

**TOWN OF PATTERSON
PLANNING BOARD MEETING
October 6, 2005**

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Planning Board
October 6, 2005 Meeting Minutes

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

Present were: Chairman Herb Schech, Board Member Mike Montesano, Board Member Dave Pierro, Board Member Shawn Rogan, Board Member Maria Di Salvo, Rich Williams, Town Planner, Gene Richards, Representative from Town Engineer's Office, Anthony Molé, Town Attorney and Ted Kozlowski, Town ECI.

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

There were approximately 28 audience members.

1) TRONCONI WETLAND WATERCOURSE PERMIT – Public Hearing

Mr. The Secretary read the legal notice.

Mr. Tronconi was present.

Chairman Schech asked Mr. Tronconi if you would tell the public what you are doing.

Mr. Tronconi stated hello my name is Tom Tronconi and what we have here is an old one bedroom house that I wish to tear down and on the same spot erect a new house which is smaller than the existing house. The last time I was here back in August Mr. Williams gave me a letter with some questions. I answered the questions I sent him a letter that answered all his questions I think. I saw him last month when I came up to get the notice to mail out to the people and he said he had presented the letter to the Board answering the question and if this are any other questions that might have come up I willing to answer as best as I can.

Chairman Schech asked is there any questions from the audience.

Eddie Keasbey asked a site plan.

Board Member Rogan asked do we have a map of this.

Rich Williams stated I do not have one here I can get it.

Board Member Rogan stated Edie, this house is in Putnam Lake. What is it about four or five hundred square foot, the size is reduced significantly and it is within the existing footprint so it is not an increase in square footage nor bedroom count.

Mr. Tronconi stated here is a drawing. The black outline is existing footprint and the red line is the new footprint superimposed on the old footprint. You see it is smaller.

Board Member Pierro stated and for the audience the existing house although livable is in very, very, poor condition and that is the purpose for rebuilding.

Mr. Tronconi stated to refurbish the existing house would require practically knocking down the existing house and building a new house so this is exactly what that does except it is a smaller house that is replacing it.

Board Member Rogan asked we are still proposing to use the existing foundation.

Mr. Tronconi replied part of the existing foundation yes. In fact, the old foundation according to what I spoke with the builder about the existing foundation will stay there and the house will use two sides of the existing foundation and the other two sides will be built but the foundation would stay there. There will be like a little patio or step around the new house.

Board Member Pierro asked what two sides are going to be rebuilt.

Mr. Tronconi showed Board Member Pierro on the plan.

Board Member Rogan stated we are also bringing the new foundation further away from the existing stream.

Mr. Tronconi stated as far as possible.

Board Member Rogan stated the existing structure is 22.5 by 30 and the proposal is for a 19.5 by 24 residence.

Board Member Pierro asked the Secretary, do we have copies of this.

The Secretary replied I am not sure and asked Rich Williams to which Rich replied yes.

Chairman Schech asked any other comments from the audience. There were no more comments

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

Board Member Rogan made a motion in the matter of Tronconi Wetlands Permit that the Planning Board closes the public hearing. Board Member DiSalvo seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano - aye

Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Chairman Schech	-	aye

Motion carried by a vote of 5 to 0.

Chairman Schech asked do we have a plan from builder about how he is going to go about this.

Board Member Rogan stated a construction sequence.

Rich Williams replied we never actually met with the builder. Mr. Tronconi as he indicated did respond to my memo. They were basically going in and taking the existing house apart by hand. He did indicate that he thought the bridge was sufficient for equipment to go across. I don't know that I share that concern.

Mr. Tronconi stated well I can't for see equipment heavier than the bridge can support. I envision that the biggest piece of equipment would be a small backhoe which that bridge should be able to support easily.

Chairman Schech stated or a skid steer.

Board Member Pierro stated a mustang or a little small bucket loader.

Mr. Tronconi stated it would not weigh more than a car or a small truck.

Board Member Pierro stated some of that equipment does weigh substantially more than a car and again, utmost care must be given to protecting the existing life, the existing plant life along that streambed. We don't want to see that disturbed because that is holding the banks back now as Ted and Rich vocalized earlier at our meeting. We would like to protect that as much as possible.

Ted Kozlowski stated I would like to comment if I can.

Board Member Pierro stated sure you can.

Ted Kozlowski stated I understand why you need to do what you need to do and it is unfortunate, it is not your fault but it is unfortunate they built the house right on top of the stream. Having said that I echo Dave's concerns that you need to protect the integrity of the stream. We all have been around construction projects especially when roofs come off and stuff things go flying. What you need to do is and I will put it in the recommendation for the permit is you need to put a fence up along the top of that stream bank and no one is going in there. All the work is going to go to the right and away from the stream. I just don't want to see shingles and nails and pieces of whatever wind up in that gully and then people going in and out, up and down the bank. There is no reason to be in there. Every construction project that I have been involved in especially in my other life it just gets trashed and you need to absolutely make sure that you are out of that stream.

Mr. Tronconi stated in the building steps that I gave to Mr. Williams, the way we would do it we would cover the stream with plywood planks.

Ted Kozlowski stated yes but you see that is destroying the vegetation.

Mr. Tronconi stated it won't destroy the vegetation because it is going from stone to stone.

Ted Kozlowski stated before you do that I want to see a fence up.

Mr. Tronconi stated and there will be a fence up.

Ted Kozlowski stated I don't want you crossing over the stream with plywood planks because things will fall through, people will fall through. It is a safety thing. You have a backyard and a side yard to work from that is where you go.

Mr. Tronconi stated we will do it any way you want to do it.

Ted Kozlowski stated all the things written down is nice, I have seen it a million times. Once people get their permits it is move forward and everything goes by the way side. You need to ensure this Board and myself that you are going to follow this direction and not, I just don't want to go there and see a mess in the stream. I am telling you my gut is telling me that is what I am going to see so please.

Board Member Pierro stated Mr. Tronconi, we spoke at the first meeting we spoke of a suggestion was possibly taking down the rear fence to your neighbor's yard and getting permission to use that as an area to take out the material you are bringing in. I think doing that would allow you to get this job accomplished and I think the revitalization of your neighbor's backyard would be a lot cheaper than the revitalization you would have to do if you destroy that stream corridor. I don't know what your relationship is with your neighbor but maybe you could try to facilitate that.

Ted Kozlowski stated I would just rather see you not in there at all other than putting a fence up. Putting boards across the stream you are going to crush things. Just the logistics of it is challenging if we are intending to protect the integrity of the stream it is a challenge in what you are proposing and I don't recommend it one bit. You have access to the house. You have access to do the work. It is not convenient but that is what you got to follow because everything you do there winds up in Putnam Lake and we don't want to see that. You have potential to affect others down stream of your project and it is your responsibility and you as a resident of the Town must follow that.

Mr. Tronconi stated I intend to follow whatever steps are necessary to keep the integrity of the stream.

Ted Kozlowski asked okay so there will be no boards across the stream correct.

Mr. Tronconi replied if that is what you note.

Ted Kozlowski stated nothing I don't want to see vegetation smashed and trampled and stuff in there.

Board Member Rogan stated Ted maybe you can meet with Mr. Tronconi on site and delineate where you want a fence put up and then you can see it.

Ted Kozlowski stated sure.

Mr. Tronconi asked when.

Ted Kozlowski replied when you are ready to go and you get your permit and we get the conditions.

Rich Williams stated the permit requires prior notice. They can setup an appointment.

Mr. Tronconi stated you can come out there anytime you want. Make your recommendations we will follow them.

Ted Kozlowski stated well I am making them here in front of the Board. I think you get the feel of the direction here. Please, please Sir I have just been burned so many times.

Mr. Tronconi stated I don't want to see the stream destroyed either. It is my intention not to do any damage to the stream.

Board Member Pierro asked do you have a plan, a construction plan drawn up of what is going to be built there.

Mr. Tronconi asked do I have the actual plan, the house plan.

Board Member Pierro replied yes.

Mr. Tronconi stated yes I have the house plans.

Rich Williams stated he would give that to Paul.

Board Member Pierro stated I would just like to know if what the Applicant is saying is going to be true. I would like to see the plan.

Mr. Tronconi stated I have the plans here. Do you want to see it.

Board Member Rogan stated that would be great to take a quick look at them.

Board Member Pierro stated and know that this house isn't going to explode in size.

Rich Williams stated we are going to approve a wetlands permit with a specific house size based on what he did then it becomes Paul's responsibility to (unable to hear).

The Board reviewed the house plans for a few minutes.

Board Member Rogan stated Mr. Tronconi there is no second floor plan shown here. It does not appear that there is a second floor.

Mr. Tronconi stated there isn't.

Board Member Rogan stated but yet.

Mr. Tronconi stated it is open to the ceiling.

Board Member Rogan asked so are the dormers,

Mr. Tronconi stated that is just for show. It is like skylights.

Board Member Rogan asked so there is no second floor.

Mr. Tronconi stated there is no second floor.

Board Member Rogan stated because they are showing two dormers that are kind of suspicious.

Mr. Tronconi stated they are skylights.

Board Member Rogan stated it is a small house.

Board Member Pierro asked did this require a Health Department repair.

Rich Williams replied I am sure there would be some Health Department review.

Mr. Tronconi stated that was shown to the Health Department already and they stamped it already.

Board Member Rogan stated I mean there is not really much way to interpreted it. It is a shoe box. If there was a second floor I would be very concerned with the dormers.

Mr. Tronconi stated I went through the Health Department about that already.

Board Member Pierro stated there could be a second floor some day.

Chairman Schech stated okay gentlemen let's move along. Can I have a motion.

Board Member Rogan made a motion in the matter of Tronconi Wetlands Watercourse that the Planning Board grants a negative determination of significance of SEQRA and approves a wetland permit for the construction of not to exceed a 19'6" by 24', one bedroom residence within the original footprint and no closer to the stream corridor and conditioned on Mr. Tronconi meeting with our Wetlands Inspector prior to the start of any construction activities to layout the fencing.

Ted Kozlowski stated one question that I have to ask. Are there any decks, bridges, accessory buildings, anything other than that dimension that Shawn just said. Is there anything else going there.

Mr. Tronconi stated there is an existing shed behind the existing house that will stay there and that is it.

Ted Kozlowski asked but you are not constructing anything else so there is not a new bridge, there is not a deck over looking the stream. There is nothing like that.

Mr. Tronconi replied no.

Board Member Rogan state so moved.

Rich Williams stated Shawn you want to include the conditions that Ted specified here tonight such as; no debris in the stream.

Board Member Rogan stated condition the motion to include no planking over the stream that would kill any existing vegetation and protecting the streambed vegetation.

Board Member DiSalvo seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	aye
Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Chairman Schech	-	aye

Motion carried by a vote of 5 to 0.

Mr. Tronconi thanked the Board.

2) **KESSMAN BROS. FARMS SUBDIVISION – Public Hearing**

The Secretary read the legal notice.

Ms. Theresa Ryan, Insite Engineering was present representing the Applicant.

Ms. Ryan introduced herself to the audience.

Ms. Ryan stated the Applicants, the Kessman's own, the application is the subject of four existing tax lots. The larger piece is agricultural exemption which is about 47 acres and change. There is another approximate ten acre parcel and there are two residential lots that exist there today. What we are proposing to do is some lot line adjustments and a subdivision. The larger lot will be the subject of a lot line adjustment. This line will be moved over to here referring to the plan which will make this existing ten acre lot approximately five acres then a piece will be carved off of the larger piece for an existing residence. The two smaller residential lots will get the piece in the back here added to the back of their property and basically that is it. The only improvements that are proposed for this when we create this new line in the middle of the ten acre piece some existing driveways exist here. We are not allowed to have driveways within ten feet of the property lines so these will have to be removed, topsoil and seeded and that is it.

Chairman Schech asked is there any comments from the audience. There were none.

Board Member Montesano made a motion in the matter of the Kessman Subdivision that the Planning Board closes the public hearing. Board Member Rogan seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	aye
Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Chairman Schech	-	aye

Motion carried by a vote of 5 to 0.

Chairman Schech stated the only thing that really came up was the fact that the property line I believe goes through the pool cabana.

Ms. Ryan stated yes we found that out too when we completed the survey.

Chairman Schech stated it is probably easier to move the line a little bit.

Ms. Ryan stated well the Applicant's did not want to adjust the line. I think that the cabana can be moved and once that is removed then that would be a complying structure.

Chairman Schech stated that is up to you guys.

Chairman Schech asked what else do we have here.

Ms. Ryan asked a SEQRA determination.

Rich Williams stated Mr. Chairman if I might, there is one other issue I would just like to raise tonight and that is the issue of the driveway crossing between the farm parcel and the barn.

Ms. Ryan pointed it out on the map.

Rich Williams stated no the other ones that you just pointed out that you have slated to be removed. In the past, our Code required that you could not have any driveways within ten feet of the driveway line. We have since amended that Code so that the Planning Board has the option of waiving that requirement. Previously, the Board had indicated that they didn't feel that a new access would be required on to Cornwall Hill Road for the barn so now you have a situation where the only real access to that barn still is through the farm parcel. So, I just would like to raise the issue about whether the Board would want to consider waiving that requirement and allowing that paved driveway to remain there.

Board Member Rogan asked then they would need to get an easement from the parcel for that driveway correct.

Chairman Schech stated it is pre-existing I don't see why we should change it.

Rich Williams asked you mean leave the pavement there.

Chairman Schech replied leave it there.

Rich Williams stated I don't have a problem with that. You might want to condition it on as long as the properties remain in common ownership.

Board Member Pierro stated but I understand that a parcel may have been sold or is in contract at this time, can they provide an easement while they are in contract. Would that void their contract.

Board Member Montesano stated that is up to the lawyers.

Ms. Ryan stated they have I think I mentioned this before that they had gotten a driveway permit from the County years ago and they have a paved apron on this parcel. It is located in here somewhere referring to the map. All they would have to do is make the improvement on their lot for the remainder of that driveway.

Board Member Pierro stated as long as they already have the permit in place I see no problem with it.

Ms. Ryan stated yes even the apron is there. They got the permit years ago to put the apron in.

Board Member Montesano made a motion in the matter of the Kessman Subdivision that the Planning Board waives the requirement of the driveway being ten feet from the property line. Board Member Rogan seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	aye
Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Chairman Schech	-	aye

Motion carried by a vote of 5 to 0.

Ms. Ryan stated Rich also brought up that we did not include the wetland boundaries and I guess it is really the Board's call whether or not you want those shown. We are not making any improvements back there. Whoever buys this property if they make any improvements they would have to get a permit.

Chairman Schech asked didn't we ask for that the last time.

Ted Kozlowski stated we said we wanted something on there to indicate that it was State regulated wetlands that any and all future owners or people looking at it are notified by the site plan that there are wetlands out there.

Chairman Schech asked do you want it staked or just on the site plan.

Ms. Ryan stated probably just a note on the plan.

Board Member Rogan stated just add a note to the plan.

Ted Kozlowski stated no I thought we talked about that it would be noted like we did similar with Harry on Route 22.

Chairman Schech stated all right make an indication about the wetlands.

Rich Williams stated actually it is the approximate boundary of the DEC wetland. The layer has been turned off that is all.

Board Member Rogan asked Theresa, can't you just turn that layer back on.

Ms. Ryan replied laughing sure.

Board Member Rogan stated give an approximate location and a note.

Ted Kozlowski stated yes so it is in the permanent record and people are aware of it.

Board Member Rogan stated because then in the future when there is a proposal for that then at that time we will cross that bridge.

Board Member Rogan asked what are you looking for Theresa, SEQRA.

Ms. Ryan replied a SEQRA determination.

Board Member Rogan made a motion in the matter of Kessman Brothers Subdivision that the Planning Board grants a negative determination of significance of SEQRA. Board Member DiSalvo seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	aye
Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Chairman Schech	-	aye

Motion carried by a vote of 5 to 0.

Ms. Ryan stated since there are no other issues that we have to deal with except for the note would the Board be amenable to a conditional final approval.

Board Member Rogan stated I don't see any reason why not.

Rich Williams asked I am sorry what did we say we were doing with the cabana.

Board Member Rogan stated the cabana is being moved. We can do that as a condition of the subdivision and we can do,

Board Member Pierro asked is the cabana a moveable item or must it be removed, must be taken down.

Ms. Ryan replied remove, yes, we are going to remove it.

Board Member Rogan stated they are going to relocate.

Ms. Ryan stated we can put a note on there that it is going to be removed.

Board Member Rogan asked ten foot, is it ten foot.

The Secretary stated whatever the setback is.

Rich Williams state as long as it is, I mean,

Board Member Rogan stated because in this case they can't move that cabana and meet side yard setback. I mean here we are talking about the property line running down through the middle of it.

Board Member Pierro stated I thought there was a concrete patio,

Rich Williams stated I would have to look. I am not sure how far back they would have to do it.

Ms. Ryan stated I don't know whether that is a pre-existing, non-conforming pool. I don't know how far back that goes. The cabana is more recent but the pool I am not sure.

Rich Williams stated there is two issues; one, is the old property line which I will give you is pre-existing, non-conforming but then you extended a new property line through the pool and that is not going to be pre-existing, non-conforming.

Ms. Ryan stated no the new line does not go through there.

Rich Williams asked it does not go through the cabana.

Ms. Ryan replied no this is our only new line right here referring to the map. It is nowhere near the pool. This is existing this portion.

Rich Williams stated then take it down so it is not over the property line.

Board Member Rogan asked so do a motion on this and get this wrapped up.

Chairman Schech replied yes.

Board Member Rogan asked I mean we can resolve this with the cabana.

Rich Williams replied yes just move the cabana.

Board Member Rogan made a motion in the matter of Kessman Brothers Farm Subdivision that the Planning Board grants Conditional Final Subdivision Approval conditioned on a note being added to the plat that there are DEC Wetlands,

Rich Williams stated why don't you just have them address my memo.

Board Member Rogan stated even better conditioned on addressing the Town Planner's memo date September 29, 2005 and relocating the cabana off of the property line. Board Member Montesano seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	aye
Board Member Pierro	-	aye
Board Member Rogan	-	aye

Board Member DiSalvo	-	aye
Chairman Schech	-	aye

Motion carried by a vote of 5 to 0.

Rich Williams stated can we amend that to paying all outstanding fees.

Board Member Rogan stated amend that to include paying all outstanding fees. That is not in the memo.

Rich Williams replied I don't know.

3) WYNDHAM HOMES LOT 28 WETLAND WATERCOURSE PERMIT

Chairman Schech stated Wyndham Homes is off right.

Rich Williams stated yes Wyndham Homes asked to re-schedule the public hearing for the next meeting.

Board Member Rogan made a motion to re-schedule Wyndham Homes Lot 28 public hearing for the November meeting. Board Member DiSalvo seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	aye
Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Chairman Schech	-	aye

Motion carried by a vote of 5 to 0.

4) MERLOTTO FILL PERMIT

There was no one present to represent the application.

Rich Williams stated I talked to him earlier in this week. He indicated that he was going to give me a sketch, he was downstairs, he was going to bring the sketch up, he came up, and he did some work with the ZBA application and left.

Board Member Rogan stated we are planning on doing a site walk on this.

Chairman Schech stated we still have to discuss that yet.

5) WALLACE WETLANDS WATERCOURSE PERMIT

Mr. Jack Karrell, Engineer and Mr. Wallace were present.

Mr. Karrell stated as you may remember a long time ago we were in front of the Board, Mr. Wallace wants to build a house on the existing subdivision lot. We have been through with Ted and with Rich on the location of the wetlands and we put on this map a fifty foot wetland boundary and a hundred foot wetland boundary. We acknowledge that we can't keep the septic system out of the hundred foot wetlands boundary. This is the proposed area we want to do the septic system in and basically we are in front of the Board to get permission to conduct deep hole excavations and to install a curtain drain in the septic area so we can prove to the Health Department or not prove to the Health Department that we can put in a septic system. Originally the well on the subdivision map had the well within the wetlands or the hundred foot setback, we moved it out in the front and we checked with the Health Department to make sure there would not be a problem with the existing septic system across the street which is a vacant lot and there is just a septic system on a subdivision map and Rob Morris said there is no problem putting the well here a hundred foot away. I guess Rich wants some additional information on site grading and some additional information from the (unable to hear the rest of his statement).

Rich Williams stated if I could just jump in here, the memo that I provided everybody was done back in July I believe the last time that you were here. Essentially, the issue really comes down to this, Mr. Karrell is in here looking for a wetlands watercourse permit strictly for installing some curtain drains and the Board has been of a mind that they need to look at the application as whole and that is really what the memo that I drafted does. It looks at the application as a whole not just the curtain drains but anticipating that there would be a septic on lot, getting access and constructing the house on the lot.. So, under that scenario there is additional information that needs to be provided on the plan.

Mr. Karrell stated I guess Ted had a problem or had some concerns about the construction of the septic within a hundred foot of the wetlands and we talked about something maintaining a limit, something less than a hundred feet and I showed a fifty foot setback and I guess that is where we are going back and forth. Is that good enough if it is not the lot is un-buildable.

Ted Kozlowski asked can I jump in.

Board Member Rogan asked Ted what do you think.

Chairman Schech stated yes jump right in.

Ted Kozlowski stated I had three issues the last time you guys were here and I don't remember when that was and spoke Jack, I believe to you and both. My concern of course is a precedent setting thing about having a septic system within a hundred feet of a wetland and at the time part of it was in the wetland. What I had asked for at the last meeting was to reduce the size of the house to a two bedroom house which would reduce the size of the septic and then my other issue was the functional analysis report really was kind of weak with regard to what Jack is proposing and Doug is proposing to do. Specifically, if I may and this was the original violation as such that what we are doing basically is the purpose of the curtain drain is to divert the water away from the septic field and it is in the wetland and that is an action in itself on the wetland. We are diverting water from this portion of the wetland what are those impacts and with that curtain drain when it was illegally put in it created its own new stream. All of that is an impact, all of it is a change to the wetland, is that an important change, is that not an important change and that is what I was asking for with regards to that first functional analysis which really wasn't addressed. It was kind of

skimmed over and what we are doing here is something permanent. Is that a permanent detrimental action against that particular wetland and that was my concern. So, there were three issues and they still really, well is it a two bedroom house now Jack.

Mr. Karrell replied well Doug has no problem limiting it to a two bedroom house. There was some discussion about, well I mean the size of the septic area that we can get in here is going to limit the size of the house. We may only be able to put a one bedroom there.

Ted Kozlowski stated I understand that again, it is the whole precedent here is one that we have got to have right information and the way of reducing the size of the septic is reducing the house size or the number of bedrooms.

Mr. Karrell stated that is not a problem. I guess the other thing that came up now that I recall is that you wanted to limit the square footage of the house. The size of the septic area is,

Ted Kozlowski stated well Jack in all reality I mean if it is a 4,000 square foot home and we have two bedrooms in there the reality is somebody that buys it is going to make it more than two bedrooms and what is going to happen is if that illegally does occur it is going to stress the septic system and it is going to affect the wetland and that is what I am trying to avoid here. Let's be realistic okay I am going to put a 4,500 square foot home here but I am only going to have two bedrooms. In today's world who is really going to keep a two bedroom home if they have a 4,500 square foot home, really is that going to happen, no. If we reduce the overall size of the house then that doesn't promote someone to make four or five bedrooms.

Mr. Karrell stated we can cross that bridge if we get to a point where we get an approval and we can present detail house plans to show a house that is really two bedrooms and it can't be easily altered from the inside to make more than two bedrooms but I mean that is something that is down the road.

Ted Kozlowski stated again, it is just that we have been burned so many times.

Chairman Schech stated you are skirting the issue here now.

Board Member Montesano stated you want to get around it fine. We are asking you to do something, you are telling me well when we get to it. Well, I will tell you what when it comes time to voting when we get to it you can tell your client is that what you want to play.

Rich Williams stated no, let me jump in here Mike. I understand where Jack is coming from. Really the impact and the issue is the septic system and we are trying to find a way to limit the size of the septic so as to limit the impact to the wetland and without having a design, without knowing what the percs are with the curtain drain in is difficult to know what that size will be which will equate to a limitation on the bedrooms within the house. We are trying to put the cart before the horse with an issue that we really don't have regulatory control over. It is difficult to find a way to do it.

Board Member Montesano stated what I am talking about here is also hypothetical. Right now, he could give us that size. For arguments sake, you are going to make a 3,000 square foot building but if the septic system proves it could hold a 4,000 square foot we are not going to hold him to 3,000 if he can get in. That is all I am asking is the same thing that he is saying in reverse.

Rich Williams stated just so you understand he has indicated on the latest set of plans that he submitted that it would be limited to a two bedroom house.

Board Member Montesano asked and with 4,000 or 5,000 square feet a two bedroom house.

Ted Kozlowski asked what size is the house that you are proposing to do.

Mr. Karrell stated I just showed a block maybe 30 by 50.

Rich Williams stated I think that is what it was.

Mr. Karrell stated so it is maybe 3,000 square feet. I mean there is nothing in your memo that says anything about the square footage I just remembered that Doug said that issue came up. If you want to restrict to some square footage tell me what you want to restrict it to.

Board Member Rogan stated I don't remember discussing the square footage. I remember the bedroom count as a product of the water that is going to be generated.

Rich Williams stated that was a conversation between me and Doug, which I was, Board Member Rogan stated our Board has never, Rich stated again trying to find a way to minimize the impact on to the wetland.

Board Member Rogan stated we had asked Jack specifically to keep the disturbance fifty foot out of the wetland. He has done that. I think personally if we can get the wetlands study completed to Ted's satisfaction.

Ted Kozlowski stated the only thing is the curtain drain is not fifty feet out of the wetland. It goes right through the wetland.

Board Member Rogan stated I understand that. The outfall you are saying.

Ted Kozlowski replied yes and that is a disturbance.

Board Member Rogan stated we were talking about septic area though.

Ted Kozlowski stated and that is really a functional impact.

Board Member Rogan stated I am not saying it is not a functional impact. I am saying when we hashed this out a few months ago we said the absorption area of the septic system and related disturbance for the absorption area not curtain drain and not septic tank fifty foot out of the wetland. At that time, that really reduces that area. I am comfortable with fifty foot again, given that this is a previously approved lot. If we were looking at this today, we would not be having this conversation. I think what we need to do here is to figure out what needs to be done, a hard look at that wetlands report to satisfy Ted's needs.

Mr. Karrell stated that is fine. This curtain drain is coming up in here and it is discharging right at the fifty foot. The curtain drain discharge is not within fifty feet of the wetlands.

Ted Kozlowski asked so that is the new location of the curtain drain because the previous one,

Mr. Karrell stated the previous one is shown here but that has been backfilled.

Ted Kozlowski stated but Jack this is the map that you provided and I am looking at this.

Mr. Karrell stated that is the existing, that is the previous one. This is,

Ted Kozlowski asked why is it on the map.

Mr. Karrell replied because it was there before.

Board Member Rogan stated let's take that off of there.

Rich Williams stated no you don't want to take it off necessarily but you want to label them to be abandoned and new curtain drain.

Ted Kozlowski stated I am looking at a curtain drain going into the wetland.

Mr. Karrell stated no it shows the curtain drain right here.

Board Member Rogan stated so then we label that appropriately so we know what we are looking at.

Mr. Karrell asked as long as we are square on the fifty feet, are we square on the fifty feet.

Board Member Rogan stated I am that is what the direction of this Board,

Chairman Schech stated I was hoping you would go away.

Mr. Karrell stated well Budakowski went away.

Rich Williams stated there are a few other details I think that need to be shown on the plans, the grading, the topography,

Board Member Rogan stated and they are in your memo.

Rich Williams stated they are in the memo just so the Board has a comfort level that there are not going to be additional impacts later on down the road.

Mr. Wallace asked can I ask just a quick question to Ted.

Board Member Rogan replied of course.

Mr. Wallace asked since it is not now within that discharge, your main concern seemed to be the discharge into the wetlands since it is not within the fifty feet do we still have to address that issue.

Ted Kozlowski replied Doug, what you have to do and it is part of the Code and your consultant made the attempt to address the overall functional evaluation of the wetland and the impacts and what it all means but that whole thing that I was just talking about really wasn't addressed. It was kind of noted and that is it. So, are we creating a permanent infraction to that wetland is it a temporary thing, is it a non-issue and that

is really what the hard look that needs to be done and that has been said all along actually since that evaluation put it and I am still kind of waiting for,

Mr. Karrell stated you asked for an evaluation and Kyle did it and this is the first that I have seen on this memo on additional information.

Ted Kozlowski stated I don't know what memo you are referring to.

Mr. Karrell stated it is a memo from Rich to you in July but we will address it. We will have Kyle address it.

Ted Kozlowski stated I mean I don't think these are major insurmountable issues.

Mr. Karrell stated well that is good to hear.

Ted Kozlowski stated well that all depends.

Board Member Rogan stated let's get that done and get some deep test holes out there.

Board Member Pierro stated I have got to tell you I am not comfortable with anything near 3,000 square foot house on this lot. It all depends on what the survey comes back with.

6) RIZZO WETLANDS WATERCOURSE PERMIT

Mr. Anthony Rizzo was present.

Mr. Rizzo introduced himself to the Board.

Chairman Schech asked this is across the street from this house right.

Rich Williams stated the last application is across the street.

Board Member Rogan stated it is a difficult area.

Mr. Rizzo stated it is very difficult. We propose to do a three bedroom home on this particular lot.

Board Member Rogan asked is this next door to the house that just went up on the corner.

Mr. Rizzo replied yes.

Rich Williams stated it is across the street from that also.

Board Member DiSalvo asked the yellow house.

Mr. Rizzo replied the white one.

Board Member Rogan stated I was trying to figure how many lots were left out there.

Ted Kozlowski stated Mr. Rizzo you better take a seat.

Board Member Rogan stated there is the one we just looked at, Mr. Rizzo's lot, the other one that Doug owns that is three.

Mr. Rizzo stated actually my personal lot is right next to this lot, to the left of this lot.

Board Member Rogan asked you live.

Mr. Rizzo replied I am going to live there. I am hoping.

Ted Kozlowski stated Mr. Rizzo, my name is Ted Kozlowski, we are meeting for the first time, and I have a letter generated to go to you. You have been listening to the previous Applicant's before you. You have a very challenged site Sir. I didn't put it there. It is what it is and I tell people that when I am about to give them bad news. First of all, your wetlands application is very much incomplete and we cannot move forward until those issues are addressed. I wrote them down here and I want to make it public record and I need to let you know this. What you have there is a stream corridor with associated wetland. Your plans show previous plans that were put back in the eighties by a man by the name Flavio Franco. Who did a lot of damage in that wetland and this Town had major problems with that individual back then. Those plans that you are providing are very inaccurate. It has a stream but there is associate wetland all following that stream. What this means Sir, is that stream is feeding that wetland, it overflows at high water levels. When I went out to the site last week, your house is staked right in the wetland. Even if we did not have a wetland law that house would be in serious jeopardy in a high flood, a hurricane situation, high water. The staking out there does not represent what is on the plans. The wetland and the stream needs to be delineated by a qualified wetland consultant and it has to be approved by the Town specifically me. That hasn't been done on this site. That is where you start and unfortunately you have put in an application and none of that preliminary stuff has been done so you need to do that. Second of all, as I said I followed the staking out there and the house one portion of it I am almost positive is sitting in wetlands. You don't want to build a house in wetland. I am telling you, you just don't want to do that. The erosion controls on this plan are very minimal and they really need to be improved to today's standards. There is no functional analysis and there are no impacts that are addressed in the wetland packet. That is required as part of our law. I spoke to the previous gentleman, Mr. Wallace that needs to be done. There is nothing provided we have nothing to go on. Also, I have to ask you this because as I said earlier we learn the hard way, these plans show no garage, no patio, no deck, and no accessory buildings. Is there intention for you Sir to put a deck on here. Is this just a square box or is there more to this.

Mr. Rizzo stated it is actually going to be identical to the house that we placed there. It is going to be a three bedroom, square colonial with a,

Ted Kozlowski asked you replaced a house on this site.

Mr. Rizzo replied no, no it is going to be identical to the house we built across the street.

Ted Kozlowski stated I don't see that fitting on this site Sir. I really don't. I don't see how you are going to do it but that is for this Board to decide and that is for the Health Department to decide and that is for a number of people to decide. The other thing is on your application you indicated that the Army Corp. of Engineers is not an involved agency, it will be if you are in the wetland. Right now, you are going to need an Army Corp. permit in addition to us to build that house because I am convinced you are in wetland. You need to, you will get my letter I will send it out tomorrow if you have a fax I will fax it to you so you get it

sooner but you are going to need to consult with some people. This is not going to be a quick project. The time table is going to change.

Mr. Rizzo stated I guess my question would be then regardless of whether we went through the DEC, and the Health Department and all that stuff and my footprint fits in the footprint showing on that particular plan doesn't,

Board Member Pierro asked Mr. Rizzo, one question are you a contract vendee on this lot.

Mr. Rizzo replied no actually Mr. Katz owns the house, he owns the lot he is right there. I own the lot right next to Mr. Katz so I am sure that I am going to be back here for the same thing because I am in between,

Board Member Pierro stated well we will make a determination on that lot when we see it.

Ted Kozlowski stated there is a lot of issues here and,

Board Member Pierro stated I will correct Ted when he said you don't want to build a house in a wetlands. You can't build a house in a wetlands.

Mr. Rizzo stated no I totally understand. If it is showing that the house is in the wetlands I certainly understand that we can't.

Ted Kozlowski asked have you looked at the staking that was put out there.

Mr. Rizzo replied actually I really couldn't because it was so thick. It is just starting to thin out a little bit. I did go in there at first, at first I really didn't see too much.

Ted Kozlowski stated somebody is off either this map is wrong or the surveyor or whoever put that staking because they don't match. The house is shown thirty feet away from the stream or whatever that is not the case at all. I think Rich Williams has been out there too he might want to,

Rich Williams stated I went out and saw the site and then I called Ted and said we better take a hard look.

Ted Kozlowski stated the other thing and please Sir and Mr. Katz do not clear that site, do not start taking trees down, do not do anything until you get your permits.

Mr. Rizzo stated absolutely.

Ted Kozlowski stated and that is in the letter too but please just I have been at this a long time.

Mr. Rizzo stated absolutely we definitely want to do the right thing.

Ted Kozlowski stated you need to retain a consultant and an engineer that is familiar with I don't know who this gentleman is. I am sure he is a good person but you need to have people that are familiar with the watershed and the wetland laws in this Town because you have a lot of homework. Again, I don't enjoy this part of the job.

Mr. Rizzo stated I understand. I don't mind homework as long as,

Ted Kozlowski stated I don't know where it is going to take you Sir, I really don't but right now as is we can't move forward on this.

Board Member Rogan asked the house that you just built is the one on the corner of Carolyn Way and Michael Way.

Mr. Rizzo replied correct Carolyn and Michaels Way.

Rich Williams asked it is under construction right now.

Mr. Rizzo replied it is under construction right now.

Board Member Rogan stated yes they just blasted out behind it.

Rich Williams asked has Paul Piazza been out to talk to you about the erosion control.

Mr. Rizzo replied yes.

Rich Williams asked have you stopped the discharge into the pipe.

Mr. Rizzo replied we are actually in the process of doing the stone around there like we spoke about, a little dissipater and clean out the storm drains and stuff like that. We are cleaning all that out.

Rich Williams stated all right I will come out. You are doing the stone now.

Mr. Rizzo replied actually they are doing it I think tomorrow if it doesn't rain or Saturday.

Rich Williams stated you need to have something up to protect sediment from going into that pipe especially if it is going to rain this weekend.

Mr. Rizzo replied we will have at minimum some fencing up there to make sure nothing happens.

Rich Williams stated okay I will be out Saturday to look.

Board Member Rogan asked so this lot is across the street from that house and next door to the other lot that Doug Wallace owns.

Rich Williams replied well it is at the intersection.

Board Member Rogan stated on the right.

Rich Williams stated as you go in you hit the intersection where you could go right or you could go left, Doug Wallace is straight ahead.

Mr. Rizzo asked he is in the cul-de-sac.

Rich Williams replied no he is straight ahead from the intersection, the intersection of Michael and Carolyn and then the lot that is under construction is on the left and the lot that you are looking at is on the right.

Board Member Rogan asked and then passed this lot, adjoining this lot is another one that Doug owns.

Rich Williams replied no that would be his.

Mr. Rizzo stated I own that one then Doug owns the one with all the pipes and stuff.

Board Member Rogan stated I did not realize that there were that many lots out there on this one.

Mr. Rizzo stated I bought them from Flavio.

Rich Williams stated oh boy.

Chairman Schech stated okay get that squared away and then come back and visit us again.

Board Member Rogan asked are we going to take a look at this.

Chairman Schech stated we will have to discuss that I think.

Mr. Rizzo asked okay so I will be getting a letter pretty much telling me what I need.

Ted Kozlowski stated there was something that I was waiting on,

Chairman Schech stated they have got to stake the wetlands.

Ted Kozlowski stated yes you need to do that. You can call me and we will talk.

Board Member Rogan stated a lot of your process is going to be geared toward this gentleman here so listen to him.

Mr. Rizzo stated absolutely and I want to bring Steve in on it because Steve is the engineer and obviously you guys speak more of the same language.

Ted Kozlowski stated if you live there take a walk and look at that staking and look as you are facing, as you walk in and I think it is the north side of the house, look where those stakes are, look at the skunk cabbage and then visualize, forget about the Town has a wetlands law, visualize that stream in a storm and that house sitting there and tell me that is a wise decision.

Chairman Schech stated by tomorrow night you can visualize it very well. We are supposed to get three inches of rain.

Mr. Rizzo thanked the Board.

7) **BEAR HILL SUBDIVISION**

Chairman Schech asked Bear Hill is off right.

Rich Williams replied Bear Hill is off.

8) DILMAGHANI SITE PLAN

Mr. Dennis Dilmaghani, Applicant was present.

Mr. Dilmaghani stated my name is Dennis Dilmaghani we have the rug and carpet warehouse on Route 22 and my purpose in appearing before you tonight is to I guess I am requesting a waiver from the regulations for a site plan approval for a tent. We would like to hold a tent sale periodically at our warehouse. I could go into all the reasons for that if you like.

Chairman Schech stated no it is all right. We realize why.

Mr. Dilmaghani stated I am here to request that permission. I did want to clarify one or two things that were mention on the plan that was given to you. My wife brought the plan up and filed it and she is the one that made the notations on it but one of the things is I think she showed a single tent of dimensions approximately 50 by 60. That would be the size of one tent. We ideally would like to be able to put two tents.

Chairman Schech stated we were discussing one tent.

Mr. Dilmaghani stated in front of the building. That is something you can decide. I don't know that it makes a lot of difference but to us it makes a great deal of difference because we would be able to put more things under the tent. I would also like to say that I don't believe this is going to be something that is going to generate tremendous amounts of traffic but it would allow us at least to get merchandise out under a tent where people could come and see it and the power of a tent sale is good. People are drawn to it.

Chairman Schech stated I think you certainly will attract the people with just the one tent. It will bring them in there and then you have this huge building that they can drift into also.

Mr. Dilmaghani stated right we hope they will do that as well but it seems from previous experience and what I understand from other people it is what is under the tent that does sell. Also, in terms of concerns about parking or traffic we have a very large parking area behind our building. If you have been out there I think you realize it is a gigantic truck turn around area so there is ample parking. Even if there were to be a large crowd that came for the sale. The other thing that I would like to point out is that this is something we would like to ask permission to do periodically if that is possible that we don't have to come back time after time to request permission.

Board Member Rogan asked what are your plans for the fall. Are you looking for like Saturdays and Sundays.

Mr. Dilmaghani replied if we get permission to do this we would hope and it is a little short notice right now but we would hope to run the sale within ten days.

Board Member Rogan asked no I mean the frequency of I am not talking about when you would start. Let's say that you got an approval tonight you would start so then,

Mr. Dilmaghani stated the tent should be up for no longer than three to four weeks.

Board Member Rogan asked so you are going to put the tent up run weekend sales.

Mr. Dilmaghani replied we would do our advertising geared towards weekends. It is not our intention to run it day after day. Our success with selling at that warehouse has been on weekends not so much on week days.

Board Member Rogan asked and when the tent is put up it will remain up for three to four weeks is what you are saying.

Mr. Dilmaghani replied yes given the cost of putting the tent there we can't take it down every week and reinstall it.

Board Member Montesano asked Dennis if you were to put a second tent let's say in that back corner of the parking lot, in the back where you would have people come up from here you can shift them rather than have the two up front. I know it would be more convenient but I think it would be difficult but the possibility of putting one in the back in that far corner where you would still have most of the parking.

Board Member Rogan stated I will tell you I think if you can get the approval for the one and try it I honestly think that you should just go for that, get the one tent up, we are willing to grant an approval, a waiver of the site plan for like a ninety day trial, see how it goes.

Chairman Schech stated see how it works out.

Board Member Rogan stated that would seem reasonable to me and not even worry about trying to put up two. Cut your costs on putting two tents up, put one up and be done with it and see how it works.

Chairman Schech stated I think the one will be more than adequate. It will bring the people in and that is all you are trying to do.

Board Member Rogan stated we had discussed possibly a ninety day approval that would allow you to get through this fall. You are not going to do them in January and February so if it works out in the spring you come back, we say we didn't have any problems with it, there wasn't an issue with parking and we can go from there. We did notice when we were out on the site that you are losing a lot of your rear parking to the lack of maintenance with the over growth of white pines. They have grown out into parking, you may want to consider maintaining that.

Mr. Dilmaghani stated we like those trees very much. We hate to trim them back and given the use of the building we don't really need that area back there so we have kind of hesitated to trim them back, which we could do at any time I suppose.

Chairman Schech stated okay somebody make the motion for the ninety days.

Board Member Rogan made a motion in the matter of Dilmaghani Site Plan that the Planning Board grant a waiver to allow a tent to be installed in the front parking area for a period not to exceed 90 days. Board Member Montesano seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano - aye

Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Chairman Schech	-	aye

Motion carried by a vote of 5 to 0.

Board Member Rogan stated I like the tent better than trying to paint the building yellow.

Mr. Dilmaghani stated we would like to do that too.

Chairman Schech stated no.

Board Member Rogan stated it is not going to happen.

Mr. Dilmaghani stated it would be done nicely. I want to assure that.

Chairman Schech stated see if you could get one of those carpets with the guy who plays the little horn and the carpet floats around inside the tent.

Board Member Rogan wished Mr. Dilmaghani good luck.

9) **STEGER SITE PLAN /SIGN APPLICATION**

Chairman Schech stated Steger sign application.

Rich Williams stated Mr. Chairman, they are also here for a waiver of site plan to conduct a retail operation.

Chairman Schech asked does he need that.

Rich Williams replied yes they are changing the use of the building.

Chairman Schech stated that changes use every week over there.

Board Member Pierro asked your name Sir.

Juan Sanchez, Applicant stated his name.

Mr. Sanchez stated we came to request your permission to put a sign up.

Board Member Rogan stated they are not the property owner are they.

Board Member Pierro asked right so how do we react to this when the property owner is the alleged Applicant and is not here.

Rich Williams replied that is fine he signed off.

The Secretary stated that is why we have that on there.

Board Member Pierro asked and if we have any restrictions.

Rich Williams replied they go with the property.

Board Member Pierro asked and this man accepts those restrictions for a landlord who is not in the room.

Rich Williams stated Dave, it works the same way with

(TAPE ENDED)

Rich Williams stated it works the same way as with an engineer representing an Applicant.

Board Member Rogan asked do you want to take care of the sign first.

Chairman Schech replied yes.

Board Member Montesano stated why don't we take care of the approval of the building.

Chairman Schech stated let's do the approval of the site plan.

Board Member Montesano made a motion in the matter of Steger Site Plan, 5 Center Street that the Planning Board grants a change of use. Board Member DiSalvo seconded the motion.

Rich Williams stated you want to list the use in the minutes.

Board Member Montesano stated retail.

Chairman Schech asked all in favor:

Board Member Montesano	-	aye
Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Chairman Schech	-	aye

Motion carried by a vote of 5 to 0.

Board Member Rogan made a motion in the matter of Steger Sign Application, 5 Center Street that the Planning Board grants a negative determination of significance of SEQRA and approves the sign application for a building mounted 22" by 96" sign in the Hamlet blue and white colors sign to read Chris & Jesse Mini-mart, no lighting proposed. Board Member DiSalvo seconded the motion

Chairman Schech asked all in favor:

Board Member Montesano	-	aye
Board Member Pierro	-	aye

Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Chairman Schech	-	aye

Motion carried by a vote of 5 to 0.

Board Member Rogan wished them luck.

Mr. DeSanchez thanked the Board.

10) PLAZA AT CLOVER LAKE

Rich Williams stated Clover Lake I have had a couple of conversations with the secretaries at Clover Lake who seemed to be doing the application. They didn't have anybody who was going to be available here tonight. I have had a conversation with our Fire Code Enforcement Officer who shared the same concerns as I had about the design of the sidewalk. He is going to meet with them and see if they can't work something out and they are going to resubmit.

Chairman Schech stated they did sort of put some on there. Is that what they are proposing or.

Rich Williams stated they have got a very rough sketch about what they are proposing. I just don't think it is a good idea to run sidewalks, emergency exit sidewalks right up against the building that may be engulfed in flames.

11) BUDAKOWSKI SUBDIVISION

Chairman Schech stated this off the agenda.

12) COUCH ROAD SUBIDIVISION

Mr. Joe Buschynski, Bibbo Associates was present representing the Applicant.

Chairman Schech stated a little sting here you have to go to the ZBA for the common driveway.

Mr. Buschynski replied yes.

Rich Williams stated yes I apologize I missed it also when I was doing the last review and just picked it up. I don't see it as an overwhelming issue. I think there is a bigger issue to deal with.

Board Member Montesano stated you get two demerits.

Rich Williams replied I do get two demerits for missing this one listen I caught it before I needed to catch it.

Chairman Schech asked what is the other issue the twenty foot driveway.

Rich Williams replied yes.

Chairman Schech asked now the twenty foot driveway is not the entire length right.

Rich Williams replied again, I don't have good clarification from the Building Inspector about this issue. I don't know if he is going to require it on this. I don't know when he is going to require it. For me, a common drive is not something you need to improve to Town road standards. He just does not share that opinion. I don't know which way everybody is going to go on this.

Chairman Schech asked well who is going to rule the roost him or us.

Board Member Pierro stated I don't recall ever making a common driveway to Town road standards

Rich Williams stated I understand that.

Board Member Montesano stated it is a private driveway how can we make it into Town road standards if he don't want to.

Rich Williams stated again, I go back to Budakowski basically you are proposing a common driveway that would be improved to Town road standards in the future. You are accessing two houses on this common driveway.

Board Member Montesano stated with that there was a possibility of further development. On a private driveway with two houses there is not really an indication of further development being done.

Rich Williams stated I hear what you are saying but it was the Board's intent and you had planned for in the future when that further development happened that the road would be widen to Town road standards it would be a twenty-four foot wide road. That was the plan from day one. He stepped in and said I am not going to wait. I want it twenty foot wide now so I don't understand why he felt it was appropriate unfortunately within the Building Code it gives him discretion and he has chosen to exercise that discretion.

Board Member Rogan stated so the reality is here we could show a twelve foot wide driveway and the Building Inspector could require twenty anyway so it is not going to be up to us then. It is up to him. You are talking about a twenty foot driveway for the first seventy-five feet.

Chairman Schech stated let's meddle along the way we have been going and if he wants to change let him change it.

Board Member Rogan stated I agree.

Rich Williams stated I raise it as an issue now so that everybody can talk about it now rather than after you granted final approval.

Board Member Montesano stated on that particular thing every time we have the possibility of a community driveway of any shape, size the Building Inspector should be sitting here at the meeting, discuss with us what his intention is if he is going to override what we approve.

Board Member Pierro stated that is fine let's not talk about it let's generate a letter and make that request.

Board Member Rogan stated actually we have been talking about having Paul at these meetings for two years now.

Board Member Pierro stated let's do it.

Board Member Pierro stated let's do it do you want that in a form of a motion.

Chairman Schech stated this is not an every day occurrence right.

Board Member Rogan stated it is becoming more and more.

Rich Williams stated the other issue with Paul is always fire protection having fire tanks on the site and understand he gets a copy of my memo, he gets a copy of Gene's memo every month that materials are submitted he gets a copy of that. He has the ability every month to review these and make comments just the way I do, just the way Ted does.

The Secretary stated and the comments are coming too late.

Board Member Montesano stated we have to discuss that and setting up a time limit. If we are going to approve something we would like to have a sensible response in a reasonable time. If he does not have the time to do it that is his headache not ours.

Board Member Pierro stated unfortunately his position as Building Inspector can interfere with every decision we make so.

Rich Williams stated again, by putting it in the memo I am hoping to prompt a discussion so we can get it out of the way now.

Gene Richards stated one thing that you could do is prepare a memo, a short memo to Paul requesting a formal review of the plans for any concerns with a written response to the Board by a, Board Member Pierro stated a certain date.

Board Member Rogan stated right.

Gene Richards stated at least it is in writing with a formal request.

Board Member Rogan stated that would be on any project.

Board Member Montesano stated I will make the motion that we get a comment from him.

Rich Williams stated I understand what you are saying and if that is what you really want to do we will do it but understand I mean it is just one more piece of paper. He is given the materials he knows that he is being requested to look at the materials for any concerns that he may have and when he gets around to it he gets around to it. So, to ask us to generate one more memo every month just to have him look at something he knows he should be looking at.

Board Member Montesano asked would it be better to have a time limit on it and have him sign it.

Anthony Molè stated we can also look at it. If it is not required under the Code that the common road be up to Town road specs, we can take a look at what exactly is given him the discretion or the authorization to require it.

Rich Williams asked do you have Budakowski's memo.

Anthony Molè replied I am sure I do.

Rich Williams stated I attached the section of Building Code that he relies on so you can take a look at that. I talked to the people up at the State and they said it is up to his discretion.

Anthony Molè stated what the Planning Board may want to do in that instance is submit a memo to him with your preference that it not be up to Town road specs as there is only two houses gaining access from it and see if that has any influence.

Board Member Pierro asked can we do that in this particular instance now to get this ball rolling ladies and gentlemen.

Board Member Montesano stated I have no problem with giving the driveway as we specified earlier.

Chairman Schech stated let's leave it the way it is and take it from there.

Mr. Buschynski stated we would have detailed this portion to be somewhat wider, a private drive sixteen, eighteen feet.

Rich Williams stated but you are looking for pull-off's probably at some point perhaps.

Chairman Schech stated worse comes to worse you make that driveway twenty foot wide. He is not asking for road specs he says twenty foot wide.

Rich Williams replied I would assume he would go to the intersection but I can't say for certain. Assumptions are dangerous.

Board Member Rogan stated it is a hell of a thing that you try to do something good to cut down on impacts.

Mr. Buschynski stated I don't think you want twenty feet, Board Member Pierro stated it is not necessary.

Board Member Rogan stated so we have to go to Zoning for a common driveway.

Board Member Montesano asked question Rich, if an Applicant goes to the ZBA and gets a right to a community driveway do we have anything in writing that they could ask to also be allowed to make something smaller than, the Secretary asked you mean the twenty feet.

Rich Williams replied I don't know that the Zoning Board of Appeals has the authority to overturn the Building Code.

Anthony Molè stated no the ZBA can only interpret the Town Code.

Board Member Rogan asked what is the timing for them going to ZBA.

Rich Williams replied they could probably be in for the November meeting. Where we are in the process the Board could schedule a public hearing for the November meeting and then the December meeting grant preliminary approval. There are a couple of outstanding issues but nothing significant basically he is ready for preliminary approval.

Board Member Pierro asked can we also grant the waiver for the subdivision design for locating natural features.

Board Member Rogan stated I was wondering about that it seemed like you had done a lot of the natural features. The original plan showed you had all the large trees located out there. I thought I saw rock outcrops listed on some of your initial.

Mr. Buschynski stated no.

Board Member Pierro stated we talked about it. At this point a lot of the stone walls and the rock, Board Member Rogan stated the stonewalls are shown. Board Member Pierro stated the rock outcropping and large trees most of them are in the back in the conservation area.

Rich Williams stated I don't know if there are any real large trees except for one or two.

Chairman Schech stated all right let's do a motion on the public hearing.

Board Member Montesano made a motion in the matter of Couch Road Subdivision that the Planning Board schedules a public hearing for November 3, 2005. Board Member DiSalvo seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	aye
Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Chairman Schech	-	aye

Motion carried by a vote of 5 to 0.

Board Member Pierro made a motion in the matter of Couch Road Subdivision that the Planning Board grants a waiver of Section 138-33 (g) which requires location of pertinent natural features that may influence the design of the subdivision. Board Member Rogan seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	aye
Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Chairman Schech	-	aye

Motion carried by a vote of 5 to 0.

Board Member Rogan asked do they need a recommendation to the ZBA.

Rich Williams replied no you don't need to.

Mr. Buschynski thanked the Board.

13) PUTNAM COUNTY NATIONAL BANK SITE PLAN

Ms. Theresa Ryan, Insite Engineering was present representing the Applicant.

Board Member Rogan stated Theresa, I guess we need something from you on this one, a waiver of the time frame. Our time frame expires November 1st.

Ms. Ryan replied okay unless you wanted to give us an approval tonight.

Board Member Rogan stated actually I was going to make that motion and Rich said that you did not do all your homework.

Ms. Ryan replied oh really, I didn't move the poles.

Rich Williams stated no you didn't you thought I would miss it.

Ms. Ryan stated no we are going to work with NYSEG on that. Let them decide where it is going to go.

Rich Williams stated I have got news for you, you are not working with NYSEG on that it is our sidewalk.

Board Member Rogan asked okay so what do we need to do to wrap this up.

Chairman Schech asked you have the Town Engineer's memo.

Ms. Ryan replied yes and Gene just wants some notes relative to the sewer and storm crossing which is no problem. We will submit the bond estimate.

Board Member Pierro stated if you bring the bond next meeting we will take care of this.

14) FRANTELL SITE PLAN

Ms. Theresa Ryan, Insite Engineering was present representing the Applicant.

Ms. Ryan stated the Applicant is okay with the bond amount on Frantell. We would like to meet with Rich to discuss the stormwater. I don't know what happened but we didn't get the memo until this week. We weren't ignoring Rich we just did not get it in time to respond.

Board Member Rogan asked Theresa did you say you are giving Mike a waiver on the time frame on this one as well.

Ms. Ryan asked unless we can get a conditional on this tonight.

Board Member Rogan replied no.

Ms. Ryan stated waivers on both Mike.

Rich Williams asked did the Applicant grant you a waiver on the time frame on Putnam County and Frantell.

The Board replied yes.

Rich Williams stated I just want to get it into the record.

Chairman Schech stated okay so you are going to get together with Rich on Frantell.

Ms. Ryan replied yes.

15) FOREST VIEW APARTMENTS

Mr. Harry Nichols was present representing the Applicant.

Chairman Schech asked how did you make out with that pipe that everyone says is or isn't there.

Board Member Pierro stated it is not there.

Mr. Nichols stated I finally made a contact with Metro-North. They have no records of a pipe being there however there is a flow going under and he said you are probably right there is so much ballast there. It has been functioning that way forever because the water doesn't go further up along the tracks before it goes under. The next closest point is probably about a thousand feet away where they do have a crossing but if you go up there and stand there you can see the water flowing underneath and coming up on the other side.

Chairman Schech asked so you guarantee that this is going to continue like this.

Mr. Nichols replied I don't know why it is going to stop.

Rich Williams stated put it in writing Harry.

Mr. Nichols stated we are discharging at a lesser rate after development than before development so we are not increasing the rate.

Board Member Pierro stated you put it in writing Harry and we are fine with it.

Chairman Schech stated we will get a bunch of beavers up there Harry it will take care of that situation.

Rich Williams stated Harry, let's be clear about what you need to put in writing. The fact that even though you are increasing the total volume of water that the permeability of the substrate under the railroad tracks is sufficient to pass that water through.

Board Member Pierro stated that is not the case. He says he is reducing the volume of water.

Mr. Nichols stated no I am reducing the rate.

Rich Williams stated no he is not that is the problem.

Mr. Nichols stated any time you pave one square inch you are increasing the total runoff but by attenuating it and holding it back in a pond you are reducing the rate that it goes out in.

Board Member Pierro stated the velocity of it.

Rich Williams stated and that is great if you are talking about a conveyance, a defined channel that it is going in the peak is very important but in this situation volume is an issue at least for me.

Chairman Schech stated well the ballast is going to work as long as it does not get clogged somehow.

Mr. Nichols stated that track has been there a few years.

Rich Williams stated right assuming that the permeability of the material is sufficient to pass the increase flows.

Chairman Schech stated speaking of tracks since we have all these engineers here and I would like to pose a question that I would like an answer to. I noticed that the railroad is going to welded rails, eighteen miles long what do they do about contraction and expansion.

Board Member Pierro replied they have joints. They have expansion and contraction joints.

Rich Williams stated not if they weld it.

Chairman Schech stated they are welded for about a mile.

Board Member Pierro stated eventually there is a joint.

Chairman Schech stated you need a joint about six feet along. Does anyone know.

Rich Williams replied good question I can ask. I know somebody that I can asked.

Chairman Schech stated good, please it bothers the hell out of me every time I see it.

Board Member Rogan asked Harry, are you willing to put your good name and family name on this drainage issue for the railroad tracks.

Mr. Nichols replied I don't think that is a fair question to ask.

(Some laughed).

Mr. Nichols asked do you think it is a fair question.

Board Member Montesano stated you are the guy with the license.

Mr. Nichols stated that is right and I would like to keep my license too.

Rich Williams stated funny how it is not an issue until he has to sign it.

Board Member Rogan stated honestly I was not asking to be facetious.

Chairman Schech asked okay what else do we have on this.

Mr. Nichols stated we submitted a landscape plan, a new plan showing the landscaping around the existing units, the proposed units as well as the pond areas. It was prepared by (unable to hear the name), a Landscape Architect.

Ted Kozlowski stated I apologize I have not looked at this nor have I verified the wetlands. I have had a full plate and Harry, I will try to get to it over the weekend. I am sorry.

Mr. Nichols stated while you are there then you will also see flags put out by DEC. We had it flagged by the DEC Wetland, Doug Gogler. The flags are all marked DEC with numbers after them. We have it survey located and in essence it falls further away from the development than local wetland flagging that we had.

Ted Kozlowski asked so what you are saying is the DEC flagging goes,

Mr. Nichols stated has less wetland.

Ted Kozlowski asked has less wetland than ours.

Mr. Nichols replied yes.

Ted Kozlowski stated okay it is still ours.

Mr. Nichols stated it is close. Some places it is on it and other places it pulls away.

Ted Kozlowski stated I will take a look. I will try to get out there this weekend.

Mr. Nichols stated and we have the Surveyor survey locating them.

Chairman Schech stated and you know if you want to impress this Board the next time you come in have all the things colored.

Mr. Nichols asked can we schedule a public hearing on this.

Chairman Schech asked are we ready for a public hearing on this.

Rich Williams replied I think there are two really big outstanding issues and it is up to the Board on how they want to proceed. One, is we haven't resolved the wetland issues because Ted hasn't verified the wetland boundaries.

Chairman Schech stated when Ted gives the okay we will take care of that.

Board Member Rogan asked what is the second.

Rich Williams replied the other is the storm drainage system. I believe there is a way to re-design that a little bit so as to minimize the disturbance, change the flow splitter, within the memo I suggested that Gene, Harry and I get together and see if we can work that out.

Board Member Pierro asked can we accomplish that Harry.

Mr. Nichols replied absolutely.

Board Member Pierro stated very well.

Board Member Rogan stated wonderful.

16) CHESTNUT RIDGE SUBDIVISION

Chairman Schech asked you are up again, Harry for Chestnut Ridge.

Mr. Nichols replied we don't call it Chestnut Ridge.

The Secretary stated it is going to be changed.

Chairman Schech stated you keep changing the names and I don't know where I am anymore. What is it.

The Secretary asked Harry what is the new name.

Board Member Pierro stated Consentino.

Board Member Montesano stated it is not on your map.

Mr. Nichols stated it is Consentino. It is Chestnut Ridge Developers.

Rich Williams stated that is the Developer that is not the name of the subdivision.

Board Member Rogan asked can we call it Harry Nichols Subdivision for the time being. We don't have one after you yet why don't we push for that.

Mr. Nichols stated why not Schech Estates.

Board Member Rogan stated no Nichols Way.

Mr. Nichols stated if everything went my way,

Board Member Pierro stated if everything went your way you would have been out of here on this one already.

Mr. Nichols stated this is the Consentino subdivision we are proposing twelve lots. The Board did walk this.

Board Member Rogan stated last fall.

Mr. Nichols asked Ted have you confirmed the wetland flagging on this one.

Ted Kozlowski replied yes. When it is my turn I will talk.

Board Member Pierro stated I have not looked completely at the plan in a couple of weeks since the first day we got this but we are still talking about an entrance off of Mooney Hill.

Mr. Nichols replied yes.

Board Member Pierro asked and no access of the cul-de-sac.

Rich Williams stated no it goes through.

Board Member Rogan stated yes it is just not shown.

Mr. Nichols stated this is the alignment that was originally proposed when it was Wimbledon Estates.

Board Member Pierro asked is there an easement or a permitted access to utilize that cul-de-sac from the original site plan approval.

Rich Williams replied I believe so yes.

Mr. Nichols stated it goes right up to,

Board Member Pierro stated Kings Way. I thought there was a wetlands crossing or a,

Rich Williams stated no actually there isn't. It is old and rough graded and filled as you remember the Board did actually go out early on and walk the road to ensure that it was possible to actually construct a road in that location.

Board Member Pierro asked Ted, we had a discussion at length at the meeting about the,

Ted Kozlowski replied yes. Harry, at our work session we looked at this site and this is a fresh, un-altered site, we learned some lessons at some previous subdivisions where again, we had some challenged sites and we are quickly seeing that new homeowners are challenged when they have a lot that is a combination of steep slopes, wetlands or streams and such and it has been the policy not the policy but the direction of this Board as well as myself and Rich and others that we keep out of buffer areas and that we don't build right up to it where we are building in issues. Specifically, Lot #2 to me is a challenged site that one, two combination there and then we have got all sorts of detention basins and stormwater right on the buffers and the intent of this wetland code was to protect the wetlands and the buffers and not to be right on the

line. We found that specifically, Deerwood which is now Wyndham Homes those protected buffers are all gone because of the development, because of the homeowners and such and I would think it would be a good direction to re-evaluate those lots and see how those are with regards to what I just said.

Mr. Nichols asked you are specifically addressing lots one and two.

Ted Kozlowski replied I am specifically addressing everything that is in or around the buffers and there is a lot. There is an awful lot. It is another Wyndham Homes to me. We have got clearings and A.T.V.'s and decks here we are again homes, no decks, no accessory buildings, no garages, no pools, no sheds and we have got lots right on top of buffers, in buffers and I just strongly urge you and the Board to consider that and I think you are going to have to reduce the lots.

Chairman Schech stated in other words, we don't want anything in buffers.

Mr. Nichols stated my understanding of a buffer is an area, Chairman Schech stated is a buffer, Mr. Nichols stated an area between a wetland.

Chairman Schech stated that is right.

Ted Kozlowski stated a hundred feet.

Mr. Nichols stated it is an area where discretion is used and subject to permits from the agency that,

Chairman Schech stated our discretion is we do not want anything in the buffer.

Ted Kozlowski stated a hundred feet I mean Harry, you know the buffer is here and this guy's backyard and these are probably going to be expensive homes and again, I am out there chasing people all over Wyndham Homes and this is no different.

Mr. Nichols stated it is certainly different than Wyndham Homes.

Ted Kozlowski stated yes it is less numbers instead of thirty-six we have twelve.

Board Member Montesano stated wetlands a buffer zone is a buffer zone.

Ted Kozlowski stated again, I have given my direction.

Chairman Schech stated the reason for a buffer is a buffer not to build on.

Mr. Nichols stated (unable to hear) and there are Boards that you go to get permits.

Chairman Schech stated this Board is changing with anything new and you are number one on the list over here with this one. We are not putting anything in the buffer.

Mr. Nichols asked does that include detention basins too.

Chairman Schech replied anything.

Ted Kozlowski stated the only thing that we have conceptually agreed to was the crossing with the road, crossing a stream and a wetland right off of Mooney Hill, the first couple hundred feet in. You have got to look at those houses and you have got to realistically, you and the Applicant and the people that are putting this together and look at how are we going to put a subdivision here, protect the natural resource and allow the future homeowners to have a reasonable use of their properties. If we build it the way that is that is not going to happen. It needs to be look at a little differently, re-designed or re-configured and stay out of the buffers. The buffers are regulated, the wetlands are regulated and we have learned a major lesson with Wyndham Homes about allowing that kind of stuff happening in buffers and it is so contrary to what the purpose of the law is.

Mr. Nichols stated you basically render this site almost un-developable if you,

Board Member Rogan stated we haven't rendered anything.

Ted Kozlowski stated absolutely not Harry.

Mr. Nichols stated because water runs down hill.

Ted Kozlowski stated Harry, I am looking at lots 4, 5, 6, 7, 8, 9 and they are not in the buffer they are not in the wetlands.

Board Member Pierro stated the back of this is very dry. It is upland soils. Harry, I know this site intimately. I know the two previous owners to them and I represented one of them for many years, the Dichiario Family sold this to the Consentino's and I have been all through this site. The front of this place during the winter time, during the snow season when we are deer hunting in November and December there is a foot of water on lots 1 and 2. There is a lot of water.

Ted Kozlowski stated big homes with large lots Harry. This is not an undevelopable site I don't think. With the way that I see that there is a definite major impact to the integrity of that wetland with what you are proposing and that is based on twelve years of experience with these subdivisions like this and every one of them has challenged the wetland considerably and that is no different.

Chairman Schech stated study it Harry I am sure you will come up with a solution.

Board Member Pierro stated these plans are not that much different from the old plans that you have in the file from ten or fifteen years ago.

Mr. Nichols stated the difference is the number of lots. The road pattern is exactly the same, back then there was twenty-eight lots proposed.

Board Member Pierro stated I know that and if the road is going through to the other side Harry, that may be the best way to limit the amount of disturbance in the front and coming up with,

Ted Kozlowski stated he does not have to cross the stream.

Board Member Pierro stated right and coming up with the cul-de-sac in the front portion of this lot.

Rich Williams asked a cul-de-sac.

Board Member Pierro stated it is an option.

Mr. Nichols stated one of our concept was, Board Member Pierro stated not to use the front of it stay out of that buffer.

Mr. Nichols stated but we have a length of road here that exceeds,

Board Member Pierro asked how long would it be. Would it fit Town Code.

Rich Williams stated it is already well in excess of what the previous Code,

Mr. Nichols stated twenty-five hundred feet right now.

Board Member Pierro asked the Manor Road Subdivision.

Rich Williams stated I am assuming, assuming that the Board allowed a longer cul-de-sac here recognizing that this application was pending before the Board and they expected it to be connected.

Board Member Pierro stated maybe I misspoke but would we require, couldn't we limit the amount of disturbance by extending the road, allowing the road to go out to Mooney Hill Road so we can deal with the access there but not build on the front two or three lots that are in the front of this parcel.

Rich Williams asked extending it from twenty-five hundred feet to say thirty-five hundred feet.

Board Member Pierro replied no I mean extend the road out to Mooney Hill.

Board Member Rogan stated which is what is proposed you are just saying not to build, Board Member Pierro stated but not to develop the lots along that area and stay out of those wetlands.

Rich Williams stated yes he would be reducing the impact to the wetland. It would also give you some options that those lots were non, (unable to hear too many talking at the same time).

Board Member Rogan asked Mike, what are you guys talking about down there we can't hear you. Mike, why don't you talk to us so we all can hear you, you and Maria. I am sure you guys are saying something,

Mr. Nichols stated to reduce the number of developable lots,

Board Member Montesano stated we are just trying to figure which lots would be, (unable to hear Mike & Harry talking at the same time)

Mr. Nichols stated if we could reduce the length of the road at the same time that would make sense.

Board Member Pierro stated yes but we need the access and our Code does not allow us to go beyond twenty-five hundred feet right now, correct and we are already beyond that if Manor Road is the only access we are way beyond that. Manor Road is way beyond that.

Mr. Nichols stated maybe there is a way you can build a less of a design, an emergency access between the two points.

Board Member Montesano asked what is the length from that last house, the first house on the road there, right there what is the distance between that and the end going up towards the top there.

Board Member Rogan stated thirteen hundred.

Board Member Montesano asked now if that was coming in from Manor Road on to what is it Kings Way, whatever the name of that street is that would be fifteen hundred feet and that whole other section would be an emergency, possible gravel road that would never have to be completed.

Rich Williams stated that is not a good idea.

Board Member Pierro stated you are creating an A.T.V. park.

Rich Williams stated not only that but you still have to maintain it. You still have to keep it open.

Chairman Schech stated can you imagine the Building Inspector.

Board Member Pierro stated good point.

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

Mr. Nichols asked if these two were combined would that be something that would be considered.

Board Member DiSalvo asked and where would you have the entrance, two separate driveways on the road.

Mr. Nichols replied no just one driveway.

(Unable to hear too many talking this carried on for a few minutes).

Chairman Schech stated okay Harry we beat up enough on you tonight.

Mr. Nichols asked could you possibly just bear with me a few minutes and give me a little more direction on it because,

The Board replied stay out of the buffer.

Chairman Schech stated don't make it anymore complicated than it is just stay out of the buffer.

Board Member Pierro stated keep everything out of the buffer.

Board Member Rogan stated Harry, it sounds like you have got a couple of basins in the buffer if you could figure out how to get those basins out this concept is possible just the way it is. It looks like all your houses and stuff you have got everything out of the buffer. What is so awful about this other than the fact that you have a section of road that goes through an area that is not useable for houses but in terms of emergency access it provides what you are looking for. It does not extend any cul-de-sacs. It meets the requirements.

Mr. Nichols stated the biggest impact is the road crossing here.

Ted Kozlowski stated and then your stormwater.

Mr. Nichols stated hold on I am leading up to something, if we reduce the length of this road, suppose we minimize it as much as we can here, we lose some lots but at the same time we take out a thousand feet of road that is a considerable amount of dollars to offset the loss of the lots.

Ted Kozlowski stated you have considerable wetland there.

Mr. Nichols stated I am still working on it Ted, one minute. We will end up with area in here that is totally out of the buffer,

Board Member Rogan stated for your stormwater.

Mr. Nichols stated which could be used for the ponds, the detention ponds and they would be located probably where the road is shown right now however as we all know this would require probably another thousand foot of road in order to accomplish this.

Board Member Rogan stated off of a cul-de-sac already.

Mr. Nichols stated of course.

Board Member Montesano stated we just got told we can't do that.

Mr. Nichols stated that would be something that would be worth I think considering.

Board Member Montesano asked didn't I just ask that question.

Mr. Nichols asked is that a waiver from this Board for the length or is that from the Town Board.

Rich Williams replied it would be a waiver from this Board. This Board would have to justify why they are doing it and why it is not a safety concern.

Board Member Pierro stated but then we open ourselves up to other developers that have the same.

Rich Williams stated where does it stop.

Board Member Pierro stated yes that is my only concern.

Board Member Pierro stated because we have a parcel that is being developed now that is waiting in the wings for us to grant an extension because he is going to come in and do the same thing.

Board Member Montesano stated maybe that is where the tanks are going to go.

Mr. Nichols asked would you consider that just a road that would be used, it could be a paper road it does not have to be paved to Town standards.

Board Member Montesano stated oh, yes it does.

Mr. Nichols stated it could be narrower for emergency access only.

Chairman Schech stated it will never get passed the Building Inspector. We just told you that.

Rich Williams stated there is maintenance issues with it how it is going to be maintained especially winter time.

Board Member Montesano stated we couldn't get a driveway in without it being up to road standards.

Board Member Rogan stated so put the road through and,

Chairman Schech stated this is the cost of developing on lots like this Harry.

Ted Kozlowski stated that is why it didn't fly ten years ago.

Chairman Schech stated because you still had better stuff around and you don't have anything better now. All you got is junk. I shouldn't say junk, choice lots.

Mr. Nichols asked so you want the road all the way through.

Chairman Schech replied yes and we want you to stay out of the buffers.

Board Member DiSalvo stated but I am not too crazy about the driveways on Mooney Hill for those two houses.

Board Member Rogan asked really why.

Mr. Nichols stated well there are driveways all the way on Mooney Hill.

Board Member DiSalvo stated that road is difficult to maneuver sometimes up and down that hill.

Board Member Pierro stated we are going to have to make sure that we do the best that we can with sight distances coming out of those driveways.

Mr. Nichols stated yes we will provide adequate sight distances.

Board Member Montesano stated see how much property is left outside the buffer zone.

Chairman Schech stated okay Harry I don't think you are going to get anymore help from us.

Board Member Rogan stated your information on this Rich says we have not done our initial site inspection. We were just doing the initial site walk for the road crossing.

Chairman Schech stated yes.

Mr. Nichols stated the driveways and everything had been staked out at one time but if this plan is not going to be something that is acceptable.

Board Member Rogan stated it sounds like it is acceptable if you can get your basins out of the buffer.

Mr. Nichols stated well it seems to be more than the basins.

Board Member Montesano stated there is houses, there are properties.

Board Member Rogan stated no the houses down there are everything is out.

Ted Kozlowski asked what is the scale on that Harry.

Mr. Nichols replied fifty scale.

Ted Kozlowski asked and do you have the buffer line on the maps.

Mr. Nichols replied yes, the dots.

Board Member Pierro asked how many stream crossings are we talking on the road.

Ted Kozlowski stated Shawn just said everything is out of the buffers except lots, Board Member Rogan stated except the basins. Ted stated but Lots 1 and 2, Lot 1 the house is what ten feet from the buffer line.

Mr. Nichols replied no it is probably twenty.

Ted Kozlowski stated okay twenty.

Rich Williams stated it is about twenty-seven.

Mr. Nichols stated actually it is thirty.

Rich Williams stated it is not quite thirty because you and I butted heads on it.

Mr. Nichols stated twenty-nine.

Ted Kozlowski asked I mean you know Harry, realistically how is that property owner going to use that property. Everything that is there is wetlands.

Mr. Nichols stated no it is not. Ted we had the wetland flagged. Do you agree with the wetland flagging.

Ted Kozlowski replied yes I do Harry.

Mr. Nichols stated all right then we have a hundred foot buffer shown we are staying out of the wetland.

Ted Kozlowski stated but I am going somewhere with this Harry, you have got, never mind I said what I had to say.

Board Member Montesano stated let him just bring it in and then it will go our way that is all.

Ted Kozlowski stated it is on the record.

Chairman Schech stated okay Harry I don't think that we can help you much more than that.

17) DUNNING SUBDIVISION

Mr. Rob Cameron, Putnam Engineering was present representing the Applicant.

Board Member Montesano asked who wants to ask them for the 62 days.

Board Member Montesano asked Rob, can you grant us an extension.

Chairman Schech stated we need a waiver.

Rich Williams stated I think we may have it.

Mr. Cameron stated if you don't yes the other alternative is I guess deny it unless you want to deem it complete.

Chairman Schech stated you are close except for one, what was the thing.

Rich Williams stated the issue is this actually there are two issues I don't know if Gene has any but one is the Board from day one has been saying there is an evergreen buffer along Route 292, a tree buffer and you were very interested in protecting that and we really haven't had them show it on the plans because they have been way away from it. This latest plan now has the septic shifted slightly towards it and also a very large series of infiltrators and along that same vane Rob I just want to say that it is a two lot subdivision and the analogy I used before was it looks like you are out there rabbit hunting with an elephant gun.

Mr. Cameron stated I did take a look at that and there are constraints that were associated with this when we originally had done this we tested for the septic areas we got the percs to work in these areas and the limitation is that we shifted the septic area now to address the driveway issue but then that shifted the buffers down and what we have done is basically start moving everything down to this area and now we have constrained everything and this is my low point and that is the only place I could treat the stormwater.

Rich Williams stated that wasn't my point if you run a drainage analysis taking the infiltrator out as best as I could see you are only increasing the runoff about two c.s.f. I mean it is not a lot, I mean without the infiltrator. It is not a huge increase.

Mr. Cameron stated that was a comment from your office is that you did not want any increase in flows, without the infiltrator we would wind up with an increase in flow now if you are willing to let us have a slight increase in flow we can deal with that. We put the infiltrator in to,

(TAPE ENDED)

Mr. Cameron stated the infiltrator was installed to reduce the increase of flow from the site.

Gene Richards stated Rob, not this memo for tonight but the prior memo there was a comment that discussed that because that was a statement made in the stormwater report that there was an increase, a slight increase something like that, the Town standard is zero net increase in runoff but there was a whole separate comment in the report, in our memo that talked about considering the size of the subdivision we really didn't see a need for or typically there is not a need to provide attenuation, water quality treatment yes but not attenuation. The other comment maybe was inappropriate in a sense that we weren't looking

for attenuation but in any situation where you do look for it the rule is zero net increase in runoff, setting that aside and again, given the size of the subdivision we really weren't looking or expecting attenuation.

Mr. Cameron stated I can go back to the stormwater designer and relay that information and see what we can come up with because I think he has designed it for I believe for zero.

Rich Williams stated he has got a net loss.

Gene Richards stated you have to hear what Rich is saying okay. He is saying that if you did away with that there wasn't that much of an increase in runoff. There was an increase but it is a two lot subdivision, it was minor and the Town was not going to worry about it. So, if you took that out of the picture, eliminated that disturbance and that work now your two driveways each have those modified grass swales with the infiltration that would be fine. That would address your water quality issues from the Town's perspective. It is a much simpler design, much less expensive one certainly.

Board Member Pierro stated and we keep the buffer. We keep the tree buffer on 292.

Mr. Cameron stated yes because this is really what does it.

Rich Williams stated oh, yes and if you took a look at maybe some other techniques like disconnecting your roof drains from the formal storm drain systems.

Mr. Cameron stated I will bring that information back to him and see what he can do with it.

Gene Richards stated and what our memo did tonight was to react to your latest plan and I didn't know what had happened since the last time. You were still proposing attenuation so we reacted to that so if that drops out I guess probably ninety percent of the memo drops out as well.

Board Member Rogan stated then we can approve it.

Mr. Cameron stated okay I will go for that.

18) EUROSTYLE MARBLE SITE PLAN

Mr. Rob Cameron, Putnam Engineering was present representing the Applicant

Chairman Schech stated Eurostyle do we have a reso on that.

Board Member Rogan asked Maria do you want to do the reso on this one.

Board Member Rogan told Rob you don't have to put a plan up.

Mr. Cameron stated I just wanted to put up the drainage because that is basically where we are with Eurostyle is addressing drainage problems.

Rich Williams asked do you have issues or changes from the last design we reviewed.

Gene Richards stated Rob, let me jump in real quick,

Mr. Cameron stated unfortunately I am really not the Project Manager on this one so I am at a little disadvantage.

Gene Richards stated unfortunately what happened happened on our end where your office has submitted a report for the September meeting and we didn't get to it in time. We did not have time to review it for that meeting so the memo those are comments that resulted from the review of that.

Mr. Cameron stated that is kind of what I thought because I was trying to figure out the date thing on that so now it is clarified.

Gene Richards stated and I apologize that problem was on our end and actually I think yes I blew the cover sheet I said September 6th on the date that was wrong it should have been October 6th.

Mr. Cameron stated I guess what I would like to do with this is I did go over this briefly with the other designer that was designing this stormwater system and I think it is best if maybe we could do a conference call with you because there are some things that I think you didn't notice that we had in the report. There are some things that we had in the report (hard to hear some static in the tape) about the spillway and some of that information. I would like my drainage designer to maybe give you call and go over some of that so we can get that clarified and get that resolved, the orifice you had made a mention the one inch versus two inch there was an error, the orifice should have been one inch but a lot of the details I think we can resolve what you are looking for in the details. There was the issue of the spillway elevation and I think my designer was saying it was designed for a ten year storm and I think you were looking for a hundred year storm and again, I am not the best expert on this so if we could have her just call your office and go over some of these things I think that they can be resolved because I think this is really the only issue that is left on Eurostyle is just resolving the drainage. There aren't any other engineering or planning comments are there.

Board Member Rogan stated no.

Chairman Schech stated not that I know of I thought we are all set.

Gene Richards stated I think you are very close it was just the stormwater comments that again we did not get to it in time so you got them now. If you want to do a conference call that is fine, if you want to do a meeting we can do that as well whatever is convenient for you. Sometimes it is easier to sit with the plans.

Mr. Cameron stated okay I will let the powers that be at my office that are responsible for this project work that out but I think in my review of the comments with the designer I think that they can be resolved and or clarified.

Board Member Pierro made a motion in the matter of Eurostyle Marble & Tile Inc, Martin Monahan Site Plan that the Planning Board grants Final Site Plan Approval with the five general conditions and three special conditions dated in the October 6, 2005 resolution and also include the issues in the Dufresne-Henry memo dated September 29, 2005. Board Member Rogan seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano - aye

Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Chairman Schech	-	aye

Motion carried by a vote of 5 to 0.

Mr. Cameron thanked the Board.

Rich Williams stated if I could just add one last note something that Gene did on this he actually requested and got the Applicant to get permission from the road property owner to allow work within the right of way so there is a road owner. For the longest time nobody accepts ownership of the road so nobody does any maintenance on it.

Mr. Cameron asked you mean on,

Rich Williams replied Commerce Drive.

Chairman Schech asked you actually came up with a name.

Rich Williams replied yes.

Board Member DiSalvo asked so who is it.

Rich Williams replied it is a corporation and Heelan is one of the partners.

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

Mr. Cameron asked actually, technically that has never been finished I mean right it never received a top course and all.

Rich Williams replied no it actually was top coursed and everything it is just there is so much wear on it you can't tell.

The Secretary stated and there has been no maintenance over the years because there was just two on the top and the garage and that on the bottom and now it is filling up.

Board Member Pierro stated now we are almost finished two more sites left right.

Rich Williams stated who cares they are going to fix the road now.

19) D'OTTAVIO SUBDIVISION

There was no one present representing the application.

Board Member Rogan stated you know it is funny Steve D'Ottavio was here earlier tonight poked his head in and left.

Rich Williams stated I did do a review on the site apparently the Applicant got a copy of that review and left.

Chairman Schech stated I would.

Rich Williams stated I didn't think the review was that negative.

Chairman Schech stated you are kidding. In very nice words you said the guy was out of his mind.

Rich Williams stated no I just said there are issues that needed to be considered, Chairman Schech stated like I said in very nice words.

20) OTHER BUSINESS

a. T & T Associates Extension Request

Ms. Theresa Ryan, Insite Engineering was present representing the Applicant.

Chairman Schech asked didn't we grant them an extension.

The Secretary stated only until this meeting.

Rich Williams stated right you did it basically 30 days until tonight so that they had the 30 days to get the bond and the inspection fees in place.

Board Member Montesano asked did they.

Rich Williams replied guess what.

Chairman Schech stated they still don't have them.

Board Member Pierro asked what is the deal.

Ms. Ryan stated as I told you before there are people that are purchasing the property, there have been some complications between the sellers and the buyers. I heard today from Joseph Spofford, I gave you a letter from him last month and that letter indicated to his knowledge there was a letter of credit prepared. I actually got a message from Joseph Spofford today because this is the first that I have heard from him and he got a draft copy of the letter of credit and faxed it over to Anthony Molè. Anthony had one change to it and sent it back but the process has started with the letter of credit. There is one out there. It is in the works and if something doesn't happen within the next week or two with that the Applicants, the original Applicants have committed to putting a bond in place and paying the inspection fees.

Anthony Molè stated I can jump in here I have been speaking with Joe Spofford as well as Liz Hudak who is the other Attorney in that transaction and telling them what they need to do to get the letter of credit. Friday came a letter of credit in the name of the perspective

owners the purchaser, the terms of the letter of credit are acceptable. I reviewed them, I told them changes they can put in, they put the changes in and it would be acceptable if they close and this was now the new owner which I imagine is why they are seeking an extension so they can actually close and the new owner can go ahead put up the fees and have the letter of credit issued in their name. I just want to tell the Board I have seen the letter of credit it is issued by a bank.

Chairman Schech asked give them another thirty days.

Ms. Ryan stated now, we also did submit plans to Rich for a signature from the Chairman if it turns out that the Applicants end up posting the bond themselves and paying the inspection fees we will revise those plans and get you a fresh set because those plans have been signed by the purchasers as owners and also by the original Applicants. They have been signed by everybody.

Board Member Montesano made a motion in the matter of T & T Associates Site Plan that the Planning Board grants a thirty day extension. Board Member Rogan seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	aye
Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Chairman Schech	-	aye

Motion carried by a vote of 5 to 0.

Ms. Ryan thanked the Board.

b. Thomas Subdivision

Ms. Ryan, Insite Engineering was present representing the Applicant.

Ms. Ryan stated I am here to represent the purchaser of the property. Greg Thomas sold it to Ed Miller. Ed Miller obviously as you recall the name was Gregory Court and since Greg doesn't own it anymore Mr. Miller would like to change the name to Old Oakes Court.

Chairman Schech asked didn't we have a conflict with Old Oakes Court.

Rich Williams stated there was an issue about the Office of Emergency Management sent a letter to the Town saying that you know we didn't have a similar name with the adjoining fire district, or school district or the zip code but there is one in Phillipstown. I know it is far but it is the other side of the County. So, the Office of Emergency Management recommended against using the name Old Oakes.

Board Member Rogan asked how are they going to deal with Main Street. It is a noble attempt.

Rich Williams stated and I sympathize with them that if there was another name in Southeast, there was another name in Pawling, there was another name in Kent something that adjoined but a town that is across the County I think it is being a bit extreme.

Chairman Schech stated I think it is fine.

Rich Williams stated there is one other issue I did talk to Mr. Miller today who said he would prefer to take the 'e' out of Oakes.

Board Member Rogan stated okay no 'e'.

Board Member Pierro made a motion in the matter of Thomas Subdivision that the Planning Board permit a road name change to Old Oaks Court. Board Member DiSalvo seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	aye
Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Chairman Schech	-	aye

Motion carried by a vote of 5 to 0.

Ms. Ryan thanked the Board.

c. Fox Run Phase II – Opinion of Attorney

Mr. Donald Cappelino, Attorney for the Applicant was present.

Rich Williams stated we did get special Counsel concerning the issue of whether there were vested rights on the property. The Attorney did issue an opinion, the Board does have it. It was his opinion that they do not have vested rights so it is up to them whether they want to proceed with the application being reviewed by the Board knowing that you know ultimately the Board could not approve it unless there is a zoning change obtained or a zoning variance issued.

Mr. Cappelino stated well we haven't seen that opinion are they going to share that with us.

Rich Williams stated I have got to contact the Attorney, he did send a letter to the other Attorney's representing the application today, I believe it was today.

Mr. Cappelino stated it was yesterday saying that it is protected by Attorney, Client privilege but it is not up to him to waive the privilege it is up to the Board. We have been paying for this opinion. I don't know how it is fair to hold something like that.

Board Member Rogan stated we are kind of confused also.

Rich Williams stated I was directed by the Board to find out why.

Board Member Rogan stated because we think that it should be released as well so we are going to ask the,

Mr. Cappelino stated and I would like the opportunity to respond to it. I don't know what they said. There might be a misapprehension of fact or law that we might be able to straighten out. I have no idea.

Chairman Schech stated we don't either.

Board Member Rogan stated I am not in disagreement with you Sir so we are going to try and straighten that out.

Chairman Schech stated we will try to get that squared away.

Mr. Cappelino asked do you know when we will be hearing again I mean this I think we started this back in,

Board Member Rogan stated awhile ago.

Mr. Cappelino stated a long time ago and the concern that I have is that we were trying to meet with the Attorney, we finally were able to do it I think we did it at the beginning of June. I don't know what the date of his letter was but we found out about it by a chance meeting in the hall that I saw him in his office and he said I sent that up a month and a half, two months ago. That is how I found out that something was going on here.

Rich Williams stated that is partially my fault. I believe we received it in July and all I did was get the letter. I never got any instructions to re-schedule it for a meeting. I didn't know what the next step was and then finally I was contacted by the Attorney and he said put it on the agenda so I did then a couple of days ago it was well this is what you have to do next.

Mr. Cappelino stated we would like to have it, I believe my Client's funds have paid for that opinion, I think in fairness we are entitled to look at it and respond to it.

Board Member Rogan stated I agree with you.

Rich Williams stated I am going to call him first thing in the morning.

Chairman Schech stated we will check with him.

Mr. Cappelino stated I believe it is up to the Board to decide whether to release it not up to the Attorney.

Chairman Schech stated well we are paying the man for his opinion.

Board Member Rogan asked Anthony in a non-specific nature any comment on this not relevant.

Board Member Montesano stated he can't.

Anthony Molè stated I can't.

Board Member Rogan asked you can't even comment on,

Mr. Cappelino stated we are paying for it.

(Unable to hear Anthony)

Board Member Rogan stated I understand that you recused but even though you are recused from an application a non-specific question, a legal question with regards to if we pay an outside Attorney for an opinion why we as a Board would not be able to release that to the Applicant. I just think that is asinine. I don't understand it.

Anthony Molè stated it depends upon the nature of what the opinion is. In this case, it sounds like something that may very well be the other party should be privy to. I don't know what the opinion is and how it relates with the issue because I haven't studied it at all.

Chairman Schech stated Rich check on it and I am sure you will be getting a copy of it eventually.

Rich Williams stated honestly I don't understand it.

Mr. Cappelino stated if the Board is going to abide by the opinion and choose not to consider our application we need a denial because otherwise we can't get that, we have nothing to appeal from. So, we do need a denial I would obviously,

Board Member Rogan stated I understand. I would say next meeting one way or the other you are either going to get a letter or denial.

Rich Williams stated well that raises an interesting question and one that I posed,

Board Member Rogan stated we could deny it tonight based on the opinion.

Rich Williams replied well no you really can't. You really can't unless you go through the process. You have to take the steps of the process that requires you to do an actual full SEQRA review.

Board Member Rogan stated but based on the fact that you are given information that says you don't have the right to approve it why go through a process, I mean you could do the process all in one meeting.

Rich Williams stated but you can't. You actually do have to follow the process. You can't short circuit, you can't shortcut.

Mr. Cappelino stated no I mean if my Clients are asking for a certain number of units and you are saying that you don't believe that we have the right to do that deny us on that basis. Anything else is really abusing and having my Client spend thousands, tens of thousands of dollars for nothing. The process does not anticipate that my Client would have to do that.

Rich Williams stated I understand what you are saying but I still say the process is the process. There is a process laid out for the review and approval, approval with modifications or denial of an application and the Board is without opportunity to really vary that process. They can't skip steps.

Mr. Capelino stated this is not skipping a step. If in the process at the very beginning they learn something that if they chose to follow his opinion and his opinion is that we can't put that number of units there then they should say since that is the case we can deny it now. We don't have to do a full SEQRA and talk about traffic for the certain number of units when you are saying you don't have the authority to do that.

Rich Williams stated I don't agree because you do have opportunities to have other avenues. You can as they are reviewing the application, as they are going through the SEQRA process you can go get a zoning variance. You can get a use variance. You can go to the Town Board as part of the whole application and get a zoning change. You have opportunities.

Mr. Cappelino stated that is a perfect example when someone comes into you and needs a variance for something don't you deny them so they can go get the variance.

Rich Williams replied no they don't.

Board Member Montesano stated excuse me we are going to sit here and argue or try to get something straightened out that we can't. The only thing unfortunately that we have to do is get this opinion as to why we can't give you a copy of it and then what the process is we have to be guided by him. We can't deny something if we don't have it. The idea is if this is what the law says that we have to do you know we are under the obligation. It is your opinion versus his opinion. We have got to follow his opinion temporarily or until such time but we don't know what the opinion actually consists of. Do we have to say to you that you don't have the vested rights and what is the alternative. Does he have a statement in there that says you can't take the application that means we are back to square one. We can't accept the application.

Rich Williams stated understand they do have the opinion.

Board Member Rogan stated yes I was going to say the way Mike said that it made it sound like we didn't have the information contained within the opinion we do. We have a copy of it, we have the Lawyer's reasoning and explanation as to why there is no vested right. Board Member Rogan stated I agree with the opinion I just don't agree with not releasing it. I don't understand that.

Board Member Montesano stated I don't answer why we can't we release everything else. I haven't gotten a chance to look at it other than the envelope.

Rich Williams stated no that is not the opinion that is information supplied by Mr. Cappelino.

Board Member Montesano stated I realize that but I am saying I have this copy here and I have the opinion that I have to read.

Board Member Rogan stated just so we are clear the issue we have to resolve is to find out from the Attorney why this letter cannot be released or to resolve that so that it can be released because I think it absolutely should be released. I don't see any reason but then I am not a Lawyer. It does not make any sense to me.

Anthony Molè stated if I could just make a general comment for the Board to deny an application the Board would have to state its reasons for denying an application the reasons are based upon that letter so again I am outside of this but.

Mr. Cappelino stated I would hope that someone would bring some sense to it. If you would let us know thank you very much.

Chairman Schech apologized.

Board Member Rogan asked Rich when did the Lawyer say it could not be released.

Rich Williams stated he called me, no I guess he faxed a letter yesterday it must have been Tuesday, I was out this week so.

Board Member Rogan stated because obviously as of the work session we were releasing the letter.

Rich Williams stated listen I don't see any reason to hold back. I assumed that the whole reason that they do the letter was to provide an opinion. We got the submission from the of Counsel shortly thereafter I got a phone call which said don't release it. I said fine whatever but I was doing other things so I did not have a long time to talk with him, he was on the way out and I talked with him again this morning and he said don't release it and I said okay fine what are they supposed to do. He said I will get back to you and then he called me a couple of hours later and we had a conversation and he said this is what I want them to do. I will call him again tomorrow.

d. Donald King Wetland Watercourse Permit

Mr. Joe Buschynski, Bibbo Associates and Mr. King were present.

Chairman Schech stated I viewed it from the road I didn't get up there but it is challenging. Another one of those challenging sites. I don't know how you guys made out.

Rich Williams stated just to try to move this along I think the issue that the Board was a little concerned about was the road cut coming in and they were interested in perhaps an alternative where you had a shared driveway coming in off of the existing driveway. We were wondering if that would be possible.

Mr. Buschynski replied it is an alternate.

Rich Williams asked you can do that.

Mr. Buschynski replied yes.

Board Member Rogan stated let's do it.

Mr. Buschynski stated it is probably a little bit better grade condition. It is that much less disturbance.

Mr. King stated I suggested that initially.

Chairman Schech asked the grade on the present driveway what in the world is the grade on that about a twenty-five.

Mr. King replied forty-five.

Ted Kozlowski stated a lot of trees are holding that whole side up. I do not want to see all those trees removed.

Board Member Rogan stated I agree.

Ted Kozlowski stated just for the sheer of what they do to that hill and by removing them I think you are creating a lot of erosion issues.

Rich Williams stated I have been saying this is not a concept that usually is supported by the Board but in this particular situation.

Mr. King stated that is what I was told initially that is what I initially suggested.

Board Member Rogan stated you have to make it seem like it is our idea sometimes it always sound better (joking).

Mr. Buschynski stated I will put it together obviously I can't speak definitely yet.

Rich Williams asked let me ask this question that little finger going up Ted, that was all part of the stream. Do you remember the site.

Ted Kozlowski replied yes I do no that is why I am not so, I am concerned but I am more concerned my issue is not so much the stream. My issue is the hillside. The forested hillside it protects the stream it protects the road, it protects the slope whatever you can do to reduce the impact of the slope if that means that you have got to be in the buffer than you know but I think that forest purpose is greater.

Chairman Schech stated what is Harry going to say about that one now you are letting him go into the buffer.

Ted Kozlowski stated no this is quite a bit different from Harry, a major difference.

Board Member Rogan stated it is also a single lot. It is an individual lot.

Ted Kozlowski stated it is an individual lot yes but.

Mr. Buschynski stated we will prepare a grading plan.

Rich Williams stated with regards to the Erosion Control Permit I did mail out comments to your office I think the beginning of this week so you should have them.

Ted Kozlowski stated the other thing Herb, just so you know being up there the lay of the land is where that house is proposed is not I don't believe is in the watershed or the stream.

Chairman Schech asked where is the location of the old pool.

Mr. Buschynski pointed it out on the plan.

Ted Kozlowski stated when we were out on site that neighbor is actually affecting the stream more than anything. We spoke to him. He is a nice guy but we asked him to do some things while we were there.

Mr. Buschynski thanked the Board.

21) MINUTES

Board Member Rogan made a motion to approve the May 5, 2005, May 26, 2005, June 2, 2005, July 28, 2005, August 4, 2005, August 25, 2005 and September 1, 2005. Board Member DiSalvo seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	abstain from approving 8/4/05 & 8/25/05
Board Member Pierro	-	aye
Board Member Rogan	-	aye
Board Member DiSalvo	-	aye
Chairman Schech	-	aye

22) Site Walk Discussion

Chairman Schech stated site walks I am very confused.

Board Member Pierro asked Rich, what about the site walks.

Rich Williams asked what about them.

Board Member Pierro replied we had some discussion to do about the site walks.

Board Member Rogan stated Herb said in relation to the fee schedule.

Rich Williams stated there is some concern about the site walks and which site walks you are getting paid for and how many you are doing. The only thing I am recommending to the Board and I recommended to the Supervisor is that you have a policy about what you are doing as far as site walks and everybody knows what that is.

The Secretary stated and it is writing.

Board Member Rogan asked what I could not hear.

The Secretary stated that you set a policy and it is in writing.

Rich Williams stated and you work it out with the Town Board other than that.

Board Member Pierro stated then let's do it.

Board Member Rogan stated here is what it probably comes down to realistically if we decide that as a Board that it is important enough for us to waste our time to go out there to look at it then we put in to get paid for it and if we have to approach the Town Board about saying look you are putting us on this Board to make reasonable decisions, decisions that affect this Town. If we don't think that we need to go out, if it is a no-brainer we won't go out on it, if we do, we go out on it, we put in for it and we get paid for it and be done with it.

Ted Kozlowski stated I can't see how you can make decisions without going to these sites.

Board Member Rogan stated I agree. I mean in some cases obviously don't go out. We don't go out on sign applications.

Chairman Schech stated some we don't really have to go out but some I would like to see because you can't explain it to us some of these sites. Imagine trying to explain the first guy, Tronconi. Try to explain that one to me without seeing it.

Ted Kozlowski stated I want you guys to see Rizzo.

Board Member Montesano stated the problem we have is that the fee schedule does not allow when we have to go out to a site once and then something has changed if we go out a second time and then something else gets changed we go out a third time there is not sufficient financing charged to the person.

Rich Williams stated there is the ability to charge for the second site walk but we generally never do that. It is never brought up.

Board Member Rogan stated but you know what the reality is it is not even a matter of that it is a matter of the interest to the Town and what the heck we are trying to do here and I see it as a cost of business for what the Town is doing and for what we are doing for the Town.

Ted Kozlowski stated and you should be compensated.

Board Member Montesano stated the problem we are running into right now are these sites have to have more than one visit because the sites (too many talking at the same time unable to transcribe).

Board Member Rogan asked when is the next Town Board Meeting.

Rich Williams replied next Wednesday.

Chairman Schech stated I was going to stop by and see the Boss today but I got side tracked. Anyone want to stop by and see him on this.

Board Member Rogan stated I will stop by.

Rich Williams stated there are other issues.

Chairman Schech stated I would like his opinion.

Rich Williams stated a long time ago when I first got on the Planning Board the policy was you would go out and do site walks you would get paid for one site walk and we are out there and we are doing three, four, five, six site walks we are out there for half of a day. Some of these projects were fairly big so we went and worked out a policy with the Town Board that we would get paid for a maximum of 3 site walks on any given day that we went out doing site walks so that has been the policy. Now, we are backing away from that policy where there are days where the Board has been looking to get paid for 4, 5, 6 site walks.

Board Member Rogan stated but you know what we have not done 4 site walks on a day.

Rich Williams stated no generally you don't.

Board Member Rogan stated we really don't and Zoning it is not even the same issue. They go out they just did four the other night.

The Secretary stated but Zoning has only been going out more recently because of the Putnam Lake water issue.

Board Member Rogan stated the need is there for the Town that is the whole point.

The Secretary stated but otherwise there are many that they bypass over and the pictures are good but they are getting pictures.

Board Member Rogan stated it is also a different type of a review process.

Ted Kozlowski stated there are much more challenged sites now and the agenda that Richie is talking about three or four (hard to hear no microphone).

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

Board Member Rogan made a motion to adjourn the meeting. Board Member DiSalvo seconded the motion. All in favor and meeting adjourned at 10:05 p.m.