

APPROVED
2/3/05 MAB

TOWN OF PATTERSON

PLANNING BOARD MEETING

October 28, 2004 WORK SESSION

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PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

Howard Buzzutto, Chairman
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Ginny Nacerino
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PLANNING BOARD

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

**Planning Board
October 28, 2004 Work Session Meeting Minutes**

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

APPROVED
2/3/05 MDS

Present were: Chairman Herb Schech, Board Member Mike Montesano, Board Member Dave Pierro, Board Member Maria Di Salvo, Rich Williams, Town Planner, and Ted Kozlowski, ECI

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

1 Member in the audience

1) T & T ASSOCIATES SITE PLAN

Rich Williams stated the plans have been submitted addressing the Board's concerns. I have got the Engineer looking at it.

Board Member Rogan stated they are showing an eighteen foot driveway.

Board Member Pierro asked eighteen foot what did we ask for.

Board Member Rogan replied eighteen feet.

Board Member Pierro stated I drove up there last week and that is not far off eighteen feet now.

Board Member Rogan asked the next step for T & T is what if we are happy with the plans the way they are do we still need another technical review or are we done at this point.

Board Member Pierro asked did we require a street light at the road, we required some lights on the interior of the property.

Board Member DiSalvo stated Mike suggested they put something for the future too.

Rich Williams replied there were some lights on the interior but there is nothing on the road.

Chairman Schech stated T & T seems all right.

Board Member Pierro asked are we going to do any measurements to verify the size of the apartment because there were two apartments and they were taking one out.

Rich Williams stated I don't believe they are planning on doing any measurements about the interior. (Too many talking at the same time unable to transcribe)

Board Member Pierro stated there is a note on the plat that says existing three bedrooms split level apartment to remain 1490 square feet.

Rich Williams stated this is one of the issues I mean if we want to talk about it a little bit what information you need to determine what the pre-existing apartment really was.

Board Member Pierro stated right I don't want them coming up with something else later on.

Board Member Rogan asked have they shown us an existing plan of the two apartments being combined into one.

Rich Williams replied no.

Board Member Rogan stated that could be a simple sketch.

(The tape had problems, fading in and out).

Rich Williams stated it is basically going to be converted into one apartment if they put anything in Paul would issue a violation. I did not get into what the square footage of the pre-existing apartment was.

Board Member DiSalvo stated they were talking about making more retail space.

Board Member Pierro stated they may go up this may be a mute point because the retail space may expand upstairs but can the retail space expand upstairs and can a one bedroom apartment still exist or a portion of that still be a residential.

Rich Williams replied maybe yes.

Board Member Pierro asked do you know what I am saying Rich can a portion of that become retail space.

Rich Williams replied yes a portion of that can become retail space but remember that our parking (tape fading in and out).

Board Member Pierro asked do they have adequate parking now for the retail space down below.

Rich Williams replied on this plan they will have adequate parking.

Board Member Pierro stated I would like to have it in the record if you guys go anymore than five hundred square feet into retail space on the second floor you are going to have to put more parking. I would like to

get it over with now and put it on the record as long as it doesn't take you too much time you can do the calcs on that. What is actually required for parking and what they are going to have.

2) TRIPLE J WETLANDS WATERCOURSE PERMIT

Chairman Schech asked Ted do you want to give us what you have got on Triple J.

Ted Kozlowski replied I have a couple of comments here. I did not see anything about a maintenance plan remember I had spoken at the last meeting of extensive planting, nursery stock was planted in the field and as we saw at the A & P and other sites you need to have somebody maintain that and let it establish over a period of time. The other thing I questioned and Rich maybe you have the answer I would rather not see turf lawn around the, Board Member Pierro stated around the swale, around the drainage basins. Ted stated I would rather see native grasses and mowed once a year.

Rich Williams asked do you want, (tape fading in and out).

Ted Kozlowski replied they can use any of those native grass seeds but having turf there it doesn't fit in with the natural plantings. If they need the grass because of maintenance access which they kind of indicated in the thing then let it be native grass material mowed once a year because they are going to have to have a maintenance plan on it anyway.

Ted Kozlowski stated I checked the plantings out I mean they are native species some of them are going to be prone to deer.

Board Member Pierro asked and you are happy with it generally.

Ted Kozlowksi replied yes.

Ted Kozlowski stated by the way that planting scheme is going to be very expensive. I hope they realize what they are getting into. That may be a hundred thousand dollar planting scheme.

Board Member DiSalvo asked that was his choice to go over board.

Ted Kozlowski replied I think they did this to expedite the process and get an approval but that is a big landscaping plan, very impressive and a lot of stock, a lot of material. We are going to have to make sure that they do what they are saying there.

Board Member Montesano stated we will just have to make sure we get the bond up to make sure it is covered.

3) THOMAS SUBDIVISION

Chairman Schech stated I think we have got everything squared away with it the Attorneys and all.

Board Member Pierro asked the conservation easement is done.

Chairman Schech replied yes.

Rich Williams stated I sat with the Attorney last week and Anthony I guess faxed it to them and myself. (unable to hear the rest of his statement).

Rich Williams stated as far as the plans I have got Gene looking at the plans.

Board Member DiSalvo asked operation of small motorized recreational vehicles is okay.

Rich Williams stated I haven't had a chance to look at it but I drafted the language on that, Board Member DiSalvo stated that doesn't fall under passive. Rich stated yes but what it says was, Board Member Rogan stated actually it might, recreation is not building any buildings or. Rich Williams stated you can't out right prohibit the ATV. (tape fading in and out).

Board Member Rogan stated that doesn't open it up to the neighborhood riding their ATV's back there, the guy, Board Member Pierro stated the property still belongs to Thomas. Thomas does not have to allow access.

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

4) BUDAKOWSKI SUBDIVISION

Rich Williams stated Mrs. Budakowski has submitted a detail dialogue discussing the subdivision road and why she cannot afford to do it.

Board Member DiSalvo stated she does not want the whole road blacktopped right.

Board Member Montesano stated she does not want to do anything as far as I understand.

Board Member Rogan stated she says the Zoning Board of Appeals did not require me to pave the driveway when they did this a few years ago. They also didn't require her to put shingles on her roof but it is part of the building code. In lieu of a waiver it doesn't mean that she then just does not have to do it. It was kind of a silly inference.

Rich Williams stated there were a lot of mis-statements in there.

(Tape fading in and out).

Chairman Schech stated I was looking at Mr. Karrell's plan is this suppose to insult us or.

Rich Williams stated that is basically the same plan that he submitted two, three years ago.

Board Member Rogan stated she makes a mention of the time being drug out there were large amounts of time that, it wasn't that the Planning Board held it up I don't think so. I think we did everything we could to try and help them.

Rich Williams stated I think the biggest delay was this whole issue about the road.

(Tape fading in and out).

Rich Williams stated she has referenced a number of subdivisions in there,

Board Member DiSalvo asked they have all been paved since then.

Board Member Pierro stated Shkreli had an existing blacktop drive.

Rich Williams replied right but he had to, Board Member Pierro stated to widen it or resurface it and do some (tape fading in and out).

Board Member Montesano stated Parker got a waiver because of the animals.

Board Member DiSalvo stated so Parker is the only one out of the ones that she mentioned technically didn't have to do it.

Board Member Rogan stated with Shkreli when we reviewed that we were looking at all the possible land that adjoins that roadway because it was all surrounded in the application.

Board Member Rogan stated I think that our conditions are reasonable.

Chairman Schech stated first of all we need a subdivision plat right then we will adjust it. That is the way it usually works as far as I know.

5) FOREST VIEW APARTMENTS SITE PLAN

Rich Williams stated Field & Forest is back in they basically (tape fading in and out)\

Chairman Schech asked they state that they have permission to do that from what I read it says that no road shall be underneath the high wires.

Rich Williams replied stated they stretched the meaning of the NYSEG easement that they have.

Chairman Schech stated it was plain English what I read I don't know maybe I was reading the wrong thing.

Rich Williams stated we are going to need something from NYSEG. It seems to be a realistic proposal.

Ted Kozlowski asked how did we make out when we were on that site walk with the garbage. Did Paul go out or Joe Dapuzzo.

Board Member Rogan stated there was some kind of comment on it from Paul.

Chairman Schech asked I want to ask them at the meeting in front of people that their idea of affordable housing is supposed to look like Tobacco Road that is affordable housing.

Rich Williams stated Herb behave.

Ted Kozlowski stated it really is, Board Member DiSalvo stated it is not the fault of the tenants.

Board Member Montesano asked why is not the fault of the tenants.

Board Member DiSalvo replied he allows it.

Board Member Pierro stated it is his responsibility.

Ted Kozlowski stated but you know one has to ask the people that live there why aren't they doing anything about it.

(Tape fading in and out).

Ted Kozlowski stated whether you are upper income or Board Member Montesano stated you can still be clean and you should still be concerned.

Ted Kozlowski asked is there some economic threshold that you reach between cleanliness and living in crap.

Board Member DiSalvo stated maybe he tells them to throw the stuff there and he will take care of it.

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

6) EASTERN JUNGLE GYM AMENDED SITE PLAN

Rich Williams stated they have resubmitted plans and the comments from the last two memos they still haven't touch.

Ted Kozlowski asked how long have I been asking them to do something about the stream in the back, how it makes a ninety degree turn in the parking lot.

Rich Williams stated it is shown on there.

Ted Kozlowski stated yes but no riprap or remediation.

Rich Williams replied oh, yeah no they showed it. Didn't you see it.

Ted Kozlowski replied I opened up the plans I didn't see it.

Rich Williams stated go to page 2 they are not clear as to where it is going but if you go to page 2.

Ted Kozlowski asked is this a guessing game.

The Board reviewed the plans for a few minutes.

Ted Kozlowski stated okay I saw that Rich where is it going.

Rich Williams replied I don't know that is what I asked.

Ted Kozlowski stated they got stream bank protection it doesn't indicate it on the plans.

Rich Williams asked were you okay with that stream protection detail.

Ted Kozlowski replied I did not even look at it because I want to see it on the plans.

Board Member Rogan stated it says provide riprap slope protection see detail on page 2.

Board Member Pierro asked and this is going to be along the total length of the stream.

Rich Williams replied well that is one of the problems they don't show exactly where it is going to be.

Ted Kozlowski stated I want to see the stream, it isn't even really represented properly on this anyway. The stream comes this way, heads straight in,

Rich Williams stated well there is two streams. There is one coming here and then there is one it is all covered up it is like right in here.

Ted Kozlowski stated right but it doesn't show it and it doesn't show what they are going to do.

Board Member Pierro stated these guys are dragging their heels again they are not in a rush to do this.

Rich Williams stated well if you go through my memo like I said they basically didn't do that much. One of the things Ted that I raised you might want to take a look at was they were proposing (tape fading in and out). I was suggesting that they actually landscape it with shrubs and trees. (Tape fading in and out).

Ted Kozlowski asked didn't we agree that there would be a twenty-five foot buffer all the way.

Rich Williams replied no.

Ted Kozlowski asked I thought we said that (tape fading in and out) last year.

Rich Williams replied well because you certainly can't do a twenty-five foot well you can but,

Ted Kozlowski stated no I am talking about this whole southern part of the property where they had, Rich stated yes in that area you have always been talking about it but they have always been showing it has a ten foot buffer.

Board Member Rogan stated twenty-five to a point (tape fading in and out). Ted, you are saying extend that across well they are obviously doing it for means of ingress and egress around that building.

Rich Williams replied yes but I don't think they need it. (Tape fading in and out).

Ted Kozlowski stated it just seems like they are still trying to use the property for what they have been using it for.

Rich Williams stated see these two structures right here that is these two (tape fading in and out) those are pretty attractive sheds.

Ted Kozlowski stated it is great that they are doing a great business but they have outgrown the building.

Board Member Rogan stated they have outgrown the yard.

Ted Kozlowski stated they are trying to stick a Wal-Mart in a, Board Member DiSalvo stated in a Dollar Store.

Board Member Rogan stated whenever I have driven past there it still looks like there is so much material on site that they are using up (tape fading in and out). I think if they were able to store more of their materials off site like up where the bricks are. (tape fading in and out)

Board Member Montesano stated since they are there and they don't think they are going to have to change now.

Board Member Rogan stated it is not our job to come up with a solution just to say that you don't like the way it is setup now and explain your reasons.

Ted Kozlowski stated they are only going to grow and they are only going to re-encroach in the areas that they have been encroaching so my feeling is at this point, we establish the no trespass zone and it has got to be established with something other than grass and other stuff. It has got to be pretty substantial so they can't possibly go into it whether that is a solid fence or stonewall or massive plantings or something but it is only when this is done the following year it is all going to be back there and they are just going to be piling more stuff there.

Board Member Rogan stated once we establish the offset we need something permanent I agree with that a hundred percent. (tape fading in and out)

Ted Kozlowski stated I don't know if that is even, Board Member Montesano stated post and rail won't cut it. It has got to be something more substantial.

Ted Kozlowski stated you can put a post and rail but on the other side of it you put massive plantings or something.

Board Member Rogan asked what was the original site plan for this building like when they built it. (tape fading in and out)

Rich Williams stated they weren't going to do anything on the southern side. It was equipment manufacturing and office.

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

Chairman Schech stated all right we just have to establish the rules and if they want to live by them these are the rules.

Ted Kozlowski stated how many times have we been to that site.

Rich Williams stated it has been two years now.

Board Member Pierro stated he is dragging his heels he is getting what he wants out of us by just dragging his heels and not finishing his application so I don't know if there is a way we could put a date certain that this must be finished is there. (tape fading in and out)

Board Member Montesano asked tell me something if he is in violation of the wetlands or whatever there has to be violations in there then it is time to start nailing him every day.

Rich Williams stated why don't we save that discussion until the end.

Board Member Rogan stated why don't we just establish at the meeting what the hell we want out there in terms of keeping out of a certain distance then they can either decide to make do with the site the way it is and address Ted's comments and stay out of the wetlands and build a fence and put plantings in or they find another site at least you are giving them,

Board Member Montesano stated I thought we gave them that.

Board Member Rogan asked what is that.

Board Member Montesano stated when we went out the last time and they appeared here after the site walk I thought that we mentioned why don't you take a look at what is across the street.

Board Member Rogan stated we did.

Board Member Montesano stated then they came back with the story well you guys walked in when we weren't ready for you what does that mean.

Board Member Pierro stated we were installing racks inside the building.

Board Member Rogan even that doesn't really have much to do with the idea that if you establish a limit, set up a fence and protect that limit, if we establish the limit let them work whatever they can from that forward and if they don't have enough room for their supplies then they have to either reduce the size or go off site or do whatever they have to rather than look at how they are using the site improperly let's look at what we ultimately want to see there and be done with it.

Board Member Montesano stated it is okay to me if you want to give it to them that way it is fine but once we do it, (too many talking at the same time). Let's put it this way what I would like to say is basically if we are going to do and proceed this way once we start the challenge you cannot back down on that challenge. They are going to come in,

Board Member Rogan stated I don't understand why you think it is challenge.

Board Member Montesano stated because it is a challenge. The man has been told before you don't have sufficient property to conduct your business as your doing. He didn't come in and say well what should I do reduce what I am going to have for equipment or what no he came in and now he is playing putz around again. Well you came on the wrong day, what do you mean you came on the wrong day.

Board Member Pierro stated well that is over.

Board Member Rogan stated coming on the wrong day doesn't change the plans let's deal with a set of plans that we can live with.

Board Member Pierro asked so what are we going to ask for; we are going to ask for an updated site plan that,

Board Member Rogan stated a set of plans draw on it what you prefer to see for the wetlands line what is workable to get around the side of the building, (tape fading in and out). I think it is as simple as that I really do.

Ted Kozlowski stated Shawn, again we have stated this, Board Member Montesano stated on more than one occasion, Ted stated with regard to the wetlands issue we have stated this numerous times, Board Member Montesano stated and he keeps coming back playing the game.

Rich Williams stated well he comes back, he changes a couple of things on the plan and usually what he changes (tape fading in and out),

Board Member Montesano stated and we should put him on the agenda and tell him this is inappropriate, not sufficient, next.

Ted Kozlowski stated I remember specifically at the last Planning Board meeting and I got up, and stood up and I said you have got to address that stream in the back and I am looking at these plans and you have got this, he has a detail for stream bank stabilization but it is not, Rich Williams stated that is very obtrusive. Ted stated but it is not indicated where exactly it is going to go. It is showing the wetlands as it has always been shown. You know that parking lot floods out on major storms, the stream they have altered the stream years ago so now it is coming in straight on it is then making a ninety degree turn water doesn't flow that way so it is just blowing out. I have been asking them to do this for years.

Board Member Rogan stated I am not disagreeing with what you are saying I just think that at some point we have to finally get it through to the engineer the heck with the Applicant it is the engineer who is representing them and say this is what we want, if we don't see it, (tape fading in and out).

Ted Kozlowski stated you have to build something and I remember saying you have got Mesa Stone right next door look at what they did, build a retaining wall or some sort of stonewall so the water when it hits it is not eating your parking lot. (Tape fading in and out).

Board Member Pierro asked can we refuse to put them on the agenda if we get them a time certain to get these changes done. Can we say listen don't bother coming back sixty days from tonight get it done don't bother coming back after that.

Rich Williams replied that is a sure way for them to go away and not come back.

Board Member Pierro stated then we can write them up everyday we send Paul down there and have a field day.

Rich Williams stated they have a court case pending in court this is one of the problems we have with our court that I think we are going to talk about later is they go over to the Judge and the Judge says okay go submit an application and come back when you are done. (Tape fading in and out).

Rich Williams stated one thing before we walk away from this, everybody has got my memo. Go to page 4, I did a couple of things here (tape fading in and out). So, you guys will be able at a glance to see exactly what is going on and then the summary will give specifically where you are and where you need to go. It will be like the last three bullets in all the memos that I do from now on. (tape fading in and out). If you have some suggestions on how I can.

Board Member Pierro asked would it help with this guy if we go through each individual.

Rich Williams replied yes I think it would on this one because he is not (unable to hear).

Board Member Montesano stated but haven't we done this often and we are going to do it again okay. We waste more time going back with people. If we are in kindergarten let's put up a big sign kindergarten class begins at the Patterson Planning Board for all incompetent buffoons especially the engineers.

Board Member Montesano asked tell me with all due respect to these alleged engineers, the alleged engineers now they come in and in theory they are supposed to have adequate knowledge of what the hell they are going to represent from their client to this Town yet when they walk in (tape fading in and out) other than show up. I mean I realize that there are reasons beyond my wild idea,

Board Member Rogan stated you have to remember also sometimes the engineers are only doing what the client is telling them.

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

7) KIDS WORLD – Sign Application

Board Member DiSalvo asked is this where the dance studio is or was.

Rich Williams replied this is right down here on Front Street, the little building next to the post office.

Ted Kozlowski asked what you are looking at is a sign.

Board Member Rogan stated it is nice but busy.

Board Member Rogan stated they used the colors that we have specified which they have antique red, antique blue, gold.

Rich Williams stated they tried hard.

Board Member Rogan stated the colors are there maybe not what we had in mind when we were trying to set standards for the signs.

Board Member Montesano stated the sign code was made up for the Hamlet, we specified colors, the size we can't specify other than what is in the code so we cannot argue the point as to what they do with it because we didn't say two colors only. We never specified anything. The same way I would have liked to see it go out as a Town thing we kept it to the Hamlet.

Board Member Rogan stated even in the Hamlet if we had all these great ideas we could have made it more (tape fading in and out).

Board Member Montesano stated we could have stated very simply two colors only.

Board Member Rogan stated two colors only of the particular colors right. You still could have a sign like this then that would be in two colors. I think what you are more referring to is a certain style of signs that we see for instance on the library or,

Chairman Schech stated we can just ask her to tone down a little bit.

8) BURDICK FARMS SUBDIVISION

Ms. Christina Burbank, Kellard Engineering was present.

Rich Williams stated in response to the Board's inquiry about what it would look like if it were a boulevard.

Rich passed out copies of the plan, a smaller version.

Ms. Burbank put the larger plan on the table for the Board to review.

Ted Kozlowski stated I love it we are not going through the wetlands.

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

Board Member Rogan asked that would be a good place to start did anyone else other than Maria go look at the boulevard in Brewster.

Chairman Schech replied yes.

Board Member Pierro replied yes I have been down there a few times.

Rich Williams asked I don't know if anyone wants Christine to kind of go through the plan.

Board Member Pierro asked how much does this increase the amount of impervious surface.

Ms. Burbank replied very little.

Board Member Pierro asked and the McManus crossing that is outlined here.

Board Member Rogan stated there is no McManus crossing outlined. It is gone.

Ms. Burbank stated there is no McManus crossing.

Board Member Pierro asked what is, Board Member Rogan stated that is existing stonewalls.

Chairman Schech asked what is the approximate distance to the turn around (TAPE ENDED).

Ms. Burbank replied it is still 37 lots. (Tape fading in and out).

Board Member Pierro asked from the loop, from the first intersection to the,

Ms. Burbank stated the boulevard is 2,500.

(Tape fading in and out).

Board Member Rogan asked from here to here referring to the plan, the boulevard portion is 2,500.

Ms. Burbank replied 2,500.

Board Member Rogan asked then you are saying from here to here is another Ms. Burbank replied another 1,500. (Tape fading in and out).

Ted Kozlowski asked what is in the center.

Ms. Burbank replied we haven't specified it I mean I envision that it could be street trees also with cobbler it doesn't necessarily have to be street trees either it could just be vegetated.

Ted Kozlowski stated it could be cobble with street trees.

Board Member Pierro stated all right gentlemen we had discussed this a few weeks back what advantages; it stays out of the wetlands,

Board Member Rogan stated yes it stays out of the wetland crossing,

Ted Kozlowski stated it stays out of the wetland precedent creating,

Chairman Schech stated I don't care for that extension from over there down to there.

Rich Williams stated but you are creating an excessively long (tape fading in and out).

Chairman Schech stated I noticed that each road in the boulevard over there was like fifteen feet.

Ms. Burbank asked in width.

Chairman Schech replied yes.

Board Member Rogan asked on the conservation area which right now is surrounded by trees is that considered by your firm to be un-buildable. I guess my question would be if you could gain say three lots here and one more lot here or something you may able to lose that whole back end and keep everything pushed over to this and at least conform to what everyone traditionally thinks of as a cluster.

Ms. Burbank replied I think if we had got the septics would be using them. (Tape fading in and out).

Board Member Rogan stated I could see the Board probably because the three lots could virtually be attained by some type of a driveway off of an extent of somewhere about here. You would not lose those three lots if this was good septic area you could gain what do you have five lots in the back even if you only gained four it would be a pretty could compromise for the lack of infrastructure.

Chairman Schech stated you can retain those three houses by just looping that road and making a complete loop.

Board Member Rogan stated because the infrastructure from adding, (too many talking at the same time unable to transcribe).

Board Member Rogan stated the lot is so lineal that it is such a tough project.

The Board reviewed the plans for a few minutes.

Board Member Rogan stated I understand Rich's concerns about a boulevard concept that if you block off your entrance but (tape fading in and out) to be quite an incident to block off a boulevard this wide.

Rich Williams stated there is a lot it is not just blocking off the front. There are different issues.

Board Member Rogan asked why do the school buses even have to go into the subdivision.

Board Member Montesano stated because the people there will, Board Member Pierro stated they don't go into a lot of subdivisions they have just they never went into Devon Road before the turn around.

Rich Williams stated and boy was I at the Town Board meeting when the people bitched for years (too many people talking at the same time unable to transcribe).

Board Member Rogan stated I understand what you are saying Rich, if somebody exits their lot like for instance here they have to go up at least to a minimum of one of the openings,

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

Ted Kozlowski asked how much traffic are you really going to have.

Board Member Pierro stated you are going to have a lot of traffic. You have to figure three and four cars per home.

Ted Kozlowski asked okay but are they all moving at the same time.

Chairman Schech stated run it by them see if they (tape fading in and out) because it will get it out of the water system. How many houses do you have there anyway.

Board Member Rogan replied six.

Board Member Pierro asked what about doing something else here.

Rich Williams stated Dave, the issue is they found (tape fading in and out) Board Member Rogan stated what has tested will have the most probability of working for the long haul.

Rich Williams stated in case everybody hasn't gotten the idea I am not in favor of this concept and correct me if I am wrong you are going to include this in the EIS regardless.

(Unable to hear Ms. Burbank's response).

Board Member Pierro stated Rich I totally respect your opinion and I never liked crossing that wetland from the get go.

Rich Williams stated and I can respect that too. I mean way back when, when we came to the conclusion that if there was an emergency, (tape fading in and out).

Board Member Pierro stated we have discussed with this Applicant issues of road improvements, site distance at the front entrance and we have also discussed straightening the road which they adjoin property to over near Henry's house and I know we had some discussion about that last week. I feel that for the amount of traffic there something ought to be done there.

Board Member Pierro asked what is the maximum our Code says for road, fifteen hundred feet and where did that brings us.

Board Member Rogan pointed it out on the plan.

Board Member Pierro stated we wouldn't be unreasonable offering three thousand and saying that is it I don't think.

Chairman Schech stated see if you can get rid of those six houses.

Board Member Pierro stated I know that is a lot of houses but,

Ms. Burbank stated you appear to have the flexibility in the Code, Board Member Rogan stated you can understand when people ask how this is the idea of a cluster subdivision when it is sprawled out over entire parcel even though it is not making use of the entire parcel it is stretched out across and I am not saying that it is your fault. It is clearly something we need to do because of the way this property lays out.

Board Member Pierro asked wasn't there some offer from the County for half of this property.

Board Member Rogan stated for sections of it I think.

Rich Williams replied I thought the front half.

Ms. Burbank asked would you rather have the road in the wetlands.

Chairman Schech replied not really now you have got me all hot and bothered about this but I just don't like those six houses.

Board Member Rogan stated I was one of the people that kind of tried to push to come up with this kind of an alternative just to see because I do see the one in Brewster and sees how it appears to work pretty nicely for them for that type of subdivision but I am also one of the people who pushed that if we had to cross the wetland to push it as far to this property as possible because I don't see that as productive of an area vegetatively wetland speaking as up in here. I am just trying to look for an idea or a plan that everyone can agree with. I can see the merits on both sides I really can. I could probably push for each one. I like the idea of a boulevard concept for reducing the wetland impact here but given the area that we were looking at crossing I think that a bridge although that certainly is quite a lot project that a bridge would cross that area without a lot of impact to what I really see as just a stream corridor (tape fading in and out) obviously up through here once we walked it was ridiculous it wasn't going to happen.

Ted Kozlowski stated you must remember that this is only the tip of a very large wetland system which extends way on to Noblet's property and then out over there, Board Member Pierro stated all the way down to Bullet Hole. Ted stated you have to be careful with what you say whether it is productive or not. This wetland encompasses all types of wetlands from open water to meadow to stream channel to large forested area so it is a very good and productive wetland system.

Board Member Rogan stated the system no question.

Ted Kozlowski stated and this is a contributing thing and again, from day one I always opposed to the wetland crossing, it is a precedent that once you do this it opens the door for every other project.

Rich Williams stated it goes both ways on that Ted because once they do this it opens the door (tape fading in and out).

Board Member Pierro asked how many other large lots of land do we have like this.

Rich Williams replied well we certainly have Louie Pescatore waiting. We have that whole area down in there and listen how many subdivisions are we going to get that now are going to want the road (fading in and out) probably quite a few Dave.

Board Member Rogan stated it is tough to embrace a project where you don't see either alternative being exactly what you want but that is the balancing act that we are trying to do.

Board Member Pierro stated another thing that we had spoken to that I know you came into this project fairly recently, (tape fading in and out).

Ted Kozlowski stated almost everybody here is uncomfortable and has been with this project.

Ms. Burbank stated in some ways (tape fading and out).

Board Member Rogan stated that was a statement that I made at our last work session when we spoke about this idea or actually it was a special meeting that we had specifically for Burdick Farms was that I think it would be a hard sell if you increased impervious area at all. I think you would have to be looking at same as or a slight reduction because otherwise for stormwater I know you are concerned with that. I also don't believe in giving an alternative to explore that we are not going to consider because I hate the idea of wasting someone's time and money. I know that it is not cheap to do what you do.

Board Member Pierro asked I am just throwing this up in the air, is there a way to make these lots more useable maybe pull three lots from here to this area and put in centralized septic can they do that.

Rich Williams replied can they do it realistically probably not, not cost effectively.

The Board reviewed the plan for a few minutes.

Board Member Pierro asked isn't that area in between fifteen percent.

Board Member Rogan replied this area is much steeper than fifteen but the requirement is that the absorption area be in fifteen percent or less not that the area in between. I have seen them on much steeper.

Board Member Pierro asked and property acquisition is out of the question.

Board Member Rogan stated we have to deal with what we have on the table.

Board Member DiSalvo asked (tape fading in and out) see it or hear about it at a meeting as opposed to paging through a book.

Rich Williams replied not necessarily if they are doing this in response to (tape fading in and out).

Ms. Burbank stated Mr. Noblet asked that various (tape fading in and out).

Board Member Montesano stated I never like extending the roads. Boulevards have a nice concept if you were going further out and it comes to one simple thing what are we going to allow. If we allow a boulevard concept in this size we are opening up Pandora's Box. You say there is not enough property what happens if four or five people that have property suddenly combine it. The idea is when you open Pandora's Box you have to be prepared because it is going to happen.

Board Member Pierro stated I don't understand what you point is.

Board Member Rogan stated Ted's point of view though is that you are doing the same thing over here with the wetlands.

Ted Kozlowski stated you know what you have far more properties that have wetlands than you do large parcels.

Board Member Montesano stated if I recall and Richie will have to correct me we gave someone the right to fill in a wetlands from the Planning Board many years ago fortunately for us I don't think they ever filled in the entire concept.

Ted Kozlowski asked who are you talking about.

Board Member Montesano stated where the vet's office is going now. Didn't we give those people permission once. We didn't give Bonavenia the right to fill in part of the wetlands.

Board Member Pierro stated no they did that on a weekend.

Rich Williams replied oh, wait a minute yeah actually when we were looking at that whole Whang golf course. They were going to completely regrade and fill in part of the wetland.

Ted Kozlowski stated that was never seriously on table.

Board Member Montesano stated excuse me it was approved Sir.

Chairman Schech stated check with Mr. Conditto and see if he wants to get rid of those houses down there. (Too many talking at the same time unable to transcribe).

Chairman Schech stated it will make everyone's life a lot easier. You are going to retain those three houses over there.

Board Member Rogan stated not only that but you could extend the driveway up and possibly gain two more.

Board Member Pierro asked right what does our Code say about long driveways.

Board Member Rogan replied fifteen hundred.

Rich Williams stated you have frontage issues.

Board Member Pierro asked how about a couple of horse farms as we discussed marketing these as horse properties.

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

(Tape fading in and out).

Ms. Burbank asked but you would willing to accept it if (tape fading in and out) Board Member Pierro stated you are going to lose the total six lots because from here I stand corrected, Board Member Montesano asked where is your frontage.

Ms. Burbank replied if I could play with frontage, but I won't get the lot size.

Rich Williams asked how many would (tape fading in and out).

Board Member Rogan asked does the benefit of not going through the wetland cancel out the chance of the risk of clogging the roadway with some kind of a emergency or problem whatever because to me that is really if we are talking the same impervious surface this layout does look pretty similar to the old one with

the exception of this dog leg so in losing that obviously we gained some of it through here in one of these loops.

Chairman Schech stated you have got the loop road and you have got the boulevard.

Board Member Rogan stated I think your weighing what the benefit of this versus the chance of all these risks at least from here to here where the boulevard is of traffic flows, of concerns of vehicle collision. (tape fading in and out). Even though the idea was that no one would ever use McManus I think that some people would. Now it is absolutely sure that all of the people would come down.

Board Member Pierro asked are there areas along that road that could be widen to have a pull off for where a school bus could pull over and not block the road.

Board Member Rogan stated I think the way they did that in Brewster was they eliminated the first island. They took that one out so that became a much larger that is the way that I saw it anyway.

Ted Kozlowski stated just so you folks know I did not even know that was boulevard in Brewster but I have been in that place in and out of there a million times, we have very close family friends that live in that subdivision and that is a very busy road, you have the railroad tracks there and I have never had a problem going in and out. There has never been an issue. There has been an issue of traffic on 312 trying to make a left against it.

Board Member DiSalvo stated and there is at least twenty-five, thirty houses in there.

Ted Kozlowski stated I thought a boulevard would be somewhat uglier and bigger.

Rich Williams stated boulevards are not ugly features on a site (Too many talking at the same time unable to transcribe).

Ted Kozlowski stated I didn't see it being a winter problem with snow plowing and all.

Board Member Pierro stated there is going to be enough open spaces here to be able to push snow off.

Ted Kozlowski asked I just have to ask this question and I believe I asked this before we got this that is just going to become these people's property.

Board Member Rogan stated the size of the lots though we have to stick within the 55,000.

Ted Kozlowski stated I know but why isn't this configured so it involves that and put this to more open space there.

Ms. Burbank replied because of the septic. I agree I look at this (tape fading in and out). An engineer did the plan not a planner.

Board Member Rogan stated remember I said I saw one down in Put Valley like that and everyone dumped all their leaf clippings and garbage I mean natural garbage and it is terrible. It looked like just an un-kept corner.

Ms. Burbank stated it is open space it is to the homeowners association it will be.

Board Member Rogan stated so they will make this more yard is what is going to happen these two houses will share.

Board Member Montesano stated so increase the size of the two pieces of property.

Board Member Rogan stated you can't.

Rich Williams stated and what is the harm you have two people taking care of it even though (unable to hear due to fire whistle)

Ted Kozlowski stated there is a potential harm because I have seen this more times than not. This will become a dumping ground.

Board Member Rogan stated well Rich's point was if they maintained it in other words if they decided to turn it into grass which up in there all they would have to do is mow it once it is all field then it doesn't become a dumping ground.

Ted Kozlowski stated that is assuming that, Chairman Schech stated you are going to spend six, seven hundred thousand dollars for a house and allow people to dump in your backyard.

Ted Kozlowski stated I see it all over the place.

Rich Williams stated to start with we are going to have enforcement ability so if they start dumping on it we can issue a violation.

Board Member Rogan stated to Ms. Burbank I am not sure that you got very clear direction.

Board Member Rogan stated I don't think there is a person sitting here that would not want to embrace a plan and say this is finally the one. You have to also acknowledge the problems that this lot has. It is not your client nor your firm's problem it is a tough lot. It would be tough if the original owner Mr. Burdick were building it. I think there is enough interest in this to at least, Board Member DiSalvo stated pursue it.

Board Member Rogan stated I know it is fine line and I don't want to send you in that direction if,

Rich Williams stated it is going to be turned over to the next meeting maybe if we can get (tape fading in and out)

Board Member Pierro stated there was a recent purchase over here 15 acres (unable to hear fire whistle blowing).

Board Member Pierro stated I am suggesting that if this project were to get limited to somewhere over in here this property they could market it to adjoining homeowners and get some dollars out of it.

Ms. Burbank stated but it has no frontage.

Board Member Pierro stated if we erase the lot lines it goes to the property here that does have frontage on Mountain View and they may want to do a horse farm or something like that in that area. It is pretty nice land up in there.

Board Member Rogan stated Christina, let's put you on the spot for a second what do you think (tape finding out) of the two alternatives crossing the wetlands or and I am clearly speaking from an environmental impact standpoint.

Ted Kozlowski stated I was thinking that myself when you guys are sitting in your office, now I know you are under the direction of your client. You sit there and you go wow, if this was mine what would I do.

Ms. Burbank replied we prefer this plan (referring to the boulevard plan) because you have to recognize that we have Mr. Noblet here who is (tape faded in and out) Board Member Pierro stated he has got some viable arguments not all of his arguments are legally correct but he has a couple of viable issues.

Ms. Burbank stated we would like the neighborhood to be happy I mean that having been said to eliminate direct wetland impacts is huge, wrestling with other agencies related to those impacts. Our wetland impacts are limited to the buffer disturbances associated with the wells that are already in. (Tape faded in and out).

Chairman Schech stated I like it too except for that one little (tape faded in and out).

Ms. Burbank thanked the Board.

9) GAGLIARDO WETLANDS/WATERCOURSE APPLICATION

Board Member DiSalvo stated is this AntRoc 2, can we go look at this.

Rich Williams stated Gagliardo is a lot over in Putnam Lake that construction got started and then it was realized that there was a stream so construction ceased.

Chairman Schech asked can we look at this too Saturday.

Board Member Pierro asked do we have permission.

Rich Williams replied yes. This is Put Lake you can stand on one road and look across to see the other one.

Board Member Pierro asked this house is doubling in size Rich.

Rich Williams replied yes.

Ted Kozlowski stated Rich, everyone of these wetland permits that you forward to me I have no idea whether they paid a fee or not.

Rich replied they all paid a hundred and fifty dollar fee.

Ted Kozlowski stated it is not indicated on the (tape fading in and out).

Rich Williams stated I try to make sure that I copy the checks and put it with the application for you.

Ted Kozlowski asked Doug Wallace has paid a hundred and fifty dollars twice.

Rich Williams replied two, hundred and fifty dollar checks.

Ted Kozlowski stated we have to talk about him.

The Secretary printed the property description from Image Mate for the Board.

Board Member DiSalvo stated AntRoc 2.

Rich Williams stated it is one he came in and got a building permit for an addition and then tore the first part off (tape fading in and out).

Rich Williams stated it is identical the only difference is it is not a filled in wetland.

Board Member Rogan stated three bedrooms in that little tiny place.

Board Member DiSalvo asked what are we doing in this house going up.

The Secretary stated I thought it was going out and up.

10) MUSHKOLAJ SITE PLAN

Chairman Schech stated this is the fence operation on 22.

Chairman Schech asked that building was constructed prior to 1969.

Rich Williams replied yes.

Chairman Schech asked we have to send him to ZBA.

Rich Williams replied yes Mushkolaj has to go the ZBA for a use variance.

11) OTHER BUSINESS

a. Parker Site Plan Bond Reduction/Discussion

Ms. Parker is in she has put a request in for a bond reduction in addition in reviewing all of this there was an issue that the subdivision plat showed a street light out on the road. The street light that was supposed to be up was I believe a two (tape fading in and out). She had

NYSEG come out (tape fading in and out). Neither of us could approve that light because the Planning Board (tape fading in and out). She submitted a letter she wasn't clear in what she wanted to come talk to the Planning Board about.

Board Member Montesano asked was it her mistake or was NYSEG putting in one of their usual don't bother us it is Patterson.

Rich Williams replied the girl that normally handles this (tape fading in and out) the process of working with me to get the district (tape fading in and out).

Board Member Montesano asked so they are going to change the light then.

Rich Williams replied well presumably they are going to take that light down. Now, I don't know where it is going to go from there. I don't have any additional information about what they are going to do. Craig Lincoln did ask me to fax him over the detail for the shoe box light so he can take it over (tape fading in and out).

Chairman Schech asked we want a shoe box right.

The Board replied yes.

Chairman Schech stated next Maguire

Board Member DiSalvo stated wait she is asking for a bond reduction.

Rich Williams replied I don't think we have to worry about that right now.

Board Member Pierro asked wasn't there some problems with the roof slope in the apartment.

Rich Williams replied there were problems with the Equestrian facility and in addition she has never actually finished the site work. (Tape fading in and out).

Board Member Pierro asked what advantages is there to us to release, to do any release of the bond right now. (Tape fading in and out).

(TAPE ENDED)

c. Wyndham Homes Wetland Watercourse Application

Rich Williams stated they submitted a wetlands watercourse application (unable to hear the rest of his statement).

Ted Kozlowski asked did they pay a fee Rich.

Rich Williams replied yes they did a hundred and fifty dollars.

Ted Kozlowski stated the Board should go on a site visit to this one again we are in the buffer zone, this is Deerwood and if you remember Deerwood was going to come in with individual applications. I think everyone of these should be reviewed by this Board. They are approaching it as this is a given and I don't believe that. Their plan shows no erosion controls. It shows a small little silt fence. Once they do the grading is it going to be seeded, landscape I have no idea.

Board Member Pierro asked what do these people want to put in.

Ted Kozlowski stated and I think we should be looking and this will be the discussion later on but I think we should be looking at this to see how this relates, this buffer relates to the wetland.

Ted Kozlowski stated this Board has indicated to me through the various meetings that you are getting fed up with intrusions into buffer zones.

Board Member Pierro stated right.

Board Member Rogan stated that buffer runs right up against the house.

Ted Kozlowski stated this is one of the lots that I had problems with from the get go and here we are.

Board Member Rogan stated grading and a proposed well in the buffer.

Rich Williams stated they have actually shifted the house a little, you have got an elevation 6-16 and then another elevation 6 (tape fading in and out).

Ted Kozlowski stated the other reason why I think the Board should look at this is when you get out there you can anticipate or you can look at this and then say okay what kind of conditions are we going to put on this permit if we allow the permit because what is the next step. You have got to look at this from the standpoint that if you were buying that property and going to move there, Rich stated paying \$650,000.00 , Ted stated right how are you going to use that property because what is the next step is it a pool, is it a shed.

Board Member Rogan stated of course it is so flat.

Ted Kozlowski stated a deck off the house what is it because you give them that what are they going to use it for.

Board Member Pierro asked who is the Applicant is it Wyndham.

Rich Williams replied Wyndham Homes.

Ted Kozlowski stated and it is just going to get worse in there because of the size of the houses and the kind of people that are moving in there.

Board Member Rogan stated somebody buying that lot you can obviously because with the grade because really the best grades on the lot are behind the house to the wetland so they are naturally going to want to use that area.

Ted Kozlowski stated kids are going to be in there with A.T.V.'s so I think you are going to have to put conditions on there you might have to see a stonewall erected along the buffer line. I don't know something.

c. Schoen Site Plan

Rich Williams stated Schoen they made a request for the bond to be reduced.

d. Forschner Wetland/Watercourse Permit Application

Ted Kozlowski stated Forschner Rich I looked that one over this is the one that is on the Connecticut line. This gentlemen is I think Rich will fill you in on what is going on but the bottom line is what he is doing it is not an AntRoc situation but it is a house that he is going up on not out. (Tape fading in and out). Nothing is changed around the house. The house is within a hundred feet of a stream. This project has absolutely no impact at all on the stream. The place is a bloody mess part of it is what he has bought into and part of it is the neighbor on the Connecticut side that has dumped a lot of crap all over. I mean it is just a mess. The owner has agreed to voluntarily clean the stream of debris and garbage that has accumulated there over the years which he is claiming he had nothing to do with but he wants to clean it. This is a wetlands application that I would recommend a waiver. There really isn't much action for this Board. He happens to be within the house, everything it is somewhat like my house everything is within a hundred feet of the stream there is no way out.

Board Member DiSalvo asked these people have been there awhile.

Ted Kozlowski replied yes he bought it the house was there, he bought it and now he is improving it but everything that he is improving is on the up side. Rich do you want to add.

Rich Williams replied no that is pretty well it.

Ted Kozlowski stated the only issues that I have is I do not have the list of nearby adjacent property owners.

(Unable to hear Rich)

Ted Kozlowski stated again, I don't have a problem waiving this. If you guys want to go see it on the site walks.

Board Member Rogan asked is the construction significant enough that we can see that yes they have already done enough that we can say this is a good representation.

Ted Kozlowski stated yes.

Board Member Pierro stated I want to swing by it because we have gotten screwed enough.

Ted Kozlowski stated plus there is drainage situations there that are coming from Connecticut that affects this property. The maintenance on that road is horrible but it is a Connecticut road. This guy has to physically walk his garbage down the street to the Patterson side and gets his mail down the street.

Rich Williams stated his frontage actually is a paper road.

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

Ted Kozlowski stated to give you an idea of how this is, his front steps, his parking area, everything is on the road. It is not on his property. He can't get to his house.

e. Monterio Wetlands/Watercourse Permit Application

Rich Williams stated Monterio called me the other day his wetlands permit is expiring and he has about another two weeks worth of work.

Ted Kozlowski stated he has got two years worth of work.

Rich Williams stated initially I said, (tape fading in and out).

Board Member Rogan asked where is this again.

Ted Kozlowski replied 311 it is near Maria's.

f. Brook Farm Landscaping

Rich Williams stated he has pretty well completed his site plan except for some landscaping issues. I did meet with him and I can pull the plan and take a look at it but there is a couple of areas where he wants to make some changes in the landscaping plan. One is right up by the door. He did something entirely different which in my opinion is much more aesthetically pleasing he put a fountain in (hard to hear the rest of his statement).

Rich Williams stated he has got some issues with the landscaping in the parking lot. There were a couple of minor changes here or there but I just wanted (tape fading in and out). Most of it is really minor and I am going to give you a memo on it.

g. Wetland Discussion

Ted Kozlowski stated Richie and I have had a very honest and constructive, friendly argument this week. I need to let you guys know about stuff that is going on and I am going to present this to you as my case in point. Over the last few meetings, especially you Shawn

have made comments about the buffer, the impacts, we are down to steep slopes and wetlands and it seems like it is better to do the violation and then ask for forgiveness and it is going on and on and on and with Triple J it kind of came to a head and then myself and Rich as well as yourselves have made the suggestions let's draw the line now, let's start enforcing and making this a meaningful (tape fading in and out) because it is only going to get more difficult and I think you all recognize that. What I have been doing and this is where Richie and I differ because Richie thinks I am (fading in and out) but my argument is it is worth it. I am not taking people to court anymore because it is a waste of my time quite honestly. I go to court and Richie brought it up earlier in conversation they get a slap on the wrist and they walk out with just go to the Planning Board get a wetlands application. The biggest fine I have ever gotten was \$25.00. You know what guys it costs the Town more for me to be there in court. What I have been doing and I did it with Telecom, he was the first one. You know you saw the site here was a case where the individual met with me in February prior to any disturbances I explained the law, went through the whole procedure with them and then he went and did what he felt like doing and now we have a violation. I didn't go to court. I simply said you have got to come in for a wetlands permit I am not forwarding this permit to the Planning Board (tape fading in and out) they removed all the disturbances, they have replaced it with seed and re-grading. They are seriously looking at alternatives to crossing the wetlands .

Ted Kozlowski stated this one is heinous that I am about to show you, Doug Wallace. Now, Doug Wallace has been in this Town doing things for a long time. I personally have had at least four meetings with this young man over the last ten years at various sites. I have looked the other way on violations being a nice guy and giving him the benefit of the doubt. This one is on Carolyn Way near Burdick Farms, near your house Shawn.

Board Member Rogan stated I am trying to think of what lot it is.

Ted Kozlowski stated this is the lot you can't see this, you come in here and you go down a dirt drive there is no topo here. This is a tremendous slope. There is a wetland which the flagging has not been verified by me.

Board Member Pierro asked is this adjacent to Adam Stiebeling's sister house.

Rich Williams replied no.

Ted Kozlowski stated Adam Stiebeling is way down.

Board Member Pierro stated this is closer to the house with all the fill in the back.

Ted Kozlowski stated actually you know what Dave it doesn't even matter this could be anywhere in the Town. I don't think you have been in there because it is one of these you will drive right by it and you won't know that it is there. You go down this slope and there is this wetland that has been flagged by who I don't know. I went there with Paul Piazza and Rich,

Rich Williams stated we were not there with Paul.

Ted Kozlowski stated Rich and I went down there, Mr. Wallace has taken a backhoe and has dug a huge trench right here where it says existing drainage trench. It looks like he blew it with dynamite and excavators and blew this huge trench right through the buffer zone and right into the wetland. This is not showing the exact disturbance. The disturbance goes right into the wetland. Of course, I had a fit when I saw it. Mr. Wallace also has just down the street on Michaels Way another beautiful lot that is showing the house directly in the wetland, the septic in the wetland everything in the wetland because you know what it is all wetland. I went and looked at the flagging this flagging was up I don't agree with the flagging. There is more wetland than what is showing on here. I have had numerous conversations with Doug Wallace about the violation here. Paul Piazza has issued him a summons or a notice of violation as well as myself regarding this and I told Doug you have got to go back in there, put the proper erosion controls in and re-fill this ditch. Doug's argument is well the Health Department told me I can do this. My argument to him was I don't care if the Health Department what they told you that doesn't supersede you requiring to go to us to get a permit do this so I want you to put this all back and then talk to us about a permit. Since that time now this was in August, he told me he would, I was under the assumption he was doing it until I got a call (tape fading in and out) from Daddy Wallace. Daddy Wallace asked can't we go down there and all this I said no your son is in violation he has got to fix the violation. He now has submitted a wetlands permit that is absolutely incredibly asinine and I say asinine. I brought it with me but it basically has nothing on it. There is no erosion controls, no list of nearby adjacent property owners, no EAF.

The Secretary stated he had the property owners.

Rich Williams stated he did have the property owners I gave you the property owners.

Ted Kozlowski stated I don't have it.

Board Member Pierro stated I make a motion to not entertain the application until the remediation is completed.

Ted Kozlowski stated hold on just hear me out because I want Richie to have his say. As we required with Triple J there is no discussion on affects of the buffer and the wetland. There is no discussion of the wetland period. So, as it is, it is an incomplete application and therefore I am just throwing it back at him. What I am asking the Board is that I do not want to forward even if it is a completed application for this Board to review unless these violations are corrected. Now, certainly I feel obligated to tell you about this and tell you what I am doing but if you want to leave it where I will give you the application and then tell you there is a violation but I am taking up this Board's time wasting it on something like this when this guy blatantly has violated our laws, he is well aware of our laws.

Board Member Pierro stated all right Rich make your point.

Board Member DiSalvo asked the ditch is still open, the ditch is still there.

Ted Kozlowski stated yes. He is hoping that he can go in front of you and you can say oh, okay just pay your application fee, you have got to do the ditch anyway so you did it already and that is Wallace's argument.

Board Member Rogan asked so in other words the ditch is something that is going to be ultimately required in order to develop the site.

Ted Kozlowski replied right he needs this ditch to keep this area dry so it can have a septic however the septic is right on top of and in the wetland so I don't know how he is ever going to do this.

Board Member Rogan asked this is a subdivision lot.

Ted Kozlowski replied I don't know what it is but he has area up here.

Rich Williams stated Ted and I both agree this is a egregious (tape fading in and out) certainly Doug Wallace should be severely penalized for doing something like this. It is like any other application you have certain advisors myself, Ted, Town Engineer (tape fading in and out).

Ted Kozlowski stated no the law says I have the right to deem this complete before it goes to the Planning Board.

Rich Williams stated the law says that you have the right to deem it complete and then once you do and it is only binding on you (tape fading in and out) that was a carryover from the old ECC that you then have to make a recommendation within 60 days but it is not binding on the Board at all. The Board once they get an application (tape fading in and out) what he wants to do is once he gets an application it never gets to the Board (tape fading in and out) and that would actually open the door to preventing somebody like Doug Wallace (tape fading in and out). I advised Doug when Doug came in and brought this issue to me that he is much better off working with Ted because once it gets to the Planning Board (tape fading in and out) you are going to get less of a warm reception.

Ted Kozlowski stated Doug is going to make the argument that the Health Department required him to do this to get the septic approval.

Board Member DiSalvo asked where is that in writing.

Ted Kozlowski replied you know what Maria it does not matter if it is in writing or it is a directive or whatever that does not give Doug the authority to supersede the local town laws and you know what Doug has been told this repeatedly over the years. He is not a new comer to the game. He is playing this game again and I just don't want to go to court because King or Tricinelli is just going to say go back to the Planning Board and work this out. So, right now it is an incomplete application. It is childish.

The Secretary stated he didn't even make this agenda anyway.

Rich Williams stated no he is not on this agenda.

Ted Kozlowski stated you guys need to decide what you want, to tell you the truth I don't care. I am not looking for more authority I am just looking to stream line this and I like this

bite because this is what makes people comply. My other argument is word gets out that we are going to be serious and this is our way of enforcing this law because this is going to cost this guy far more money to fill this back up then any fine he is going to get in Town Hall.

Rich Williams stated I don't have a problem with that my only concern is where this application, (tape fading in and out) has no injunctive authority. He can't tell anybody go do this or go do that.

Ted Kozlowski stated if it is a violation I have every right to tell them to fix it. This is only if it is a site plan review that is required by the Planning Board I have other authorities in this Town other than a site plan review and right now we are not at a site plan review. We are at an existing violation that happened on this property. He is not before the Board so right now it is not in the Planning Board's hands or your hands. It is in my hands. My suggestion,

Rich Williams stated there is an application submitted to the Planning Board, once the application is submitted to the Planning Board, (tape fading in and out)

Board Member DiSalvo asked where is the application.

Ted Kozlowski stated it was in the law.

Rich Williams stated no it wasn't.

The Secretary stated you don't have the application because he submitted late.

Board Member Pierro asked can we hear from Counsel on this boys.

Ted Kozlowski stated no we don't need Counsel on this.

Board Member Pierro stated I want to know if we have injunctive authority.

Board Member Pierro asked can't we give Ted the direction to.

Ted Kozlowski stated Dave I am pretty sure it is unless it has changed in this last review.

Rich Williams stated it was never in the Code in the first place. There was a section and we changed all the ECC and Ted stated the ECI deemed it complete.

Rich Williams stated the ECI deemed it complete for their review.

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

Ted Kozlowski read from the Code, after the application is deemed complete by the ECI in compliance with subsection (d) the ECI shall render a decision to the Planning Board within 60 days recommending approval, denial or approval with conditions.

Rich Williams stated right.

Board Member Montesano asked where in there does it say that he has to submit the application to us for review or is that in,

(Tape fading in and out).

Board Member Montesano stated what I am looking at is this, this is our advisor to this Board,

Rich Williams replied right which is why he gets the application first.

Board Member Montesano stated if he tells us that it is not complete theoretically if we put him on and tell him we are not going to talk to you your application is incomplete next.

Rich Williams stated that is the procedure exactly.

Ted Kozlowski stated but Rich every since I have been ECI I have been sending people letters your application is complete it is not complete.

Rich Williams stated right because we have always, Ted stated and once it is complete it goes to the Planning Board okay so how do you want to work this.

Rich Williams stated what I am saying is we now have somebody coming in I mean we have always (tape fading in and out) not been according to the code. The problem we have now is we have some (tape fading in and out).

Ted Kozlowski stated he is not on the agenda because he does not have a complete application.

Rich Williams stated but that is what I am saying.

Board Member Montesano asked but how do we get a chance, Board Member Pierro stated but if he deems it not complete.

The Secretary asked so it goes on the agenda no matter what is what you are saying Rich.

Rich Williams stated right.

Board Member Rogan stated what I would say is we look at whether or not we have enough information to start the process it doesn't necessarily mean that you have to have all the information.

Ted Kozlowski asked so what you are saying then is put him on next week's agenda and I am going to get up there and say it is not complete and the Board is going to say okay it is not complete.

Rich Williams stated hopefully you are going to do something like what I would do or the engineer's would do such as; (tape fading in and out).

Ted Kozlowski stated but now don't you see what happens now this person, say you come in for a wetlands application you submit it to me today for December's meeting this guy now has to wait until December to hear from the Planning Board that the application is incomplete.

Rich Williams replied right.

Ted Kozlowski stated so now he has had to wait a whole month to hear those words instead of getting a letter from me that week saying it is incomplete.

Rich Williams replied no.

Board Member Rogan stated no I think both can happen. We get it today for December you can still review it and send them a letter saying it is incomplete but it will be heard at the December meeting.

Rich Williams stated absolutely.

Board Member Rogan stated so they have the chance between now and December

Rich Williams stated almost every application that is in here has been in to see me and we have gone through applications (tape fading in and out).

Ted Kozlowski stated to tell you the truth I don't care. I want to know from this Board and this is really the crux of my problem is this Board going to be serious about enforcement in buffer zones and if it is the only way to deal with this that I feel is effective is that this Board based upon recommendations from me, Rich or whoever you rely on says to you do not forward this application or do not entertain this application until the violation (tape fading in and out). It means getting a machine back in there and filling that ditch to the way it was before then that is what it is.

Board Member Rogan stated if we then are going to continue to approve a project that does the exact same thing as what is existing right now with the exception of the proper erosion control I understand the idea of doing something without an approval we don't want to ever but when are we making more of a disturbance.

Ted Kozlowski stated because then we are back to, Board Member Rogan stated no I understand, Ted stated it is better to ask for forgiveness than for permission. We have got to stop this vicious,

Board Member Pierro stated right it is a vicious cycle.

Ted Kozlowski stated because it is continuing. I guarantee you that if we stay to this the word is going to get out and they are going to think twice about doing this.

Board Member Montesano stated if we go a couple of projects where we do make it worse than it is right now the next one the guy is going to come and say that son of gun is we are wasting more time doing this let's do it right the first time.

Board Member Pierro stated too bad this guy knows better.

Rich Williams stated the remedy is to deny the permit and force him to (tape fading in and out) the problem is they do come in and get a permit.

Board Member Montesano stated if the Judge can say go get a permit then I want to talk to the Judge and find out, you are telling him to go get a permit what is your knowledge of giving out that permit.

Rich Williams stated no he says go to the Board and get the permit and the Board then gives the permit.

Ted Kozlowski stated the time and the cost in doing this and that is what hurts. It is not the silliness going to Town Judges.

Board Member Montesano stated the problem we are going to have is that once we start saying we are going to do this and we proceed with it then those guys over there are going to suddenly say gee, whiz we are getting sixty and seventy of these in all the time let's find out what is going on and then they are going to ask questions.

Board Member Pierro stated what seems clear to me is that the way we have been doing it in the past is not working. It is failing so I think we ought to change our tactic.

Ted Kozlowski stated we are coming down to it is going to get worse as we go along.

Board Member Montesano stated because all the properties we are going to run into.

Ted Kozlowski stated Wyndham is going to come in every week with a permit because that is what they are up to now.

Board Member Rogan stated the other part of this also to consider is we are working from today forward and we are looking to improve things. (tape fading in and out) about not allowing intrusions say into a buffer for instance (tape fading in and out). My envision of that to where we can really improve is brand new projects. We have a project, we have a brand new piece of property not part of a subdivision now we are talking about different impacts but on a subdivision lot I am not talking about Doug going in forget about that that is a separate situation. I am talking about the other lot that has huge implications to that wetland buffer. That is an approved subdivision that we have already not me personally but we as a Board already approved so that house in my impression is going to get built. I don't think that we can deny it.

You have already approved it. Now you are going through the individual process.

Board Member Montesano stated you approved something that you are talking about that particular section being approved in the eighties where there was limited laws, limited pushing for things to be done.

Board Member Rogan stated the subdivisions back then didn't expire the way they do now.

Board Member Montesano stated yes but the object is the laws have been changed and this is where the court has got to uphold the fact you did something legally and justifiable by changing a law.

Ted Kozlowski stated I don't know how he is going to get his septic approved.

Rich Williams stated I don't think it is a buildable lot. I don't think the Health Department (tape fading in and out).

Ted Kozlowski stated it is all wetland.

Board Member Rogan stated (hard to hear too many talking at the same time) they did it and they did not have septic approvals when they originally did it they just did it as a non-jurisdictional subdivision which is possible in which case it does not have any rights

Rich Williams asked do you know who approved Clifton Court right across the street which was part of this well he is no longer with the Health Department. (tape fading in and out).

Board Member DiSalvo asked who is that.

Board Member Rogan replied Jack.

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

Ted Kozlowski stated with regards to this with Doug he is going to get a letter from me about the incompleteness and a reminder that he has an existing violation (tape fading in and out). I am going to give this to the Board a c.c. of that letter, the next meeting if you want to put him on the agenda I will just get up there and say that it is incomplete.

Board Member Montesano stated when he asks to be put on you can put it on.

The Secretary stated well he is not on this one because of the submission date.

Ted Kozlowski asked Rich are these fees correct a hundred and fifty dollars.

Rich Williams replied well residential lots are \$150.00 now again usually you are one (tape fading in and out).

Ted Kozlowski stated the driveway is in it.

Rich Williams stated you are the one to say whether the fees are correct or not.

Chairman Schech stated the amount of work the fees are not high enough.

Ted Kozlowski stated we have a different fee schedule but a \$150.00 is for the lot but then he has got impervious surface which is \$10.00 a foot.

Rich Williams replied again I didn't look at the plans to determine whether the fees were complete or the application is complete. We usually give it to you.

Ted Kozlowski asked again, where does this Board if I am going to stick my neck out and try to enforce these things I need the backing of the Board. What I don't want it to be look guys to be honest with you when we go out on these site walks we all get upset about something, a violation and then when they guy is in front of us, in front of the cameras if you will we tend to get a little soft so are we going to stick to our guns here and say look.

Board Member Pierro stated the application isn't complete that is the only issue.

Board Member Rogan stated no that is not the only issue. The issue is there is a violation that exists.

Ted Kozlowski stated say Doug put in a Beth Evans type of application he still has an existing violation. What does this Board want to do with that; take the easy way out and say Ted take him to court or do you want to say we are not entertaining this until you fix that violation.

Rich Williams stated I think that is unfair because every one is going to be different, every violation is going to be different.

Ted Kozlowski stated absolutely Richie because we are making an exception in Putnam Lake with this guy on the second story house there is no impact.

Board Member Pierro stated but I have got to tell you and the other way to look at this is if these lots are not buildable that violation may never get fixed.

Rich Williams stated well the violation will get fixed but the houses may not get put on the lots.

Ted Kozlowski stated quite honestly I don't see how he is getting houses on those lots.

Board Member DiSalvo asked so what did he do with the dirt that he dug out.

Ted Kozlowski replied it is all piled up. He took the material and piled it like a dam. He is trying to stop because when you walk down this driveway,

Board Member DiSalvo asked can we look at this on Saturday.

The Board replied yes.

Ted Kozlowski stated it is like walking down a volcano and all the drainage is going there and that is where he wants to put his septic.

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

Board Member Rogan made a motion to adjourn the meeting. Board Member Pierro seconded the motion. All in favor and meeting adjourned at 9:56 p.m.