

APPROVED  
12/2/04 MAS

**TOWN OF PATTERSON**

**PLANNING BOARD MEETING**

**October 7, 2004**

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**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**Planning Board  
October 7, 2004 Meeting Minutes**  
Held at the Patterson Town Hall  
1142 Route 311  
Patterson, NY 12563

APPROVED  
12/2/04 MAB

Present were: Vice Chairman Mike Montesano, Board Member Dave Pierro, Board Member Shawn Rogan, Board Member Maria Di Salvo, Rich Williams, Town Planner, and Gene Richards, Town Engineer and Ted Kozlowski, Town ECI.

Meeting called to order at 7:30 p.m.

There were approximately 11 audience members.

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

Vice Chairman Montesano led the salute to the flag.

**1) Bri-Car Site Plan**

Mr. Paul Lynch, Putnam Engineering was present representing the Applicant

Mr. Lynch stated I am here to collect information and get familiarity with the project.

Board Member Rogan stated it seems like we are basically down to Gene's engineering comments. I have well you said you were not familiar with the project so maybe Rich you might know the answer to this when I was looking at Gene's comments and the map it talked about there being no means to access the well in the rear of the property yet I don't find the well shown anywhere on my plan.

Gene Richards replied it is behind the fence within the wetland area.

Rich Williams stated I think what Gene is referring to is an old well that is out there.

Board Member Rogan asked the one that is off the property.

Rich Williams stated and it is not shown on the latest plan but it is shown on one of the other actually, just to clarify we get a couple more sheets than you get.

Board Member Rogan stated when I was checking the plans I couldn't find it so I was curious.

Rich Williams stated but anyway there is a well I am not sure that is the one they are going to use or if they are going to use the one that is up front.

Board Member Rogan stated so then of course the obvious question would be what is the outcome of the well if they don't use it.

Rich Williams stated I think they need to clarify where the well is that they are going to use.

Board Member Montesano stated and if it is not the one that is shown on the,

Board Member Rogan stated the only one that I see on this plan is off the property it is on the neighboring property.

Gene Richards showed Board Member Rogan the well on the plan.

Board Member Rogan stated then the only other one is right here but that is off the property. So, we are just going to confirm which one we are going to use. It seems pretty obvious it is going to be the one up front but if that is the case then what are we going to do with the one in the back. Just leave it.

Rich Williams stated I don't know that we are using the one in the front now that I am thinking about it the one in the front is Lea-Rome.

Gene Richards stated no there is, Board Member Rogan stated there is two. They are maybe twenty, thirty feet apart.

Board Member Rogan stated then I just want to know if it is going to be officially abandoned filled with concrete or just left to be a point of contamination for some kids.

Mr. Lynch stated I will find out.

Rich Williams stated Mr. Chairman if I might, there were a couple of other issues. One of them has to do with the wetlands even though myself and Ted and Gary had met out on the site and came to some sort of agreement about what the level of impact that was going to be permitted out there in regards to the wetlands. There is still a finger of wetlands that comes on to the site that they are not showing a buffer around and that they are going to need to file a wetlands permit for.

Board Member Rogan asked so in other words, I think I see the wetland you are talking about it is a finger projection towards the building so the hundred foot buffer is going to mean that some of the parking lot will be within that buffer.

Rich Williams replied right we all agreed that it was a reasonable use of the site and we said there was going to be some loss of buffer and wetland out there but we still regulatory so to speak need to show it.

Mr. Lynch stated we will file that application.

Rich Williams stated and the other issue we talked about a little bit was the architecture of the building.

Board Member Rogan asked we don't have colors yet.

Rich Williams replied no we do have colors but they are still showing a metal sided building. Our Code does not generally permit a metal sided building we had talked about a hardy plank siding which other people have used on this type of building which would cover it up and create a much more appealing architecture style for the building.

Mr. Lynch stated I will find out the status of that.

Board Member Pierro asked we don't have a rendering of the,

Board Member Rogan replied yes it is on the plans. We looked at it last time with the cupolas.

Gene Richards stated Paul one thing I put it in the review that Dave just mentioned the rendering it would be helpful to the Board if you could give them a colored rendering of the building.

Mr. Lynch stated okay we will talk to them about color selections.

## **2) SOUTH PATTERSON BUSINESS PARK**

Mr. Paul Lynch, Putnam Engineering was present representing the Applicant.

Board Member Rogan asked Rich, if I remember at the work session the issue came up about verifying the wetlands if I am not mistaken that we wanted it flagged and confirmed.

Rich Williams replied right.

Board Member Rogan stated because we are not sure what the use for Lot 2 is going to ultimately be.

Rich Williams stated right and the Board came to a determination with Ted that they felt that the wetlands did need to be delineated in the field correctly verified by Ted and shown on the plan.

Mr. Lynch stated okay we will have someone go out and flag it.

Board Member Rogan asked have we done Lead Agent on this, SEQRA on this where are we at.

Rich Williams replied no we have not done SEQRA, we haven't actually really started the process because of the back and forth. The initial step is to declare it either a major or minor subdivision.

Board Member Rogan stated I think we can agree that this is a minor subdivision.

Vice Chairman Montesano stated it is two lots it is under four.

Board Member Rogan made a motion in the matter of South Patterson Business Park Subdivision application that the Planning Board determines that this project be classified as a minor subdivision. Board Member Pierro seconded the motion.

Vice Chairman Montesano asked all in favor

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

Motion carried by a vote of 4 to 0.

Rich Williams stated now in regards to SEQRA, the next step would be intent for Lead Agency however on this project we have DOT perhaps as an involved agency because of some access issues, Health Department the current septic is already existing and the new lot is greater than five acres so it is non-jurisdictional. We have Putnam County Division of Planning and Development but they are not really an involved agency, we always treat them as an involved agency with other individuals so this may be an application that the Board wants to do an un-coordinated review in which case we should just hold off on doing SEQRA until we do the public hearing. Then really what we are looking for at this step of the review process is an actual subdivision plat.

Board Member Rogan asked Rich, your first comment on the zoning for Lot 1 it being under this new plan, a pre-existing, non-conforming use of the site is that something that we address as part of this subdivision and accept it as just that, a pre-existing, non-conforming use he is not planning on doing anything with that lot.

Rich Williams replied it is just for the Board's information that I put it in the review memo. There really is no action or there is not really anything that you need to do.

Board Member Rogan stated because we are not further creating a situation here. We are not changing it. We are still meeting our bulk dimensional requirements with the lot.

Rich Williams stated correct.

### **3) TRIPLE J WETLANDS/WATERCOURSE PERMIT**

Mr. Paul Lynch, Putnam Engineering, John Petrillo, Jay Hogan, Applicant and Alan Pilch, Evans Associates were present.

Vice Chairman Montesano asked who is going to be talking.

Mr. Petrillo replied Allan from Evans Associates will give his presentation on the plantings and he can talk to you about the improvements that we believe that we will be making to the buffer area that be positive for this project and also for the wetlands itself.

Mr. Pilch stated what we have done is provided a revised mitigation planting plan for the stormwater basins which are proposed in Patterson. As you know in occurrence with discussions with the Planning Board and its consultants what we have done is move the basins (unable to hear) where the existing gravel path is. The gravel path represents soils which have been highly compacted just from farm equipment and the buffer is here, the wetland line is here. It is highly disturbed. It basically contains a lot of invasive species and between the invasive species that are present and the soils it doesn't really function at all as a normal wetland buffer would strictly due to the previous use of this property. The wetlands themselves actually there are three wetland types on this property two of which are slope wetlands, one of which is a stream side wetland and they are described in the wetlands report that was submitted by our office and what this report indicates is that the wetlands on the property actually do have according to the Hollands and Magee Method which basically evaluates various functions that wetlands have not the magnitude of the function but whether it has the potential to function for example; to provide ground water recharge or whether it seeps and provides base flow for wetlands themselves or whether it exports minerals. What it found was that the wetlands on the property actually do have relatively high values. Some of the functions are moderate but most are actually pretty high and that is how this rating system determined the wetland functions on this property. What we found also was the wetland buffer itself does very little if anything to support the wetlands functions that are here. Most of the runoff is not held back in the wetland buffer providing certain functions that it would I will say a wooded leaf litter that a wetland buffer might provide for example; infiltration to improve water quality is not performed here, as a wildlife habitat because there is a lot of invasive species. It is not a valuable habitat for native wildlife. So, that is the conditions that we find on this property. What these stormwater management basins planted like this in this form will provide are certain other functions that a I will use the term that a normal wetland buffer would perform these include; water quality improvement because stormwater basins will trap sediment pollutants from the stormwater runoff, it will also provide because it will be re-planted with native tree shrubs and ? species will actually improve the wildlife habitat. These are some of the functions and some of the advantages that this mitigation plan will perform. I will leave it at that right now but that is basically what as I said the mitigation plan does perform. It actually will provide benefits that a natural wetland buffer would perform something that is not being performed on this site. It will augment and help support this wetland.

Ted Kozlowski stated you have to submit these plans.

Mr. Pilch stated yes we know.

Ted Kozlowski stated you have to submit the plans and we would like in addition all this information that you are talking about that has to be supplemented to the application package if that hasn't already been done. I would like to thank you for doing the work that we asked you to do. Just a couple of questions; are you going to bring material in, in addition to what is already there, soils and raw materials to create this or is everything that is going to be created is already existing on site. Are you bringing in fill.

Mr. Lynch replied I think we have a pretty well balanced project. So what we are excavating on the Southeast side for the road, you come in right along Welfare Road we are actually widening Welfare so that material that we are taking out we will use.

Ted Kozlowski stated where I am going with this,

Board Member Pierro stated if any other fill is brought in we have to know where it comes from.

Ted Kozlowski stated yes that is true Dave but where I am going with this is I haven't studied the plan because this is the first time I am seeing it. I like what I see from this distance. I also like what Beth Evans Associates did at the A&P. The problem with all of these is the follow up and the years after it is completed to make sure that it stays as nice as it is. I asked about the fill coming in because I don't recall seeing phragmites out there and that is the one thing I don't want to see coming in here. So, the issue is and I think one of the conditions of this permit is once this is constructed for a period of time I would like to see it maintained so that those plants that are put in have a fighting chance all right and that the wetlands, the functions that you elaborated on are maintained for that brief period of time because you are going to be taking landscape plants and putting it into this environment we need to just make sure that it is continued on. I don't personally have a problem with what they are doing here. I think it is a betterment but the issue is we see what is going on with the A&P with the phragmites and the maintenance we just need, I am glad you are not bringing in material and if there is phragmites in the area eradicate it before you spread that around with this plan.

Mr. Pilch asked are you looking for in terms of maintenance a (unable to hear) plan as well.

Ted Kozlowski replied I am not looking for a big expense here I am looking for somebody to just come in afterwards, after this is done, the houses are built that the integrity and that the intent of this plan is followed through until at least these species of plants have established and have taken over the site. What we don't want is it turning into a big huge weed mess and that is the one the only fear that I have everything else I am sure the Applicant is going to follow through on what we ask him to do here but it is just a precaution.

Rich Williams stated as part of their stormwater regs you are going to have to have a maintenance plan for it. It is going to be part of the Stormwater Pollution Prevention Plan and as part of the new stormwater requirements the Town is going to be obligated to monitor it.

Board Member Pierro stated my only concern is after this project is built and possibly John sells this house that he is building there that the next owner doesn't go in there and try to make it better or alter it.

Ted Kozlowski stated I think the owner of that house and I know it is going to be John for the first two years whatever that owner does he is in the buffer zone or she.

Board Member Pierro stated and that is going to require a permit to go in there.

Ted Kozlowski stated yes whatever they do is going to require a permit and we are just going to have to you know like everything else we have issues.

Board Member Pierro stated eventually we are going to put into place a procedure someone from the community or the Town is going to be inspecting these buffers.

Ted Kozlowski stated it is critical to get this established because that would add to not conducting the future owner after John to go in there and try to make it better because if it does turn in to a weed pile, if I was the homeowner I would probably find it objectionable and I would probably want to do something about it so it is critical that this site, it is very nice on the plan let's hope it stays that way in the field for a period of time.

Board Member Rogan stated we have not been involved in this subdivision process obviously to the extent that Southeast was but what is the constructing phasing as it relates to that house and those ponds. I mean I am assuming that the ponds have to be completely built and all that in before a building permit can be obtained for the house.

Mr. Lynch stated the ponds will be built first they have to be in place and stabilized. It is mandated by the City of New York in terms of them accepting our Stormwater Pollution Prevention Plan they want those ponds in place and stabilized before any of the real work takes place on the property.

Board Member Montesano asked has the City responded in any way, suggested in any way about are they going to come in and look at these ponds.

Mr. Lynch replied they will come in during the course of construction yes.

Board Member Montesano asked and after the construction is completed they are done.

Mr. Lynch replied they sign off at the very end after everything is built and stabilized that is when we get their blessing.

Board Member Montesano asked so there is no future from New York City ever walking in and saying they want to inspect it. I am just saying.

Mr. Lynch asked in other words ten years from now.

Board Member Montesano replied yes in other words,

Rich Williams stated let me jump in there, do they have inspectors that go around inspecting these things absolutely. There is no regulatory requirement that they inspect it with any sort of frequency. Actually there is now a regulatory requirement that the Town setup an inspection and maintenance program where,

Board Member Montesano stated what I am getting at basically is New York City comes in and they would like to have things done for the protection of their water, I would like to know how much of protection they worry about after the fact. The initial investigation is performed are they going to come around every five years, ten years but we don't have a definite time period for them.

Rich Williams stated the way it looks like it is laying out right now is the Town is going to be doing the inspections. There is probably going to be some sort of reporting requirements that we are going to have to meet. They will be forwarded to the DEC. They will probably also end up in the hands of the DEP so the DEP will be looking over the shoulder of the Town.

Board Member Montesano stated so basically we are footing the bill, we are sending them the reports, etc thank you.

Board Member Rogan stated well you made our Wetlands Consultant happy I suppose that is in a way more important than making us happy because we rely on him for these sorts of things. Rich, what is our next logical step here to take I mean do we have Ted review these plans.

Rich Williams stated if Ted is comfortable that the application is complete then the next step would be the public hearing. If he wants to review the plans before deeming it complete.

Board Member Rogan stated I would like Ted to review them to do a fine review of them.

Ted Kozlowski stated sure.

Rich Williams stated Mr. Pilch you will submit a pre-requisite number of copies to Ted and the Board actually just send them into the office and I will get them to Ted.

Ted Kozlowski stated just remember the time frame.

Board Member Pierro asked can we set the public hearing now in anticipation of Ted's future approval.

Ted Kozlowski stated I don't have a problem with that I think the Applicant will follow through. You can always cancel the public hearing if it is not followed through.

Board Member Pierro made a motion in the matter of Triple J Wetlands Watercourse Permit application that the Planning Board schedules the public hearing for November 4, 2004 if Ted approves the application being completed. Board Member Shawn seconded the motion.

Vice Chairman Montesano asked all in favor

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

Motion carried by a vote of 4 to 0.

Board Member Rogan asked I don't understand why we are reviewing this it seems like it has been a long process that you guys have gone through and this portion of it to me seems so crucial to the project that quite honestly if this Board sat here and said you know what lose the house and pull them out or you are not getting the basins in here you are telling us that is the only place that this water can flow to without the stormwater you don't have a project so to me it almost seems like it should have done here first and then gone to Southeast so I guess I am confused with that part of the process.

Mr. Lynch stated it is because of the mechanism by which the Department of Environmental Protection reviews the project. They changed the design parameters for our pollutant loading calculations. They have gone from they call it the Tyrine Method which has lower ratings for phosphorus loading (unable to hear the rest of his statement). They required us to use commercial standards and commercial standards depending on soil types could be anywhere from .8 to 1.2, (unable to hear, no microphone). If we were allowed to use the Tyrine Method we probably would have only had two or three ponds not four and it was due to that going back and forth with the City of New York. We had two ponds, we had three, and we were up to five it was just getting bounced back and forth.

Mr. Petrillo stated and at the time the City of New York lost the entire folder. We had our copies.

Vice Chairman Montesano stated we had a motion on the floor for a public hearing do we have second on that.

Board Member DiSalvo seconded the motion.

Vice Chairman Montesano asked all in favor

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

Motion carried by a vote of 4 to 0.

Board Member Rogan stated I also appreciate the work to satisfy Ted.

Mr. Pilch thanked the Board.

#### **4) THOMAS SUBDIVISION**

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

Board Member Pierro stated Mr. Chairman if I may, sixty percent of the way through, this is only for the edification of the audience and to put it on the record, sixty percent of the way through this project after a lot of work by this Board and Mr. Thomas's Consultant I found out that the Broker whom I work for got the listing on this project and I think I had a lot of input in this project and I think it is going all very well, I just wanted to put on the record that I work for Houlihan Lawrence that has the listing on this and in that regard I am not going to recuse myself on this matter because I think I put a lot of honest effort into it and we did it the right way and I applaud Mr. Thomas for his efforts on doing a good project but I am not going to recuse. I am going to let the public know and put it on the record that there is a possible involvement there. I don't have to seek approval for every listing that my Broker takes while I am on the Planning Board but I am just putting it on the record thank you.

Board Member Pierro stated and with that we are going to throw a curve ball Mr. Thomas. You named the road Devan Court the Board has a concern there because right around the corner we have a Devon Court and we are concerned about any possible confusion between emergency service units in the area that there may be someday some confusion in an emergency response. The other issue is our Town Code specifically says we would like or we require I think that is what our Code says we require historical names to be placed on new subdivisions.

Ms. Ryan stated we checked into that, we checked with the Town Historian and he didn't know of any historic sites in that area.

Board Member Rogan asked do we have a Thomas Lane yet in Patterson, why not name it after yourself.

Mr. Thomas asked we have time for that right.

The Board replied yes.

Board Member Rogan asked what is your wife's name.

Mr. Thomas replied Alyssa.

Board Member Rogan stated Alyssa Lane.

Board Member Pierro stated I think that was the intent of the law to get away from that.

Rich Williams stated well let me write a letter to Larry Maxwell and see with what I can come up with.

Board Member Pierro asked who did you check with Theresa.

Ms. Ryan replied Larry.

Board Member Pierro asked and he had no clue.

Ms. Ryan replied he said that as far as he knew there weren't any structures or well known people in that area or any historical significance.

Mr. Thomas stated we would like to have an opportunity though to name it.

(Too many speaking at the same time unable to transcribe)

Board Member Rogan stated I remember at the work session a lot of talk about the conservation easement, covenants and honestly I will say right up front I still don't quite understand the problems. I read through the lawyer's memo real quick so long as we maintain the intention of the Board protecting some land. What is our logical way of solving this.

Rich Williams stated we had proposed making sure that the land stayed in its natural state through a conservation easement. It gives the Town certain rights to go on and inspect and it gives the Town a little bit more in the way of enforcement capabilities. The Applicant's Attorney had come back and said well there is some certain liability issues with that and nobody else really does it. I sat with our Town Attorney and talked about it a little bit and he actually sided with me that the Town would be better served with a conservation easement however there is some language within the conservation easement that I drafted that probably could be softened to alleviate everybody's concerns so at this point Anthony has sent a letter to the Applicant's Attorney suggesting that they get together and work the issues out.

Board Member Rogan stated that would be great. I would like to get you moving forward with this and done I am sure you are anxious.

Mr. Thomas stated very.

Board Member Pierro asked how much turn around time can we expect on this, can it get handled by the next meeting.

Rich Williams replied it is two attorneys.

Ms. Ryan stated I think after the last meeting we turned it around pretty quick and I think we had been waiting quite while for a response from the Town Attorney so we don't know how long.

Mr. Thomas stated I spoke to my Attorney, Bob Lusardi and he said that he will have a letter I guess Anthony is away and he won't be back until the fourteenth, he said he will have a new agreement drafted for review by him when he comes back. He was hoping for a quick turnaround time at that point so we could hopefully get it wrapped up by the next meeting.

Board Member Rogan stated great because we have done a public hearing, we did that,

Rich Williams shook his head no.

Ms. Ryan stated not a final we did a preliminary.

Rich Williams stated you either have to set a public hearing or waive the requirement.

Board Member Rogan asked in the initial public hearing well let me put it this way, has the layout of the lots changed since the initial public hearing because I know we did move things around.

Ms. Ryan replied not significantly. It was only moved around after the site walk comments and the lot count hasn't changed and I don't believe that anybody even spoke at the last public hearing.

Board Member Rogan stated I don't think I remember any. I don't have any problem waiving it on the other hand if we set it for next time anyway we can hold it if nobody says anything and we have given the chance too so it does not hurt anything to have a public hearing next time with the exception of having to send out the notification.

Ms. Ryan stated the only exception would be that if the Board was amenable we really have addressed most of the comments and Greg has done everything pretty much that the Board has asked him to do. We are very close to getting an approval from the DEP, right Joe (referring to Joe Zyminisky, DEP in the audience). We have the submission into the Health Department and there were some minor comments from them. I know that the bond needs some additional revisions we have to add some stuff because we expanded the construction sequence quite a bit and in doing so we added some more erosion control devices however we also included work that we are going to do in the DOT right of way which we are going to deduct from the bond so it is going to be maybe a couple of thousand dollars difference. It is not going to be that significant. So we were really hoping that we could get a conditional final tonight on condition of working out,

Rich Williams stated that would not be my recommendation.

Ms. Ryan stated condition on working out the conservation easement,

Board Member Pierro asked excuse me Rich,

Rich Williams replied Mike was looking at me I said it would not have my recommendation not without the final engineering I know Gene's memo there were a number of engineering issues that still needed to be addressed and not without the conservation easement worked out.

Ms. Ryan stated well Gene's comments were mostly which I don't know you can disagree if you like but when I read it, it was mostly a lot of changes to notes mostly, would you agree, very minor plan changes and adding a detail and mostly it was note changes in the construction sequence.

Gene Richards replied I think most of my comments were focused on the new information that was presented that we had not seen before and just in going through that there were a number of problems with that that had to be clarified.

Ms. Ryan asked and most of that was dealing with the construction sequence notes.

Gene Richards stated the plan notations, there is details, there is things that are involved in that work that would have to be reflected on the bond calc that were not in there before and I can't say that there is things in the bond calc that were related to the DOT work maybe there were maybe there weren't.

Ms. Ryan replied there were.

Gene Richards stated I don't recall that.

Vice Chairman Montesano stated I would like to see the conservation easement get worked out. If we are going to not have a second public hearing.

Board Member Pierro stated I have no problem waiving the public hearing but I would like to see the easement.

Board Member Rogan asked can we get this lined up for next meeting so it is done.

Ms. Ryan stated it sounds ideal.

Board Member Rogan stated I hate the idea of putting people off for another meeting but people that are professionals have concerns, you have come along way let's finish it right and be done with it.

Board Member Pierro made a motion in the matter of Thomas Subdivision that the Planning Board waives the requirement of scheduling a public hearing on the final subdivision. Board Member Rogan seconded the motion.

Vice Chairman Montesano asked all in favor

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

Motion carried by a vote of 4 to 0.

Ms. Ryan thanked the Board.

Mr. Thomas thanked the Board.

## 5) T & T ASSOCIATES SITE PLAN

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

Board Member Rogan stated Theresa, as luck would have it I visited this site on this past Sunday because I was not available to do the site walk with everyone else. When I pulled in the driveway there was someone pulling out and as luck would have it there was not really enough room for the two of us to pass on this roadway and I know the Board at the work session had a concern about the width and I know that the Applicant certainly wants some of that waived the requirement. At the work session I know Herb was really determined to get at least to our minimum standard I think we were talking like,

Vice Chairman Montesano stated eighteen feet.

Board Member DiSalvo stated I thought it was sixteen.

Rich Williams stated we were kicking around eighteen feet.

Board Member Rogan stated and I can understand from the new road that was put in we are really only talking about I don't know two hundred feet give or take so I guess you can make the argument either way. If it is only two hundred feet why does it matter but if it is only two hundred feet why not do it to the proper width.

Board Member Pierro stated we are going to have to blacktop the area down below where the spaces are anyway, that has got to be expanded so a good portion of that is going to be paved to get those spaces done so.

Ms. Ryan stated we were proposing to widen it up this way though into the embankment.

Ms. Ryan asked and the width you want.

Board Member Pierro stated we would like to get eighteen.

Board Member Rogan stated I don't honestly remember there being a whole lot of other concerns at least from the Board that we talked about. I am pretty happy with what you are showing.

Ms. Ryan stated Gene mentioned in his memo that he would like some input from the Board on the lighting to see if that is okay, the proposed lighting.

Board Member Rogan stated that is a great question what is the proposed lighting, a light pole.

Ms. Ryan stated we had a detail on it.

Board Member Rogan asked how many lights are we are only talking about,

Ms. Ryan stated there is two light poles.

Board Member Rogan stated I am comfortable with that. There are two lights they are only twelve feet tall, it is down lighting I am fine with that.

Board Member Rogan stated interestingly enough the concrete that goes into the base of these lighting posts it looks like based on the detail and what I just saw the other day it doesn't require rebar to put into the sonnet tube because up at Home Depot, right out in front of the new Michael's somebody backed into one and the whole thing snapped off right at grade, concrete and all and was laying over and I looked at it and it did not have any rebar in it at all. It seems kind of weird.

Vice Chairman Montesano asked is that a safety feature built into them.

Board Member Rogan stated I thought for sure there would be two pieces of rebar at least up through there so I was curios.

Gene Richards stated they make like a hoop, a circular section and rebar that goes down into the sonnet tube. (unable to hear the rest of his statement).

Gene Richards asked Theresa, did you have a detail on the plans for the lighting or.

Ms. Ryan replied yes.

Board Member Rogan stated yes it is on the second page.

Board Member Pierro asked Rich, did we do SEQRA on this.

Rich Williams replied no we have not done anything, we have to do a public hearing.

Ms. Ryan asked and the Board can decide whether they want to do a coordinate or un-coordinated on this one.

Rich Williams replied it is similar to the other one there is no state involved agencies, septics are all existing.

Board Member Pierro asked can we do that tonight to move this project along.

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

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

Vice Chairman Montesano asked on those lights you have got a future parking area now if that was ever put in there would be no lighting in that area.

Ms. Ryan stated we could show future lighting.

Board Member Pierro made a motion in the matter of T & T Associates Site Plan that the Planning Board conducts an un-coordinate review and schedule a public hearing for November 4, 2004. Board Member Rogan seconded the motion.

Vice Chairman Montesano asked all in favor

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

Motion carried by a vote of 4 to 0.

Rich Williams asked and issue a negative dec.

Board Member Pierro stated and issue a negative dec.

Board Member Rogan asked you have to do your determination prior to a public hearing.

Rich Williams replied you don't have to. There is no set procedure about exactly when in the process you have to do a SEQRA determination other than you have to do it early on.

## 6) PERENTI SITE PLAN

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

Ms. Ryan stated the Applicant Martin Perenti does not own the property he is contract vendee and if he purchases the property what he proposes to do is have a retail landscaping masonry supply place there and as you can see on the layout we show a 1,800 square foot building for retail use. There is a stockpile area in back, next to it he would have a stockpile screening area and just have six bins adjacent to those to store masonry materials, topsoil, and mulch that type of thing. The rest of this area would be for circulation and parking and we also set aside some area for stormwater basins and possible septic expansion. The existing house in the front will be used for office for the retail use. It has a septic area in the front and a well in the back. We had a wetland consultant come in and flag the wetlands and based on documentation that exists on the property in this corner right here we estimated where that was instead of survey locating it. We wanted to minimize the expense to the Applicant until he actually purchases the property so basically we are here tonight to get some feedback from the Board to see if this is a use that they would like to see here. It is permitted in this zone but it has residential on either side of it.

Board Member Pierro asked Ted do you have any recollection of marking those wetlands.

Ted Kozlowski replied no I haven't seen it.

Ms. Ryan stated the flags are out there. Basically, what is happening here is this is on a relatively flat area then it drops down really quick behind this and then there is a break in the grade where it ends up being really flat before it gets to the (unable to hear). This wetland limit line is just below the break in the grade.

Board Member Rogan asked so in other words from the wetland towards the proposed building it goes up gradient rather quickly.

Ms. Ryan stated it is very steep.

Board Member Rogan asked you had said that the existing residence would be converted to office space as part of this application so we would not have the zoning issue then with the non-conforming use.

Rich Williams replied right.

Board Member Rogan asked what about the screening of topsoil area, an area setup for screening topsoil, actually a processing action does that fit into a retail zoning area that sounds more like an industrial. It sounds like something that would not fit into that, Rich.

Rich Williams replied I think that is the question.

Ted Kozlowski stated that question was brought up remember with the Kessman's site with the wood chipping operations and that being in a residential zone and the possibility of air borne contaminants in the residential area so I think you could define the screening a little bit better. I mean is this going to be compost.

Rich Williams asked can we just clarify we are not talking about manufacturing topsoil, you are talking about screening it correct.

Ms. Ryan replied that is it.

Board Member Rogan stated it runs through a screening machine right.

Ms. Ryan replied yes.

Board Member Pierro stated I am concerned about noise and truck traffic. We are talking about large vehicles, twenty yard dumps coming in to drop off this material.

Board Member Rogan asked what is this right off 311.

Board Member Pierro replied yes.

Board Member Pierro asked is it next to Sprague's house.

Rich Williams replied yes.

Board Member Rogan stated it does not look like you will even be able to see this building from the road.  
(TAPE ENDED)

Board Member Pierro stated to be honest with you Theresa, I have only been on the site once we have to go take a look at this but my gut feeling is it is too close to residential to have this type of operation.

Board Member Rogan stated but the flip side is if it is zoned retail then either we need to look at it as retail or we need to re-zone that lot because if it is too close to residential then it shouldn't be zoned retail so you can't have it both ways the way I am looking at it either. I think there is retail operations that can sit along side of residential housing. I can't say that I am opposed to it since it is zoned retail. I could say that if it is a use that does not fit maybe we need to look at another retail use or look at re-zoning the lot.

Board Member Pierro stated I am not so much opposed to the retail use I am opposed to the screening operation.

Board Member Rogan stated it sounds like more of an industrial use.

Board Member Rogan stated Rich's memo brings up a lot of good points. You are not even beginning to show the amount of parking that would be required for this size building on the plan. You don't have the room for it. So, if you are talking about a retail operation but yet only showing eight spots I can't really see it from here. It sounds more like a contractor's yard.

Vice Chairman Montesano stated they are not showing anything here.

Board Member Rogan stated oh, those are bins.

Vice Chairman Montesano stated you are limiting the width of this road because of the restraints that you have here, twenty-two foot wide, 311 is a wide enough road and you have got tight traffic when those trucks come down especially they are going to come down loaded no matter which way they are going to come across. They are going to come off of 84 through Town. That is a twenty-four foot road there and it is tight. You are making a road here for twenty-two foot wide that means you are going to have a traffic person sitting there directing because the two trucks are going to come together.

Ms. Ryan stated we could make it twenty-four feet but then you are up against the foundation of the existing residence. It is only like two feet off the existing residence.

Vice Chairman Montesano stated then there is a problem with that you have to deal with.

Ms. Ryan stated and we also showed it ten feet from the property line the other thing we could do is move it over closer to the property line but the requirement,

Vice Chairman Montesano stated you can't do that with the fact that there are other residences.

Board Member Rogan stated you are encroaching on the neighbor.

Board Member Rogan stated it sounds like the concerns are pretty clear if it is something that we want to certainly identify what the processing is, what constitutes, what kind of noise levels they put out because the idea of screening the topsoil does not sound like it fits into a retail situation. Retail is things are already delivered, you go and buy them they are not made on site with the exception of restaurants of course. I think we need to go take a look. I have got some reservations I don't know how Herb feels on this.

Vice Chairman Montesano stated my opinion is we have a problem there. It is zoned for that we have got to go take a look at it either they have to down size if they want to put it in there because apparently the shoe isn't going to fit there even if the clock strikes midnight.

Board Member Rogan stated this may not be the best site for this operation there may be another site that fits very well to it maybe this is the site that would better fit another type of retail operation but not having even been out there yet. I would like to go take a look at it.

Vice Chairman Montesano asked if we go out is there anything you would like staked out to get a better view.

Board Member Pierro stated the center of the building.

Ms. Ryan stated there is an existing driveway there now.

Board Member Rogan asked are we okay to go out there.

Ms. Ryan stated I believe it is in the application the owner signed the authorization.

Vice Chairman Montesano stated I would like to see the proposed building, the centerline for the driveway.

Ms. Ryan stated the driveway is there.

Vice Chairman Montesano replied I know but I want you to put a stake so that we could see where the twenty-two feet would be, where the twenty-four feet would be.

Board Member Rogan stated so you don't want centerline you want the peripheral edges of it.

Vice Chairman Montesano stated well the centerline would give me, if I say the centerline of the driveway they are proposing a twenty-two foot driveway so I can take a ruler and measure that if I had to.

Rich Williams asked Theresa, is the current driveway in the center of the proposed pathway.

Ms. Ryan replied not really.

Rich Williams asked does it show on that.

Board Member Rogan stated the main squeeze is right between the house and the property line let's make sure the property line is staked how about that, give us the property line we are going to see the distance between the house and the property line.

Vice Chairman Montesano stated I would like to see the proposed bins some kind of marking of all of them the twenty by thirties and the proposed topsoil screening area which I dislike the idea of screening because with the wind going in the right direction I think the people here are going to have a problem.

Ms. Ryan stated the topsoil screening is typically not very noisy (unable to hear the rest of her statement).

Board Member Rogan stated there is one I am thinking down in Mahopac over on Secor Rd.

Ms. Ryan thanked the Board.

## 7) MINUTES

Board Member Pierro made a motion to approve the August 26, 2004 minutes and September 2, 2004 minutes. Board Member DiSalvo seconded the motion. All in favor and motion carried.

## 8) SITE INSPECTION COMMENTS

### a. Mezger Wetlands/Watercourse Permit

Board Member Rogan stated let me say something on Mezger since I was not out there when you guys went to it. First of all I had a hard time finding it because I did not know where the site was in relation to the subdivision, Deerwood. I had never driven into Deerwood either and I was glad I wasn't on the Board when that got approved because that is a tough subdivision. Mezger it appeared to me when I walked out there, there is no doubt that there is a lot of water on that old roadbed but there is also no doubt that a lot of water is coming from post-development from Wyndham Homes, Deerwood so I guess the question I would pose does one person's development of a lot causing harm to someone else's property not allow them to proceed on building. I don't know what the answer is but I would like to see it looked at a little closer how that water is flowing through there. I didn't see a problem with crossing the stream right by the road. It is channelized it comes out of the ground right up on the neighbor's property in fact it goes underneath their yard at one point. I don't know if it is piped or not but I didn't see that as being a big hurdle. The rest of the way there is a concern obviously that there is riprap that was put onto that old road bed that shouldn't be there or whatever I don't know whether the engineering showed it.

Board Member Pierro stated I agree with you Shawn but my problem is that riprap swale is right up against the property line and it was not disclosed during the Deerwood process that that was a farm road and that it even existed there so my feeling is we have to get the Deerwood folks and I know Rich Williams has had some conversation with their people in that regard. They may possibly have to move that swale because Mr. Mezger is out of luck if he can't use that portion of the,

Board Member Rogan stated well if it is just a riprap swale there is probably some engineering that could be done along there to pick up that water. I don't know where the wetland delineations are but the old road bed to me it is pretty obvious that it was a used road at one time. I think it is much wetter now than it probably was twenty years ago because a lot of the development. You are taking water from an entire subdivision or at least a good portion of it and putting it to the backside to that property. Ideally we would like if they could get an easement or something from the cul-de-sac. The cul-de-sac is three hundred feet off the property but I understand that the property is already sold to a private individual so.

Board Member Pierro stated it may not have changed title though.

Board Member Rogan stated it might be up to the Applicant to approach that.

Ted Kozlowski stated the only thing Shawn on your observation I have no doubt that there is more water on that road however when we looked at it closely with the Applicant's own consultant there is a predominance of wetland vegetation established in that area that does not happen overnight. That did not happen after Deerwood was developed. What the situation is is that Deerwood affected that portion of wetland on their site, how it escaped us was we simply missed it and it was less than two acres in size because at the time Deerwood was approved the threshold was two acres so anything under two acres was ignored. The wetland flowed from the Deerwood site through that and into and then eventually on into Bog Brook. The consultant also agreed that it is not just a wet road it is a wetland.

Board Member Rogan stated a lot of questions that need to be answered on this one. It is not as clear cut.

Ted Kozlowski stated there is a second stream channel just beyond that wetland.

Board Member Rogan asked was it past the riprap.

Ted Kozlowski replied yes

Board Member Rogan stated because I actually walked past the site at one point.

Rich Williams stated it is right there at the riprap. On the other side of the wall there is a stream that starts up that is where that stormwater from Deerwood is supposed to be discharging to. What they are doing is just kind of letting it go. There is no really well defined channel from the riprap channel to get to that stream. It kind of ponds up in that road bed area.

Board Member Rogan stated you could ask the question is it good engineering to drop water from stormwater basins out very close to the edge of your property where it may affect the neighboring property owner and I would probably say no. I mean we have a concrete spillway that is twenty-five feet, twenty feet from the roadbed. The water that comes over that is going down on to that old roadbed and it has a negative impact on the ability to use that roadbed so,

Board Member Pierro stated the ability to use that lot is because there is no access.

Board Member Rogan stated the lot was used let's say I don't even know how many years ago was there a house on that lot didn't the guy use to drive back there.

Rich Williams stated no that was, Ted Kozlowski stated that was an illegal house. Rich Williams stated a guy went and cut some trees down and built a log cabin.

Ted Kozlowski stated he was trespassing on the property.

Rich Williams stated well I would not go that far he had the owner's permission but there was another house out there some of you saw the old stone foundation I think that burned down in the mid eighteen hundreds.

Board Member Rogan stated I think there is a lot of questions. I am not going to right off the bat say I think that there should be no way this person should be able to utilize that roadbed. There is a lot of concerns out there but I think there are a lot of things that are being unfairly put onto this roadbed and I would like to re-walk out there with you Ted and just take a look at what you are seeing because I did not see the same wetland concerns right on the roadbed. I saw standing water but I saw water being funneled onto an area that has rock walls that are higher than grade so it is a big ditch of course it is going to be full of water and of course after ten years, five years it is going to have wetland plants but it may just be poor drainage.

Vice Chairman Montesano stated another question was where was his right of way to access that property, did it come through.

Ted Kozlowski stated Shawn, don't forget that was only created this year. That whole riprap and that detention basin was created this summer so it is not like this had been going on for a long time.

Vice Chairman Montesano stated we still have a question on where that right of way is, did it come through Deerwood property originally.

Rich Williams stated I gave, Board Member Rogan stated I have not had a chance to look at it, Vice Chairman Montesano stated I am just saying that was another question that was brought up.

**b. Woodward Subdivision Site Walk Comments**

Rich Williams stated again, it is just the site walk comments

Board Member Rogan stated most of you probably know but Rich and I met out on Woodward after I did my own site inspection on Sunday and we found a really interesting, the stream that comes out of Wilbur-Herlich lake goes underground right near Woodward's site because I had said to Rich you must have gone over and looked over at the stream. He said it was bone dry and sure enough when I went out there it was it was dry. I couldn't believe it, off to the right where the water goes under the bridge that is about an eight or ten foot wide stream corridor. It is an established streambed and so I walked a little bit upstream and about a hundred or so feet upstream it is has got to be what would you say six foot wide flowing water and goes right underneath a big slab of ledge and goes underground and it doesn't crop back up until 311 and so we put a little tracer dye in there to test it to see where it was coming up and sure enough it took ten minutes. There has to be a huge cavern underground where the water must pool.

Rich Williams stated right at 311 where it was bubbling up and we thought it was coming, (unable to hear the rest of his statement).

Board Member Rogan stated and so that obviously has to be treated as a stream corridor. The other areas of the site there is clearly a lot of water coming off that hill. I was commenting to Rich about the base of the trees. The buttresses were evident.

Ted Kozlowski stated there are seasonal stream channels all over the place.

Board Member Rogan stated I would say there is probably three or four intermittent streams on that lot that need to be located on the plans and dealt with. I don't know if I would go so far to call the whole lot possible wetland area but it is definitely an intermittent stream.

Ted Kozlowski stated there is intermittent streams and there are wetland pockets throughout there and that site has a lot of runoff coming down.

Board Member Rogan stated it has a ton of runoff coming off and that is going to have to be addressed on the high side. Other than that, a gentle grade, the area that they are proposing I don't like that the houses are so darn close to the road especially it being 311 and such a busy street but I would not want to have to pull out onto 311 on that road. There aren't many houses there if you look at it up in that section that pull out out onto 311 because of the speed of the traffic through there. Sight line distance from the proposed road I thought was fairly good but for the speed I am not sure now. The lower lot was closer to that blind corner but it is something we will have to see on paper and deal with.

**c. T & T Associates Site Plan Site Walk Comments**

The Board stated we already went through that.

Rich Williams stated there were some site walk comments.

**d. Telecom Site Plan Site Walk Comments**

Board Member Pierro asked Ted were you able to issue a violation there.

Ted Kozlowski replied no I was waiting for the Planning Board meeting for a discussion. There is a clear wetland violation there. The gravel drive is in place right on top of the wetland edge. There is a dumpster there. Obviously, a vehicle was dragged through the wetland they even put some riprap stone so they would not sink in the muck. There has been no wetlands permit applied for or issued for any of that work.

Board Member Pierro asked have we made contact with them and made them aware.

Rich Williams replied they are here tonight.

Board Member Rogan stated I am drawing a complete blank on this project, Telecom.

Board Member DiSalvo stated on 22 next to the antique place.

Ted Kozlowski stated almost on the Dutchess border.

Gene Richards stated next to Don Flood.

Board Member Rogan asked is that the one we just visited.

The Board replied yes.

Board Member Rogan stated so we are talking about the wet area right off the pavement. They had a nice footbridge there though.

The Applicant stated just for clarification we didn't take the trailer through that, we drive the trailer around through Don's property. What happened was when Don re-paved my driveway he came through there with a (unable to hear no microphone). It was dry at the time. He came through there with one of his trucks for paving.

Vice Chairman Montesano asked the gentleman could you identify yourself please.

**Ed Donelan** stated his name and he is the owner of Telecom.

Ms. Theresa Ryan, Insite Engineering stated Ted had mentioned that he wanted a wetland application submitted and along with that a functionality report from the wetland consultant which we had already had prepared last August, this past August so I did bring copies of that with me and the bottom line is that and I know we still need a wetland permit because it is a wetland in the Town of Patterson but basically his conclusions were that this particular wetland had low value for flood control sediment trapping and wildlife habitat and that also that a bridge was not as appropriate as a culvert because there are no impacts to aquatic resources and a bridge offers no appreciable vent into the wetland. I brought enough copies for everybody. She handed the board copies.

Ted Kozlowski stated the construction of a roadbed requires the filling in of a wetland which I oppose. It will also require a determination from the Army Corp. of Engineers. I am bit miffed and I will say this to the Applicants, I met with them last winter, we discussed this site, I never gave them permission for the gravel drive, I did not give them permission for the dumpster or anything else that went on in the wetland. I am disappointed.

Vice Chairman Montesano stated Ted's note is taken as something rather serious I think.

Ted Kozlowski stated yes it is.

Board Member Pierro stated we certainly don't want any further impacts and I hope you hear that loud and clear.

Ted Kozlowski stated well my recommendation is the gravel drive has got to go, the dumpster has got to go until there is a permit issued for that if indeed a permit is issued. A

fine is a business expense to me. We have been burned before gentlemen and how many more times are we going to get burned.

Vice Chairman Montesano stated I agree whole heartily with the fact that something has got to be done about it. What was done was un-called for, five minutes in the right place and it could have been taken care of.

Ted Kozlowski stated this could have been handled, this was a meeting last winter, and the Applicant could have filed an application. I am sure the Board would have considered it favorably but again, presumptions were made and no permission in my office was ever requested so.

Vice Chairman Montesano asked well then you want that gravel removed.

Ted Kozlowski replied yes I do.

Vice Chairman Montesano asked you want the area brought back to what it should be.

Ted Kozlowski replied yes.

Vice Chairman Montesano stated and then we will consider the application and until such time there is a penalty every day.

Ted Kozlowski stated the gravel drive is being used for a parking area that was lawn. What can I say.

Vice Chairman Montesano stated I think you got your point a crossed.

Board Member Rogan stated I guess the only concern would be you rip it out then you have them file an application to put the same thing back in.

Ted Kozlowski stated if it does go back in.

Board Member Rogan stated well that was my question would it be approved or would it be denied because if it is going to be approved are we impacting things more.

Ted Kozlowski stated that is up to you guys. We just had Doug Wallace same thing, he went in the wetland, put a curtain drain in for his site never asked for permission what do we do we go to court, a fifty dollar fine.

Board Member Pierro asked where is that.

Board Member Rogan stated we don't know about that, I am very disappointed in Mr. Wallace now.

Ted Kozlowski stated you go to court and get a fifty dollar fine and you get to keep it, no.

Board Member Pierro asked where was that Ted.

Rich Williams replied off of Bullet Hole Road.

Ted Kozlowski stated and this is going on actually it goes on and on and on.

Board Member Rogan stated I never liked the idea of ripping something out to then approve it to go back in so here is what I would say if the Board decides that this should be ripped out then I would recommend that it not be approved to be put back in because if it should not be there now I agree with the paperwork process I really do but,

Ted Kozlowski asked Shawn do you have a better penalty.

Board Member Rogan replied I will tell you what I would rather if it was something that we would approve I would rather have them pay a fine and not have to do all the labor work. I don't know what the fine system is.

Board Member Pierro stated I want the dumpster out of there.

Board Member Rogan stated the dumpster is a separate issue.

Ted Kozlowski stated a dumpster should never be there.

Vice Chairman Montesano stated parking shouldn't be there because you have the stream right there any of that drainage from the vehicles runs right into that stream.

Ted Kozlowski stated you have a pile of debris that was burned obviously we don't know who was burning there.

Board Member Rogan asked that water that we are talking about behind the gravel that goes underneath Don Flood's site, is it piped.

Rich Williams replied no it is from Don's.

Board Member Pierro stated it is underneath it. It comes underneath Don's driveway. He has got all that drainage remember all the piping.

Vice Chairman Montesano stated an oil separator and everything else.

Ted Kozlowski stated again, we are asking for the functional analysis whether the wetlands are a good wetland or a bad wetland it is regulated. If the information was available it should have been submitted not after fact. Again, how many times are we playing after fact.

Vice Chairman Montesano stated if we allow it to be put back in it could be done properly then you would know what was there. You don't know what is there now. We know that there is some gravel.

Ted Kozlowski stated Shawn, my concern is this and I am not saying these two people are purposely doing this but what I am saying is that in the past when these actions happen the

Applicant takes the risk, gets the job done, gets a slap on the wrist and then eventually gets what they want.

Board Member Rogan stated right I understand what you are saying.

Board Member Pierro stated everybody involved here including Don Flood knows better.

Ted Kozlowski stated right especially when I met with the Applicants and was asked by the Building Inspector to go out there and take a look, explain the law, assumptions were made incorrectly.

**Laura Donelan** stated her name. We did meet with Mr. Kozlowski and we told him what we proposed and wanted to get across to the other side of the wetland. His response was he didn't think it would be a big deal, probably a culvert, get a site plan and submit to the Town so we started that process. We did do that. We had lawn as he says and we did put some gravel on it where we figured the road if we were going to have a gravel road to go to the back would be. We didn't go into the wetland with the gravel it is on the grass.

Board Member Pierro stated somebody did. Somebody went through it with a truck or a dozer there is tire tracks there through there.

**Laura Donelan** stated well yes Mr. Flood drove through it when it was dry but that is not where this gravel parking area is so we didn't realize I guess it is in the buffer zone, this gravel is in the buffer zone so it was a mistake.

Ted Kozlowski stated the whole building is in the buffer zone.

**Laura Donelan** stated well I guess we are going to be punished for that.

**Ed Donelan** stated I want to say something please. We really didn't go through all this trouble because we wanted to cause trouble obviously, we have made great improvements in the building I think everyone would appreciate that. It is a lot better than the tattoo parlor that was there so we are trying to comply with the law. We would be more than happy, actually the dumpster was moved just a week ago unfortunately it will be moved back because it was a poor choice and we would be more than happy to take some of the gravel out or all of the gravel out to comply with the provisions set forth by the Planning Board. I am not here to, I am here to operate a business, I am here to stay in Town and pay taxes as a businessman and as a homeowner so let me know what we need to do and apologize for any wrong doings certainly but understand we are trying to act in good faith thank you.

Board Member Rogan replied thanks.

Board Member Pierro stated let us tell you this Sir we appreciate you doing business in our community there is no short cut between the steps. You can't skip step two, three and four to get to six it only makes problems worse so just let it be a lesson for your future endeavors in our community.

**Ed Donelan** stated sure.

Board Member Pierro thanked him.

Board Member Rogan asked so what do you think Dave.

Board Member Pierro replied let's get the dumpster out of there.

Vice Chairman Montesano stated take the dumpster out and take the gravel out.

Ted Kozlowski stated file an application.

Board Member Pierro stated file a wetlands application.

Board Member Rogan asked does it make any sense to file a wetlands application for the gravel when we have got a project going on.

Rich Williams stated just to reiterate what Shawn just said are we making the application for the current project.

Board Member Rogan stated I would do the whole thing together. I wouldn't have him tear out the gravel and then just apply just to put that back in when you have a proposal to go through that area. Let's deal with it all as one.

Board Member Pierro stated one chunk but let's get the dumpster out of there and the gravel out of there because the gravel sends a message that it is okay to go down into that and we don't want anybody else, a customer or somebody else driving through there. In the winter when that hardens up I can just see somebody you know four wheeling right to the back of that place.

Board Member Rogan asked so the only access to the back of that lot realistically right now is through Flood's with permission from Don Flood you go through because I noticed there was like an oil tank back there maybe a five hundred gallon oil tank.

Ted Kozlowski stated I think the oil tank is before these people.

Board Member Pierro stated yes but it is still their responsibility if it is on their property now, I want to know if that is on your property or if that is on Don Flood's property and if so what is in it and if it does not belong there let's get it out. If we are worried about remediation let's approach the important issues. If there is waste oil in there or oil in there we would like to know about it. It is very close to a wetlands.

Vice Chairman Montesano asked Ted do you want to go in and watch the removal of that gravel or anything of that nature.

Board Member Pierro stated I think we could trust these people to,

Ted Kozlowski stated I think the point has been made.

Board Member Pierro stated the other issue too is in going in there and finding out what is in that oil tank we don't want to make a worse mess. That has got to be lifted out of there, some trees have to be cut down to get it out. Whose is it what is the purpose for it.

Ms. Ryan asked is the Board saying that the only way they will let the Applicant's access the back is through Flood's property.

Board Member Pierro replied well at the moment we are not letting you go through the wetland.

Ms. Ryan asked even with an application.

Ted Kozlowski stated even with an application Theresa, you are going through a wetland.

Board Member Rogan stated I guess I am not understanding the question. The question would be you are saying how do you access the back of their property if they have a wetland other than walking back there to bring a vehicle through would be against the whole purpose of protecting the wetlands short of having an approved plan that says we are going to go and construct over that wetland I don't know. What would the purpose be for getting back there.

Ms. Ryan replied the proposed building that is on our site plan. That is the only thing that we are proposing the access and the building in the back.

Rich Williams stated I think there is a bit of confusion.

Board Member Rogan asked yes could you clarify.

Rich Williams stated if the site plan gets approved it would get approved with an access drive going through the wetlands unless an alternate method was worked out. If the site plan got approved then there would be a disturbance within the wetland to construct a driveway to get to the rear of the property.

Board Member Pierro stated we want to make sure that this culvert that we put in there is properly designed to support the weight of the vehicles that will be going back there to do construction. We have to review that part of the process.

Ted Kozlowski stated you also have to remember you are going to be filling in a wetland and you have to get an Army Corp determination. That is not my rules that is the Army Corp.

Board Member Pierro stated there is a lot of design work that has to be done before we can even go through that part of the process.

Board Member DiSalvo asked Ted, do you have any objection to doing a bridge instead of the culvert pipe.

Ted Kozlowski stated a bridge would be the way to go.

Ms. Ryan asked (unable to hear the question no microphone).

Ted Kozlowski stated Theresa, I am not going I don't have an application in front of me.

Board Member Pierro stated we need an application let's go from there.

Vice Chairman Montesano stated as far as the slap on the wrist situation you can discuss that.

Ted Kozlowski stated it is violation.

Board Member Rogan stated we don't have any purview over that and I don't want to quite honestly.

**e. Dunning Subdivision Site Walk Site Walk Comments**

Board Member Rogan stated Dunning Subdivision that was the first one where there was no wetlands. It was amazing. I thought it looked pretty good.

Ted Kozlowski stated I think there was the issue of the trees.

Board Member Pierro stated protecting the woodland buffer between that and the road.

Rich Williams stated the way it is phrased in the memo it is a recommendation not a requirement.

**f. Eurostyle Site Plan Site Walk Comments**

Paul Lynch, Putnam Engineering was present representing Applicant.

Board Member Rogan stated make it fit on the site and that is the place to put it. I like the idea of Commerce Drive put it all in one area. I have said it before but I think it is a great idea.

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

Mr. Lynch asked you are looking for a wetlands flagging.

Board Member Pierro stated along the property line where the fence is.

Rich Williams stated there is a very big wetland in the north west corner of that property. I don't know that it is on the property. I think it is off the property but certainly a hundred foot buffer might extend on to the property. You need to identify that.

Board Member Rogan stated that is a big building when we looked at the flags from the front corner, a hundred and eighty feet in the woods looks like a mile.

Rich Williams stated but it does not trigger any DEP review.

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

Board Member Pierro made a motion to adjourn the meeting. Board Member DiSalvo seconded the motion. All in favor and meeting adjourned at 9:11 p.m.