was clean up of some wetland damage by truck traffic and I would say considerable progress was made in that regard, re-seeding, re-vegetating, restoring and it looks good from the road if you swing by there. The performance bond required has been posted, fees paid and this plan that we have up here reflected the revisions that we brought to you last month specifically with regard to one of the owners tenants is in very much need of door access. This is Coach Bus Tours facility, door access on the north side to allow repaired buses to leave the building without interfering with buses stacked behind them and what that requires is a bump out in the road to allow their turning movements to go back to parking, the intent was not to allow or encourage their maneuvers back toward Commerce Drive. We know there are concerns about conflicts with site traffic with these exiting buses and we have been thinking about way to mitigate that. Pete Montelone thought that we could establish as a minimum a stopping requirement for incoming traffic at the building, which would in effect slow traffic down to the extent it would be surprised by an exiting bus. To prevent any right turn maneuvers we have proposed heavy ballards where a bus couldn't make the turn or side swipe the side of his bus and we are also looking at the possibility of instead of using the road that we have here so tight to the building perhaps we could start to swing this road out and take this radius out here and actually flop that radius around so we have to curve around the building and maybe gain some more room

to see around the building, I am going to be looking at that. One of the revisions that we have added to our list of requests for amended site plan was to provide for 4,000 square feet of space that the bus garage does not lease, currently that is un-leased and hopefully to be leased at some point in the future, but we have no tenants however to let you know who that would be. This 8,00 square feet was sought by a cabinet shop, in terms of the employees and number of parking required for the entire tenant space mix, we have more then code requires remaining. So what we are asking for is the Board's consideration to allow an amended site plan to permit two exiting overhead doors, bump out in the pavement, change of tenant use and the addition for future, not addition but the re-division of tenant space for another 4,000 square feet for another user.

Board Member Rogan stated was the topic first brought up before Joe started, was Ted given a chance to give us an update on the wetland concerns, did that happen, Mike.

Vice Chairman Montesano stated no it did not.

Board Member Rogan stated Ted where are we with our wetlands violations.

Ted Kozlowski stated I met Mr. Montelone and I have been in communication and his consultant. I met with Mr. Montelone last Friday, was it last Friday, it was a week or two ago, they immediately planted. They actually put in quite a lot of material based on my suggestions, give or take a few odd ball things out there. He pretty much planted up following my direction, communication is open and I have lifted the stop work order. The only thing that, the concerns I had were outside the buffer, out side the wetlands that was the material that would brought in there. The material that Mr. Montelone has been stock piling and I directed him to see Rich and address the Board on those issues, and I saw the letter that he wrote to you, so end has been very good.

Vice Chairman Montesano stated any other comments.

Board Member Rogan stated I have lots of comments. I'm waiting for the Board.

Board Member Cook stated have you seen this letter from the Building Inspector, that Dave did.

Rich Williams stated Charlie, we need to get it into the record.

Board Member Cook stated pardon me.

Mr. Buschynski stated yes we did see that letter.

Vice Chairman Montesano stated you have talk into the microphone.

Board Member Cook stated sorry.

Mr. Buschynski stated we did see that letter, yes sir.

Board Member Cook stated okay (unable to hear) the new doors.

Mr. Buschynski stated yes, door, door.

Board Member Cook stated and you said this is for.

Mr. Buschynski stated this is for, the bus garage has twelve.

Vice Chairman Montesano stated you get a traffic light and you put in there and the bus comes in and the light goes on (unable to here).

Mr. Buschynski stated all of this, the bus comes through and bring them out. You can't, this is going to go back to parking.

Rich Williams stated none of this is going to be on the record.

Board Member Rogan stated they are not saying anything.

Vice Chairman Montesano stated Dave, can you use a microphone please.

Board Member Rogan stated Joe, let me just ask a question the shaded area that is currently bus garage area that you have in purple is now going to be designated as a new and different use then the bus garage in the front left, yeah in that corner.

Mr. Buschynski stated currently that shaded area is part of the bus garage is it proposed to be separate space, the bus garage is to retain 12,000 square feet instead of 16,000.

Board Member Rogan stated it appears to me that the reason that the bus garage needs the doors the appropriate turning area is because it is not a very easy space that they are creating to use, it is a, like a dog leg of a space to use for a garage, but currently they.

Mr. Buschynski stated this is their entrance.

Board Member Rogan stated but currently they occupy both areas, the shaded area.

Mr. Buschynski stated no.

Board Member Rogan stated what do you mean no.

Mr. Montelone stated what happens is for the last twelve years.

Rich Williams stated use a microphone.

Board Member Pierro stated use a microphone.

Board Member Rogan stated we can't hear you, we can hear you, but we can't hear you legally.

Board Member Pierro stated let him walk up, Ted.

Mr. Montelone stated hi, my name is Pete Montelone and may be the owner of the building but just beyond the bank. What happens is the bus garage has been using this space because they never, they always leased 12,000 square feet, and the way the building was there was 16,000 square feet so for the last twelve, fourteen years, they have been using maybe 30,000 square feet because nobody was there to do anything, they whatever they wanted, they carried on, I don't have to say anymore. What happened is about a year ago when we took over the building we asked them what you want to do there, you have a lease for 8,000

square feet but you are using 12,000 and well they said well we have to think about it, talk about it, think about it, talk about it, so okay, so think about it, talk about it. But now it comes to a point where this building has 22,000 dollars a month note to the bank and you guys are paying 7,500 bucks, so we have to talk about. So they said lets get it approved and everything else, once you know we'll talk about it. The moment we had the paper from you saying that we were going to start doing something with the property, they said well we can't afford anything more then 12,000 square feet, we have to go back to our lease, just like that Eurostyle Marble had two leases and he had a conjunction that said if he done by a certain time, he is going to lease these two space, and then he backed out of this one because we didn't get it done on time for him. So what happened here is, I said okay now what do you want to do with your space, well we want 12,000 square feet, we can stock twelve buses this way and we need two buses to work on this way, these two buses they put on the side like this they only work on, usually, every time they do brake jobs, motor jobs stuff like that. But they don't go in and out all day. They go in and out maybe once a week it depends on what the repair is. They have a total fourteen buses. Based on their space, they can park four buses three times here but they need a space to work for two buses to be up on lifts. What happens is once they work on, they don't want to move eight buses to get them out, they want to be able to get them out and bring them in from the front or check it and bring them out for the brake inspections and all that typical stuff they usually do. Which one of them used to be to run up and down Commerce Drive and jam on the brakes which I told them they could do a new blacktop job if that is what is going to happen. But anyway, besides that, this is what went on, and that was the request that they made. How it came about, I want to apologize that is when I am going a little further, is we got, they want to pay for these doors, when you get the doors for us, we'll pay for it. What I did was, I spoke to Dutchess Overhead Doors and I called them up and I have to repair a door over here can you give me a price of these three doors because I have to let the bus garage know about it. They wanted to know in advance how much they cost. To make a long story short, the guy from Dutchess Overhead Door, the gentleman Dan said, Pete I will give you price on the three doors, where will they go. I said well, two of them will be going over here and one of them is going to repair the one that is broken over here, so okay, he send me a quote we said okay and I said but I can only put one door right away the other two doors have to be done in the near future once we get the approval, I am only explaining what happened there, to make a long story short.

Board Member Rogan stated the doors are in.

Mr. Montelone stated it's a trick, but it's the truth. To make a long story short, one day I go up there to look, and I see the guy cutting doors inside and I said what are you doing, and the guy said well you ordered three doors. No I said I got a quote on three doors, I ordered one door. I said please whatever you are doing please stop, I am going to pay you for the doors. So they are sitting there without being opened, except this one he changed, it is brand new it was all beat from Pipeline Products. That isn't the issue. The issue happens here, these buses sit on lifts sometimes weeks on end, when they get out, when they finished fixing they want to be able to test them, so they take them out and do what they have to do.

Board Member DiSalvo stated so they when would they be exiting.

Mr. Montelone stated they would be exiting maybe once a week, maybe four times a week they have a bus going in and out of there depends on the nature of the thing. I've seen buses in there up on the lift for months sometimes when they do motors, brakes everything else, what happens is they really don't want to be able, it is hard to get a bus to move back this way and get out, once they are on the lift, because they are forty-eight feet so they need to be able to go out that way.

Board Member Rogan stated of course the problem is that they move a bus off the lift and want to bring another one into that lift they have ten buses or at least five buses in the way.

Mr. Montelone stated in the way to get them in, they need to be able to get out.

Board Member Rogan stated so it is not a very good traffic flow through that system.

Mr. Montelone stated no, oh no, they definitely don't want to be able to go in and out it this way, this is only a one, this is just a job.

Board Member Rogan stated but I could see that that would be inclination, they pull a bus out and they want to pull another one in to the lift, but they have six or eight stocked in they are going to want to back in that area.

Mr. Montelone stated right, the next bus or drive it in.

Mr. Raines stated I addressed that with them when I went out there on the site. The chief mechanic explained to me, because I said to him, you are going to finish the oil change.

Board Member Rogan stated sorry.

Mr. Raines stated you are going to finish the oil change and then what. I am going to pull it out, go and road test on Fair Street or wherever I'm going and then the next bus that is behind it, is set up to pull in, because I said there is no way you are going to be backing buses, especially with retail now, there is only one way in and one way out and that was my only concern that addressed in previous memo about really bumping this out as much as we can if there is any kind of a failure of the bus as it is coming out, it stalls or whatever you are not rolling it out of the way, so you need to have enough additional room, so if the bus, because they had laid out the turning radius, I said we have to go beyond that, because if it is in mid turn and there is a problem you blow a tire or whatever, we are locking up this whole area with no access or ingress, so I think you should address that from an engineering stand point.

Board Member Rogan stated that is definitely a concern.

Vice Chairman Montesano stated no.

Board Member Rogan stated there would be loader left on site with the keys in it.

Vice Chairman Montesano stated you get an elevator.

Board Member Pierro stated is that parking lot large enough to do a three point turn with a bus in the back. Once you get all the uses filled there and the parking.

Rich Williams stated well now we are, now again, now the thing I hate is design by lease, now here we are the last time you were in it was a cabinet shop, now we are breaking out that lease-able space for the bus, you know.

Board Member Pierro stated and appreciate the cost involved in maintaining a facility this large but I think now we know the road went through wetlands.

Board Member Rogan stated we have to take a look at this. One way in and one way out is difficult.

Board Member Pierro stated right.

Board Member Rogan stated it is a shame that this site wasn't designed with the building set on the far side and the parking closer because then accessible and come in and turn to the right, you know, flip flopping it. you don't want to move the building do you.

Board Member DiSalvo stated you don't want to see the parking lot

Rich Williams stated the original design had a huge parking lot in the front.

Board Member Rogan stated over the stream, yeah pipe it.

Board Member Pierro stated right, the front corner of the building is all wetlands.

Board Member Rogan stated that stream is so close there.

Board Member Pierro stated so close, still, I don't remember how.

Board Member Rogan stated it is maybe thirty-five feet, forty feet.

Mr. Buschynski stated the stream is here.

Rich Williams stated it is almost a hundred feet but it does catch the corners of the building.

Board Member Rogan stated I apologize.

Board Member Pierro stated I don't remember it has been awhile since we were up there.

Board Member Rogan stated well we said we were going to take a look at.

Board Member Pierro stated let's put it on the agenda for our next walk.

Board Member Rogan stated nothing needs to be staked again that you can think of, maybe the limits of that bump out that would be probably useful, just a kind of curve, like a line of ribbon, that's all.

Board Member DiSalvo stated yeah, where it is.

Board Member Rogan stated the cabinet shop, are there special requirements in terms of anything mounted HVAC anything that would air handling that would be related to a cabinet shop.

Rich Williams stated funny you should ask.

Board Member Rogan stated did you get a quote for something.

Rich Williams stated we'll look at when we are out there.

Board Member Rogan stated okay.

Board Member Pierro stated that stuff could be explosive.

Vice Chairman Montesano stated no.

Board Member Rogan stated I am think cabinet shop and the lacquers, we did this.

Mr. Montelone stated Rich talked about this we need a dust collector which has to go outside the building and something to hold the dust, but we want to put a clock up there.

Board Member Rogan stated a clock, oh man.

Vice Chairman Montesano stated does it keep time.

Mr. Montelone stated yes it keeps time.

Board Member Rogan stated Rich, what I am actually thinking about is the site right up the road here, where we had the cabinet shop in the basement and all the concerns we had with the volatiles, because of all the combustibles with the Fire Inspector to make sure that that site is in compliance, and obviously with something like this, we need to hit that now rather than waiting until they are open, make sure they have appropriate sprinkler and appropriate combustibles storage, appropriate containers.

Mr. Raines stated and again, when you are out there, one of my concerns with subdividing the coach section is the fire separation there is pretty specific in the Fire Code, because we have a mechanics shop which is going to get into a whole fire wall issue, which we dealt with the middle and the next parcel, because we have Zottolla's mechanic shop, we have potential retail warehousing, which a one hour fire wall is not going to fly.

Mr. Montelone stated we put three hour.

Mr. Raines stated I know you did, I know, but you are going to get into the same, now you are going to get into the same just so you know, now, you are going to get into the same, unless we have another mechanics shop in that small little piece and that is something we are going to have to look at too.

Mr. Montelone stated between the bus garage and that piece, we used a three hour fire wall.

Mr. Raines stated I understand that, but that might be same concept.

Vice Chairman Montesano stated did that fire wall have to come all way up to ceiling Dave.

Mr. Raines stated all the way up.

Board Member Rogan stated what we have to avoid, Mr. Montelone what we want to avoid and what I am hearing is we want to make sure that when we are reviewing this sometimes we work with Applicants who say, I know what is going to be required so I am going to go ahead and do it ahead of time because that is what they are going to want anyway, we don't want to get so many steps ahead that then we change something and you have already done it because once I understand a mistake happens, maybe twice, because if it is the theme, then I am going to be less inclined, I am going to say those doors I want to move them fourteen feet one way or another, I am not like that but you know what I am saying, I wouldn't do that to you, but Dave might.

Board Member Pierro stated yes you would. I wouldn't.

Board Member Rogan stated we will take a look, we have the plans. The only thing would be if need to get into the building.

Mr. Montelone stated yes.

Board Member Rogan stated but, you know, in this case since we would like to see the inside maybe it wouldn't hurt to have someone there maybe a representative and then we can, but also recognize that we don't make any decisions on site walks we are just looking and we don't want to get too much explanation.

Mr. Montelone stated no, no, no, we just, at least walk you through and see what we are trying to do.

Board Member Rogan stated because sometimes too much can really turn people off, so.

Rich Williams stated (unable to hear).

Board Member Rogan stated fair enough. Thank you.

Vice Chairman Montesano stated see what you did Joseph.

Board Member Pierro stated okay, next.

## **11) OTHER BUSINESS**

### **a. Putnam County National Bank Request for Extension**

Vice Chairman Montesano stated Putnam County National Bank Request for extension.

Board Member Rogan stated oh, didn't we say something about a two week extension. Go ahead Maria.

Board Member DiSalvo stated in the matter of Putnam County National Bank, I would like to grant a two week extension, do we have a date as to when the date would be.

Board Member Rogan stated two weeks from today.

Board Member DiSalvo stated two weeks from tonight.

Board Member Rogan stated the 19<sup>th</sup>.

Board Member DiSalvo stated October 19, 2006.

Vice Chairman Montesano stated can I get a second.

Board Member Rogan seconded the motion.

Vice Chairman Montesano asks for all in favor:

Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Board Member Cook	-	aye
Vice Chairman Montesano	-	aye

Motion carried on a vote of 5 to 0.

Vice Chairman Montesano stated carried.

**b. Kessman Subdivision Request for Extension**

Vice Chairman Montesano stated Kessman Subdivision Request for extension.

Board Member Rogan stated I make a motion in the matter of Kessman Subdivision Request for Extension that the Board grants a 90 day extension.

Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asks for all in favor:

Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Board Member Cook	-	aye
Vice Chairman Montesano	-	aye

Motion carried on a vote of 5 to 0.

**12) MINUTES – August 31, 2006, September 12, 2006, September 14, 2006**

Vice Chairman Montesano stated Minutes August 31<sup>st</sup>, September 12<sup>th</sup>, September 14<sup>th</sup>.

Board Member Pierro stated I make a motion that we accept the Minutes as read, August 31<sup>st</sup>.

Board Member DiSalvo seconded the motion.

Board Member Rogan stated you don't want to do all of them.

Board Member Pierro stated no, I didn't finish the September's.

Vice Chairman Montesano stated oh okay. Then you are not going to vote on them.

Board Member Rogan stated just abstain on these,

Board Member Pierro stated well I am not going to vote.

Board Member Rogan stated just abstain.

Vice Chairman Montesano stated we have one member abstain.

Board Member Rogan stated I'll vote yes.

Board Member DiSalvo stated do you want me to make the motion.

Vice Chairman Montesano stated August 31, 2006 minutes are accepted.

Board Member Pierro stated yes.

Board Member DiSalvo stated yes.

Vice Chairman Montesano stated he hasn't finished the Septembers.

Board Member Rogan stated is that a typo, it says the 12<sup>th</sup> and 14<sup>th</sup>, isn't it the 13<sup>th</sup> and 14<sup>th</sup>.

Rich Williams stated yes, it is the 13<sup>th</sup> and 14<sup>th</sup>.

Board Member Rogan stated so the correction there that would be the Patterson Crossing. Let's also give a hold over on those, so I can finish reading those.

Vice Chairman Montesano stated yes. We'll hold off on that. That is no problem.

Board Member Rogan stated that is not going to do anything.

Vice Chairman Montesano stated the next meeting is November 2, 2006.

Board Member DiSalvo stated just the first one.

Board Member Rogan stated the first one we approved, the other two we are going.

Board Member Pierro stated the August 31<sup>st</sup>, we are going to hold off on Patterson Crossings.

Vice Chairman Montesano stated now, the site walks. Well it is work, whether we get in one way or another, now do we want to do three, I mean we are only going to get paid for one and a half.

Board Member Rogan stated no, you'd get paid for two.

Board Member DiSalvo stated you get one and then half and half.

Board Member Rogan stated one and then two halves. One was, what was the other one we thinking of. Clover Lake isn't really even that detailed really because we are looking at the front half, we are not walking the vacant property because it is not so, that is relatively simple.

Rich Williams stated good idea.

Vice Chairman Montesano stated don't you want to walk up and down. Green Chimneys.

Board Member Rogan stated Green Chimneys isn't really that extensive either. So we can do all three of them.

Vice Chairman Montesano stated in a reasonable time, so first thing you want to do, you want to go Saturday morning.

Board Member Pierro stated I don't want to go Saturday morning.

Board Member Rogan stated does every body. Let's shoot for right after work. I can meet you guys at the closest one.

Board Member Pierro stated works for me.

Vice Chairman Montesano stated works for me. Let's do this.

Board Member Cook stated after work when.

Board Member DiSalvo stated let him finish, so you cancelled Saturday.

Board Member Cook stated sorry.

Board Member Pierro stated I am going to be out bow hunting Saturday.

Vice Chairman Montesano stated too bad.

Board Member Rogan stated Charlie, it depends on when the sites are ready because we did ask for a little bit of staking, so they will have to coordinate with Rich.

Board Member Pierro stated I take it back this Saturday we can do it, I can do it this Saturday.

Vice Chairman Montesano stated that is the whole thing in a nutshell.

Board Member DiSalvo stated well we'd have it.

Board Member Rogan stated well that is two day from now.

Board Member Pierro stated next Saturday is an opener.

Vice Chairman Montesano stated well let's look at this way, is the only staking per se that we really need is the bump out of the bus garage.

Board Member Pierro stated is Montelone.

Board Member DiSalvo stated and he will probably do that tomorrow.

Board Member Rogan stated he'll meet you. We can do Saturday morning.

Rich Williams stated and that will done tomorrow.

Board Member Pierro stated do it Saturday morning, get it out of the way.

Vice Chairman Montesano stated Saturday morning, seven o'clock we will meet at the diner, get some coffee, run over to Green Chimneys, and then we can hit the other two and we'll be right there.

Board Member Rogan stated great idea, the only thing we have to do is, Rich if you could make a phone call to Green Chimneys, because seven a.m. or eight a.m. by the time we even get there.

Rich Williams stated we will just have to wake up Paul.

Board Member Pierro stated Paul, the site manager.

Board Member Rogan stated because that is a little bit of a unique situation.

Vice Chairman Montesano stated so we need you there Saturday morning, you are the only method of (unable to hear).

Board Member Cook stated won't be too close.

Board Member Rogan stated yeah, let's get them over with because after that we aren't available until Christmas.

Board Member Pierro stated just pick me up Saturday morning in my driveway, we'll go down the bank.

Board Member DiSalvo stated tight to get in and out.

Board Member Rogan stated seven o'clock at the diner to do breakfast and then we will go at eight. Anthony, you should start down some site walks. I don't know if we could pay you for your rate.

Vice Chairman Montesano stated you get a half a meeting.

Board Member Pierro stated the way things are going.

Board Member Rogan stated motion to adjourn.

Vice Chairman Montesano asks for a second.

Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asks for all in favor:

Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Board Member Cook	-	aye
Vice Chairman Montesano	-	aye

Motion carried on a vote of 5 to 0.

Vice Chairman Montesano stated so adjourned.

Meeting Adjourned at 11:05 p.m.