

APPROVED  
12/4/03 MBS

**TOWN OF PATTERSON**  
**PLANNING BOARD MEETING**  
*October 30, 2003 WORK SESSION*  
**AGENDA & MINUTES**

- |  |              |
|--|--------------|
| 1) <b>Maiorano &amp; Colao Fill Permits</b>    | Page 1       |
| 2) <b>GDC Subdivision – Bond Reduction</b>     | Page 2 – 3   |
| 3) <b>Drago Fill Permit</b>                    | Page 3 – 4   |
| 4) <b>Carpet Design – Sign Application</b>     | Page 4 – 7   |
| 5) <b>Integrity Heating – Sign Application</b> | Page 7       |
| 6) <b>Empire Power Tool – Sign Application</b> | Page 7 – 11  |
| 7) <b>LLS Enterprises – Sign Application</b>   | Page 11 – 12 |
| 8) <b>Burdick Farms Subdivision</b>            | Page 12 – 22 |
| 9) <b>Sypko Wetlands Permit</b>                | Page 22 – 27 |
| 10) <b>Eastern Jungle Gym</b>                  | Page 27 – 28 |
| 11) <b>Carroll Wetlands Permit</b>             | Page 28      |
| 12) <b>Noblet Subdivision</b>                  | Page 28 – 30 |
| 13) <b>Ciotola Subdivision</b>                 | Page 30 - 31 |
| 14) <b>Field &amp; Forest Apartments</b>       | Page 31      |
| 15) <b>Other Business</b>                      |              |
| a. <b>Frantell Site Plan</b>                   | Page 31 - 33 |

CHAIRMAN  
Herbert Schech

*Secretary*  
Melissa Brichta

*Town Planner*  
Richard Williams



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

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

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

APPROVED  
12/4/03 MB

## October 30, 2003 Work Session Meeting Minutes

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

Present were: Chairman Herb Schech, Board Member Mike Montesano, Board Member Shay, Board Member Dave Pierro, Board Member Shawn Rogan, Rich Williams, Town Planner and Ted Kozlowski, ECI.

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

2 members in the audience.

### 1) MAIORANO & COLAO FILL PERMITS

Chairman Schech stated fill permits no problems with this.

Rich Williams stated there are site walk comments.

The Secretary stated the comments only say Colao.

Rich Williams stated it only says Colao because you really didn't go across.

Chairman Schech stated we looked.

Board Member Rogan stated the other one is the lot if we driven past Colao.

Board Member Montesano stated well if you stood on the edge and you looked down you could see where.

Rich Williams state on Colao I am going to make some specific recommendations.

Board Member Montesano asked Rich if he did not make any comment about the blacktop that was in there.

Rich Williams replied I did. I indicated that he had brought it in that he didn't know it was fill he took out what he could, the rest was still there, and he wasn't bringing anymore in.

**2) GDC SUBDIVISION – Bond Reduction**

Rich Williams stated you have a memo from Tom McGinn.

Board Member Rogan asked we had it previously didn't we.

Rich Williams replied maybe.

Board Member Rogan stated we had it from last meeting but we didn't act on it because no one was there. Wasn't it last meeting.

Board Member Montesano stated no.

Chairman Schech stated basically I think we should not reduce the bond because we still have the problems with the telephone poles.

Board Member Rogan asked I was thinking that but isn't that Verizon though.

Board Member Montesano stated there is no indication of them making any comments yet. We don't have anything in writing according to this.

Board Member Rogan stated I thought Verizon did that on their own accord.

Rich Williams stated Verizon did do that on their own to some extent. The developer, GDC it gets complicated because GDC did the subdivision then they sold the subdivision off and that developer sold some of the lots off that were not part of the road. So, we are not sure who is supposed to actually do the trenching but ultimately it becomes the responsibility of the person developing the lots so they were required to put up a fifty thousand dollar cash bond with NYSEG. That is who has got the bond. You are right there is still some question about whether the developer who is doing Theodore Lane and the rest of the lots was actually supposed to do the trenching along the road. Does that all make sense.

Board Member Rogan replied it makes sense that it is a little bit convoluted in terms of who the responsible party is. It was not like there was an open trench to put wiring in and then Verizon came in and said screw that we are going to put up our poles instead of putting it in the trench. The trench was never dug so.

Rich Williams stated NYSEG was in the process of getting the permit so that the trench could be dug and Verizon stepped in and said screw it we are putting the poles up.

Board Member Montesano stated Verizon has never ever wanted to put trenching in because it was going to cost them additional time and money. They have fought us on this tooth and nail. We have insisted if I recall all along to put it in.

Board Member Rogan stated they just ignored us they haven't even fought us.

Board Member Montesano stated they just disregard it. The object is if they continue to disregard how about we sue NYSEG and Verizon.

Chairman Schech stated let's dig our heels in here and refuse to reduce the bond and let them worry about it. Let them take us to court.

Rich Williams stated okay that is fine but where this all got left off six, eight months ago was the Town Attorney was supposed to contact the Public Service Commission to get an opinion about whether Verizon really needed to go under ground or to see if the Public Service Commission could take an action.

Board Member Rogan stated what we got recently was a letter from Craig that was summing up that he reached out to them and had not gotten a response something to that affect.

Rich Williams stated he reached out to Verizon not the Public Service Commission.

Board Member Rogan stated no I realize that

Chairman Schech stated that is my opinion.

Board Member Montesano stated I have no problem with that.

Board Member Rogan stated whatever we can do to clear up the issue with the lines I agree as long as we go about it in the right manner.

Board Member Montesano asked do we have to re-direct our Attorney to get off of his,

Rich Williams stated where it is right now is in the Town's court and the Town hasn't doesn't anything in six to eight months.

Board Member Rogan stated hopefully Craig will be here next week.

Board Member Shay stated I agree with Mike.

Board Member Montesano stated let's get on his case. We can do it tomorrow or the next day whenever you get an opportunity let's let him know we expect him to get in touch with the correspondence

Chairman Schech stated maybe we can get some movement on it.

### 3) DRAGO FILL PERMIT

Rich Williams stated Drago is a property over off of Haviland Drive in Putnam Lake right along the main drag just past the lake. He wanted to bring some fill in. He actually brought the fill in and spread it out. I am trying to get some additional information on that. He brought it in from two sources.

Chairman Schech stated what I see over here scares the sh- - out of me it says City of White Plains, Nichols Boat yard. Do you know what could be in that stuff.

The Secretary stated he was getting in from two places.

Rich Williams stated the City of White Plains sells fill. I don't know where they get it from but they sell fill. This boathouse also had some excess material that had to be removed and he got it from those two sources. He also submitted documentation that he had the fill tested and the fill came up clean. Of course, it always, Chairman Schech interjected do we have that. Rich replied yes and stated it always makes me nervous when somebody hands me the test reports all ready.

Board Member Montesano stated in other words, he is not asking for a fill permit.

The Secretary stated he was stopped.

Board Member Montesano asked did he pay a fine for putting the fill in before.

Rich Williams replied has anybody no.

Board Member Montesano stated I want to see the test report and make sure that it is the same fill that he gave us the test report on.

Board Member Shay asked Rich did you see the test report.

Rich Williams replied yes and I am also trying to get additional information from the city of White Plains.

Board Member Montesano stated I would like to know if the test permit is for the same fill that he is using and how do you prove that.

Rich Williams stated I think regardless you should inform the Applicant that if you decide to go ahead with this fill permit you are reluctant to approve anymore fill from those sources.

Board Member Montesano stated that is a considerable amount of money to truck up here. What does he have his own vehicles.

Rich Williams replied I don't know.

Chairman Schech stated okay we want to know where the source is and all that and stop.

#### **4) CARPET DESIGN – Sign Application**

Chairman Schech stated this is right next door to Subway. What does he just clean carpets.

Rich Williams stated I think he sells carpets.

The Secretary asked is that the sign that is there already.

Rich Williams replied no that is a temporary plastic sign.

Board Member Montesano asked what kind of business is this.

Board Member Shay replied go up to my kitchen and look at the floor. He was in Pawling. He put in my floor.

Chairman Schech asked what does he sell carpet.

Board Member Shay stated carpets, linoleum, and tile. He does a good job too.

Rich Williams stated I did raise some issues first off based on the methodology that the Board has used in the past he does meet the requirements. In addition, the other stores that have been approved out there all have channel letters. He is proposing a combination of channel letters which are not consistent with the size of the other stores plus he is also proposing two small box signs to frame it in.

Board Member Montesano stated he has got to match what is up there.

Rich Williams stated you need to take a look at the sign see if you agree with my opinion certainly but the other issue is again, if he stays within the Code requirements he gets a very small sign which isn't going to be consistent with the other signs that are up there because nothing matches.

Board Member Montesano stated the object is they subdivided a store so his square footage and now Subway's square footage, does Subway sign

Rich Williams stated we went through that what happens now is because they did this you would have a twenty-four inch letter, a twenty-four inch letter, a twenty-four inch letter and a twelve inch letter.

Board Member Montesano stated but Subway proceeded to subdivide their store.

Rich Williams replied no Benderson did.

Board Member Montesano stated so then the Subway sign is actually over sized for the store.

Rich Williams stated yes they had to come in, Board Member Montesano stated then we tell Benderson he can't do it either that or he buys two new signs that match each other.

Board Member Rogan asked what were the conditions by which we approved the Subway sign. I don't recall off hand.

Rich Williams replied well first it went to the Zoning Board of Appeals he got a larger sign than what would otherwise be permitted so we could stay consistent with the other signs that are there.

Board Member Pierro asked is there anyway we could make this be put in between these two pillars to make it look more symmetrical.

Board Member Shay stated even though the store isn't physically there.

Chairman Schech asked what does he have up there now a temporary sign that we can look at it.

Rich Williams replied yes a temporary plastic sign that is the same basic style of what he is proposing but he is going to have small channelized letters with two small box signs on either side.

Chairman Schech stated let's take a look and see what he has got there.

Board Member Montesano stated you don't allow the box signs either his name is going to be Genie Carpet or he is going to have Carpet Design. He does not have to have either one of those two box signs. What I would like to know right now is does Benderson have the right to keep subdividing those stores then people expect to get a sign.

Chairman Schech replied hopefully I think he is finished.

Board Member Montesano stated why if he did one why can't he do anymore.

The Secretary there are no more stores left.

Rich Williams stated the space is all leased at this point.

Board Member Montesano stated was Subway leased as one store.

Rich Williams replied no.

Board Member Montesano stated it was never leased as one store.

Rich Williams stated no it was leased in twelve foot sections. What happened here, Mike say Blockbuster moves out Benderson then decided to subdivide that store into three or four stores.

Chairman Schech stated let's take a look at it.

Board Member Montesano stated if it is going to be a sign it has got to match the signs that are up there.

Rich Williams stated to do that would require a variance.

Board Member Montesano stated then he has got to go get a variance.

Board Member Pierro stated we made Subway get the variance.

Board Member Montesano stated but I don't think we should allow all that indication on that sign. I think it should say Carpet Design period leave the boxes out.

Rich Williams stated again, that gets into the design whether you think all the other signs up there are just channel letters.

Board Member Montesano stated I would prefer to match it.

Board Member Rogan stated I think having the bottom part that says floor coverings, The Secretary stated the computer store has that on the bottom. Board Member Rogan stated I don't like it.

Rich Williams stated if you want to think about this and maybe make a recommendation to the Zoning Board of Appeals about what you think the sign should look like in case he does proceed with a variance application.

Chairman Schech stated I would like to just see what it looks like he has the temporary sign out there.

**5) INTEGRITY HEATING & A/C – Sign Application**

Board Member Pierro asked Rich did we approve the parking issues that had to be taken care there.

Rich Williams replied yes it is all done.

Rich Williams stated he submitted the size but not the design or colors.

The Secretary stated he said he did but I could not find it.

Rich Williams stated I am just going to call him up and make sure he brings it with him Thursday.

The Secretary stated he said red and blue on the application.

Chairman Schech stated this is the existing sign that is up there we are just changing the words.

**6) EMPIRE POWER TOOL – Sign Application**

Chairman Schech stated Empire never does anything we tell him to do what are we going to do here now.

Board Member Montesano stated five signs.

Board Member Rogan stated the last page is what we have now and the hand drawn sign is what he is proposing the location of each so Stihl will be on top.

Rich Williams stated I guess he took the Stihl sign and leaned it up against the post.

Board Member Montesano asked why does he need all these extra signs on here.

Rich Williams stated he doesn't.

Board Member Montesano stated it is colorful anyway.

Board Member Pierro stated this is a much better improvement.

Board Member Rogan stated I was just going to say I think so.

Board Member Montesano stated what I don't understand is he is entitled to have if you go by the size of

the buildings we have what three, four different buildings there now. I don't know how many he is supposed to have.

Board Member Shay stated there are four buildings on that site.

Board Member Montesano stated I don't know how many are supposed to be there.

Board Member Pierro stated he only has three.

Board Member Rogan asked isn't there a fourth one.

Board Member Montesano replied no that is the residence that is in the front that is not his. If you drive in he has got the L-shape this way, Board Member Pierro stated he owns them all but they are all three separate pieces of property there. I know I just researched some land next door to it.

Chairman Schech asked what is our legalities as to square footage.

Rich Williams replied twenty-five feet.

Board Member Pierro asked with the new Zoning Code but they have a variance.

Rich Williams stated all right let's talk about the variance because that gets a little complicated. I finally did find the variance. Way back when in 93 Larry Logo who was renting space came in and got a variance to increase the size of the sign.

Board Member Pierro asked who was Larry Logo.

Rich Williams replied he was a tenant.

Board Member Pierro stated I like this kid but he never comes in for the variance on his own he always sends some tenant in.

Rich Williams stated he came in to get a variance for the pool business and the gift shop that they were going to run out of this. That sign hasn't been up forever nor the Empire Tool sign that was made part of that application has that been ever erected in the past six or seven years. My opinion is that the signs that are up there are not legal therefore they cannot enjoy grandfather status therefore the variance has been vacated so he is back to twenty-five square feet. Regardless of whether he has twenty-five or forty the sign he is proposing is sixty.

Board Member Pierro asked and what does he currently have up there.

Rich Williams stated sixty.

Board Member Rogan stated he is looking for fifty-four right, thirty and twenty-four.

Board Member Montesano stated no you have got another four and then over here isn't there another four this way referring to the picture.

Board Member Rogan replied no that is four foot it is just showing the dimensions.

Chairman Schech asked are we going to stick to our guns with twenty-five square feet.

Board Member Montesano replied yes I think it is about time.

Rich Williams stated if he wants more he has to go the ZBA.

Board Member Montesano stated I am not worried about the ZBA if he comes here do we stick to twenty-five square feet.

Chairman Schech stated yes.

Rich Williams stated you don't have a choice.

Board Member Montesano stated if he wants to proceed that is his privilege but I don't have to keep wiping his nose and tell him here go to the bathroom it is about time you learned how to do things right.

Board Member Pierro stated we have to be consistent that is all there is to it send him to ZBA.

Board Member Montesano stated I have no problem the thing says twenty-five feet. You can't have it. It is up to him to decide if he wants to go there for me to say go there we do enough engineering and enough occasionally it would be nice if you are going to have a business in the community at least learn what the rules are.

Board Member Pierro stated send him to ZBA.

Chairman Schech stated ZBA if he wants.

Rich Williams stated that is one issue but the other issue is the design and the colors and everything else. You might want to provide specific guidance at this juncture because one of the things I heard was don't like the Stihl sign and I am sure that this whole thing is a packaged deal being put together by Stihl.

Board Member Rogan stated I don't care whether he has a Stihl sign.

Board Member Montesano stated the object is let's put it this way he has got twenty-five square feet,

Rich Williams asked you are okay with the Stihl sign.

Board Member Rogan stated I don't like any of them. He is a Stihl authorized repair shop.

Chairman Schech stated then just put up Stihl and that is probably the twenty-five square feet right there.

Board Member Montesano stated excuse me he has got twenty-five square feet if he wants to put Stihl on it that is his privilege.

Rich Williams stated okay maybe I misunderstood I thought you didn't like the size and the colors.

Board Member Montesano stated no I didn't like the idea that we have thirty square feet, twenty-four square feet we are way over the limit on this.

Rich Williams asked so you are okay with the Stihl sign.

Board Member Pierro stated I am okay with the sign I would rather have it as opposed to what is there now.

Board Member Montesano stated he can put Stihl just the way it is there and then paint it on a board and put it up there or if Stihl wants the color the object is if you want the multi-colors then we are going to get a lot of different colors in here.

Board Member Rogan stated I will tell you what is going to be nice as a direction on this if we are going to have all these different signs it would be nice if they were of uniform design. I understand that Stihl is a registered trademark type sign but come up with a design.

Rich Williams showed the Board the sign that got the variance for the forty square feet.

Board Member Pierro stated it is still busy.

Board Member Montesano stated when we started this Town stuff where we said you have colors I wanted to extend that to the rest of the Town I got told no. I think it is about time that the Town of Patterson should not only consist of the village and Putnam Lake but it should be the Town of Patterson so if we have a code for here the village it should continue throughout the Town. We picked colors that made the place look supposedly uniformed why didn't we stretch it out to the rest of the Town is still beyond me.

Board Member Pierro stated that was before my time I think.

The Secretary stated no that was last year.

Board Member Montesano stated no it was last year I wanted to extend it we ended up having it only for the village where we had the colors you could put up the way the sign would be designed it got knocked down.

Board Member Rogan stated it didn't get knocked down Mike it just didn't get voted on.

The Secretary stated if you go back to the minutes there were a couple of you that didn't agree with the uniformed three colors for the entire Town.

Chairman Schech stated we are starting up a little at a time.

Board Member Montesano stated it got put back in the committee so it means it got voted down.

Rich Williams stated that doesn't mean that you can't take those basic design requirements and apply them throughout the Town on a case by case basis.

Board Member Shay asked can we rectify that now or is it too late.

The Secretary stated you would have to change the Code.

Rich Williams stated I did codify the old guidelines they are in the Code now for the Hamlet. If we wanted to make it mandatory for the Town we would have to change the Zoning Code on the other hand as a policy or as a guidance document the Planning Board could adopt general guidelines for whatever you are looking at. It is a good thing to do because then people coming in the door know where the starting point is.

Board Member Shay stated I think it is a good idea then we won't have this.

Board Member Montesano stated that is right then if you go to the Zoning Board even the Zoning Board has a guideline.

The Secretary stated but look at the next sign and you are going to limit it to blue, red, or green.

Chairman Schech stated what are we going to do with Empire Tool I would say let's stick to our guns twenty-five square feet with reasonable colors.

Board Member Montesano stated no we want him to match the Hamlet colors. We will start with them.

Chairman Schech stated well reasonable subdue colors.

Board Member Montesano stated why give them colors to work with this way he has no excuse.

Board Member Pierro stated send him to ZBA.

Chairman Schech stated if he insists then he is going to go ZBA. We are going to tell him twenty-five square feet period.

## **7) LLS ENTERPRISES – Sign Application**

The Board reviewed the Abruzzi sign.

Board Member Montesano stated that is a nice color I will go along with that black and white.

The Secretary showed the Board the color version.

Chairman Schech asked which one is this.

The Secretary replied Pfister the golf place with the restaurant.

Board Member Pierro asked what square footage are we talking here.

Rich Williams replied they are both fine.

Board Member Rogan stated this one is twenty-four.

Board Member Montesano stated so by the way I would like to see if we could stick to the colors that we have in here and see if we can get that in on a guided basis if we have to do it that way until such time

because by now I would love to see a change I am not saying that we have to do it today for the simple reason that if it does go before the ZBA at least they have guidelines and this is what we are going by. Everybody ends up with the same kind of sign.

Board Member Rogan stated I will tell you what would be nice thinking about the A&P shopping center what we were just dealing with if when they and that was probably done when it was approved as the commercial project if we have a consistent sign font whatever you want to call it so that the writing is the same for the entire plaza.

Rich Williams stated we didn't go far enough with that you know hind sight is wonderful.

Board Member Rogan stated that is okay we learn from it.

Chairman Schech stated this is a nice sign.

Rich Williams stated Mike, just to add on to what you were saying there is some consistent design requirements or design on that sign that reflect the Hamlet type design. It is lit from the ground, it is not obtrusive.

Board Member Montesano stated my thing is when you drive around here no matter where you go, you go into Connecticut, you go out to the Island you go through these towns each buildings all fit into the picture. You come up we have our favorite one and only and every building looks exactly the way they wanted it to be built and the hell with what you said and we ended up with it right here.

Board Member Montesano stated to me that is a nice sign (Abruzzi) compared to what he is offering us.

The Secretary stated what if it was red or blue. I don't think it would look right.

A Board Member stated no red and blue wouldn't do it.

The Secretary but the colors you want are maroon, blue and it has to be gold letters.

Board Member Montesano and green sure it would you have way to set the combination up. You could do a green in there and those letters could be gold.

The Secretary stated I still don't think it would look as nice.

## **8) BURDICK FARMS SUBDIVISION**

Mr. John Kellard, Kellard Engineering was present.

Board Member Rogan asked can we pull the last plan on this to compare to this.

The Board reviewed the plan for a few minutes going over the current changes.

Board Member Rogan stated a lot more green a lot more open space.

Board Member Rogan stated they took out Lot #43 which is at the entrance someone said they wanted that wetland protected, Herb that was you talking about that so that one is removed. That made Lot #37 smaller and what was formerly Lot #42 had 1.28 acres is now less than an acre. Lot #41 is a little slightly larger and Lot #40 is a little smaller. They basically crunched down those three lots. They have pulled up off of some of the steeper slopes on the open lot. Instead of the road coming through here they turned it a little bit. It looks like this is where the greatest changes occurred through this section. Between this stormwater lot we had basically six lots in that triangle. It looks like there are the same number of lots but they have created open space. They reduced the size of the lots.

Chairman Schech asked how about the road entrance on to McManus.

Board Member Pierro stated they are talking about a bridge in the letter.

Chairman Schech stated there is a large improvement.

Ted Kozlowski stated Wetland 3 is going to be bigger we found more wetlands here in this area referring to the plan.

Board Member Rogan asked do you they actually connect to this one.

Ted Kozlowski replied I don't think so but it is definitely going to extend beyond the stonewall.

Ted Kozlowski stated on the plans it says what is that number five is non-regulated with the new Code changes that is a regulated wetland.

Board Member Rogan stated they have removed the septic systems out of this area so it looks like these two lots have been eliminated.

Board Member Pierro stated they cut out a couple lots there that tough lot down where the wells were.

Board Member Rogan stated we walked these lots this was the cluster of what seven lots.

Board Member Pierro replied right.

Board Member Rogan stated you still have six.

Board Member Montesano stated but there is more open space there.

Board Member Rogan stated the road is extended back to here.

Ted Kozlowski asked what is the purpose of leaving this gap here referring to the plan why not just connect it to the two properties this to me looks like there is enough road frontage to put another lot in there someday.

Rich Williams stated because he is trying to now comply with the most recent Code requirements (TAPE ENDED).

Rich Williams stated the Code now requires limitations on the size of the lots that he can do, combined with the fact that he has got to now if they go this route protect this so it can't be developed in the future.

Ted Kozlowski stated but it seems to be much steeper slopes here why don't we just move that lot right over there and close that right off.

Board Member Pierro stated I thought that this was that area where we had implied or believed that there was a natural swale there that hooked up to the wetlands on the bottom.

Board Member Rogan replied no we were looking that was through here remember there was a double rock wall there. In fact we were talking about how they were going to get the water from one basin to the other because it goes through quite a roller coaster.

Ted Kozlowski stated this right here is very steep and this is probably some sort of channelized water and storms. I would just say move this over.

Board Member Montesano stated even if you don't want to move it over physically all you have to do is bring a line in like this.

Ted Kozlowski stated this is just going to be encroachment city here anyway.

Board Member Pierro asked can we hear from Mr. Kellard.

Rich Williams stated if by leaving that there you have gained, you have access to that back parcel.

Ted Kozlowski asked who has access.

Board Member Rogan stated access with no parking though.

Ted Kozlowski stated you have access from here but Rich, this is just going to be encroachment city. Look at how far this property line is from the houses. These people are going to use that property.

Rich Williams stated yes they probably are.

Ted Kozlowski stated they are going to do what everybody else does when we do these things.

Ted Kozlowski stated so this guy can't use it this is so steep here as compared to here just move this over.

Board Member Montesano stated actually all you have do would be instead of having that line there bring it out like this.

Board Member Rogan stated it doesn't hurt my feelings.

Board Member Rogan stated this lot needs the area more than this one.

Board Member Montesano stated yes either bring him over or bring him over part way or whatever it is a matter of moving a line right now.

Board Member Pierro stated it is a positive movement in the right direction.

Ted Kozlowski stated but you know and again what is the purpose of this here what is that going to become. This is going to become a dumping ground for all these people.

Board Member Rogan stated remember we haven't gotten to that point yet but when we were talking about this a year ago we were talking about somewhere in this area those water tanks that the fire department was looking for the storage tanks and we talked about where to put them, we talked about if you would be able to get to them and turn around rather than having to pull up to them and back up.

Ted Kozlowski stated every single one of those property owners are going to be dumping their leaves and dumping everything right in that lot.

Board Member Montesano stated leaves don't bother me. The thing that is going, Board Member Rogan stated it is wide open land too.

Rich Williams stated wait, you know the intent of the new Code is to create as much open space as we can. When you do that you are always going to have that problem. You are going to have that concern. You have got it right now. Do you want to go the other way and not have open space.

Ted Kozlowski stated Rich, just add this to open space flip flop this, push this down there and give more open space, more mass of open space instead of these little pocket pieces that are just going to go to waste.

Rich Williams stated to Mr. Kellard you may want to jump in on this at anytime.

Mr. Kellard replied I didn't know if I could.

Rich Williams stated it is up to the Chairman.

Chairman Schech stated come right in.

Mr. Kellard stated the difficulty is meeting the new regulations. The maximum lot size is 55,000 square feet which I can't exceed. Our major change from the plan before is what we now intend to do is comply fully with the open development law. To be frank with you we are grandfathered for two years, we don't want to get to the end of two years and find out that we don't have an approval and we have got to start all over again. So, we said let's comply with the new law and that is what we tried to do at this point.

Rich Williams stated what they are suggesting though is tightening the lots up so that the smaller areas of open space are gone.

Mr. Kellard stated understood and I hear what you are saying, Ted Kozlowski stated my whole point, Rich Williams interjected and part of what you are doing is based on the septic.

Mr. Kellard stated septic pretty much govern here maybe I can play with that roadway and configure the lots and I will try to eliminate a pocket park like that if that is what you would like.

Board Member Rogan stated I don't have a problem with the pockets to me put in some, Board Member Shay stated I see what Ted is saying.

Ted Kozlowski stated but the bottom line is guys we get bit in the behind on stuff like this. Where these little pocket areas that no one is going to use except those immediate property owners and it is going to become a depository for all sorts of stuff and eventually Charlie Williams or whoever the Highway Superintendent is or whoever the ECI is or whoever the Code Enforcement Officer is going to inevitably wind up in that lot trying to clean up somebody's mess. So, why don't we just knock it out now.

Rich Williams stated but Ted it is going to be their lot. They are going to retain ownership, they are going to keep paying taxes on it.

Ted Kozlowski stated Rich, they don't do that though come on this goes on all the time. We wind up making a mess.

Rich Williams stated listen Big Elm Subdivision you have got that whole big area in the back that is common open space where the people in the rear of that subdivision are throwing stuff over the wall. We know it but they are all paying taxes on it.

Ted Kozlowski stated who sees it Rich. Everybody is going to see that. I am just saying it is going to be,

Board Member Montesano stated lets look at it this way if everybody is going to see it then in that community they are going to get kind of upset.

Rich Williams stated if you don't like it we can make them put limitations on that and we can make the Town a party to it so that the Town can enforce no dumping on the property.

Ted Kozlowski stated this is not my fight, it is not a wetlands issue I am just telling you that, Rich Williams stated yes but your opinion is valued here. Ted stated I am just saying Rich just like this, this is going to become their property, and they will encroach on it and they will do things to it just like that parcel there. It happens all the time guys so we should plan it to not do those things. We don't seem to learn.

Chairman Schech asked what do you suggest that we just give it to one of these property owners.

Ted Kozlowski stated I totally understand that you have got to be within the confines but why can't we take this square and put it there referring to the plan.

Chairman Schech stated why don't we just give this to this guy.

Board Member Montesano stated we can't.

Board Member Pierro stated because you have to have the open space. You got to have a maximum lot size.

Ted Kozlowski stated to me having this as a bigger piece of open space is more of a benefit to all these people then to have this little pocket unless you are going to put a park there maybe they are going to put a playground there they want to do that that is fine.

Board Member Rogan stated that would be a great idea.

Mr. Kellard stated I don't have a septic in there. I don't have a lot there.

Rich Williams stated when I looked at this plan I made the assumption that where you are showing septic is where you can put them and with the old plan and comparing it where you got septic is where you feel you can put them and then you have to take a maximum of 55,000 square feet around that.

Mr. Kellard stated and I tried to avoid cul-de-sacs. I know you are not fond of cul-de-sacs. You are trying to keep the two lots to the east conforming to 55,000 square feet if I pull the road over then they are going to be larger. It is a balancing act.

Chairman Schech stated I think it looks pretty good to me.

Ted Kozlowski stated what you could do here then if you want to keep that because I think the gentleman said it was all open plant it up with trees and make it a pocket park.

Board Member Rogan stated I like that idea. I think that neighborhoods need that.

Ted Kozlowski stated have them do that as part of the plan make it a pocket park but then who is going to maintain it.

Rich Williams stated then you have got to deal with maintenance issues and also pocket parks are really great in high density areas like Putnam Lake where there is a limited amount of yard space. When you have an acre, acre and a half generally there is enough so people can put in pools, swing sets on their property.

Chairman Schech stated this is a thousand percent better than it was.

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

Ted Kozlowski stated I am just saying Rich you are what twenty-five feet away these people are going to be using it.

Chairman Schech stated let them use it.

Rich Williams stated the section of our New Code which deals with a lot of this says that those areas that are used for utilities like stormwater you can't consider that as open space but that is okay we have gone a long ways to creating a whole lot of open space on this plan so the fact that he is showing stormwater basins in areas also labeled as open space we are not going to not consider those.

Ted Kozlowski stated the other thing is thinking if I were to move there just visualize this Shawn is saying this is open field right now there is not a tree on it correct.

Board Member Rogan replied right.

Ted Kozlowski stated these people move in they are going to have all these parcels most likely landscaped they are going to have lawns, they are going to have gardens, they are going to have trees and then this thing is going to stick out like a sore thumb because it is just going to be an un-mowed field then eventually turn to forest in a hundred years. Do you want to keep it that way. Are you going to be happy with that visualization or do you want them to plant trees in there to make it another forest or do you want to make it

a park but I am just telling you that at some point this is going to become an issue because these people are not going big bucks to look at an un-mowed field.

Board Member Rogan stated it is a good point.

Chairman Schech stated that is the builder's problem.

Ted Kozlowski stated I am just saying guys you are part of the planning process.

Chairman Schech stated yes but that is not yours if they are going to pay big bucks or not that is his problem and the owners problem.

Ted Kozlowski stated that is his problem that will eventually become the Town's problem.

Chairman Schech stated no it is not.

Ted Kozlowski stated it does Herb unfortunately it does.

Chairman Schech stated no it is not.

Ted Kozlowski stated I said my peace.

Rich Williams stated it is a valid point.

Board Member Rogan stated it is a valid point.

Chairman Schech stated I think it looks great the way it is. I am sorry.

Ted Kozlowski stated it looks great from a bird's eye view and colored paper but in reality I am just telling you that is going to be an un-mowed field.

Chairman Schech asked what about all this area here is that un-mowed field.

Ted Kozlowski stated it is a very large scenic vista here you are looking at a half acre.

Board Member Montesano asked what is the size of that piece.

Board Member Rogan replied it is about an acre.

Board Member Montesano stated okay so let's say you put in eight or ten Pine trees make people happier.

Ted Kozlowski stated guys, I am just throwing it out at you.

Rich Williams stated I think that if you are going to do that you would want to do deciduous trees.

Board Member Pierro stated we are really beyond the scope of tonight's reason for viewing this plan.

Chairman Schech stated I think generally the plan looks good to me.

Board Member Pierro stated it has come along way.

Chairman Schech asked does anyone else have any comments.

Rich Williams stated one is just to keep everybody aware we have another application in tonight Noblet that is this lot right here. They want to do a two lot subdivision here. It is Greene's old property.

Board Member Rogan asked two lots mean two lots total.

Rich Williams replied yes.

Ted Kozlowski stated he has a big huge wetland going through there doesn't he.

Rich Williams stated we are going to talk about that don't go anywhere.

Rich Williams stated the other thing is we started out a long time ago with this project as an eighty-one lot subdivision and clearly, clearly created many, many impacts to the community and as a result the Board properly found that they should do an Environmental Impact Statement and a pos dec. Now, with the regulations I don't know anywhere to go back. You can only go forward on this but I have got to say on a personal note if this came in looking like this I don't know that I would be recommending a positive dec on this project.

Board Member Montesano stated the land hasn't changed since the original three books that I still have at the house so I don't see any I think what we aware doing here is a hell of a lot better than those three books which the smallest was the eighty-one. I have no problem with this the way it looks right now.

Rich Williams stated no I don't either. I am just saying, Board Member Montesano stated some fine tuning maybe.

Board Member Pierro stated I still have some questions about the impacts to the road and what kind of work is going to be done out on Ice Pond.

Rich Williams stated at this point they are committed to doing a Supplemental Environmental Impact Statement.

Board Member Montesano stated that situation over there on the other side of the street or I should say on this side of the street that curve has still got to be worked out.

Chairman Schech stated I have a suggestion on that if you don't mind suggestions. If you could possibly work a deal out with Jake Burdick's, Claire Burdick up here their house is right here on that bad turn and et a chunk of property from them just to improve the site distance on this turn.

Board Member Rogan commented boy that is precious little space there though.

Board Member Pierro stated it is not much that house would be right up against the road.

Chairman Schech stated not really the house is back quite a ways. You don't need too much to improve the site distance on that.

Board Member Rogan stated you are talking twenty feet or something like that.

Chairman Schech stated yes because it goes straight up and it is really horrible.

Board Member Rogan stated yes that is tough right there if anything off that hill sticks out even a branch hanging out whacks your car.

Chairman Schech stated and that would be really a thousand percent improvement on this corner here.

Mr. Kellard asked and the owner of that location is.

Chairman Schech replied Claire Burdick.

Mr. Kellard asked anybody that can give us an introduction.

Chairman Schech stated I can I guess.

Board Member Pierro stated well it is easy enough to do that.

Chairman Schech stated I haven't seen her in ten years.

Board Member Pierro stated I don't think it is our position to make introductions. You guys ought to know where they live because we don't want to give the impression that we totally support this idea. It may be an improvement as Herb says.

Chairman Schech stated it would be a thousand percent improvement if you take a ride out there. I go up there an awful lot.

Board Member Rogan stated I agree with you Herb. I would be surprised if someone in that position the way that house sits boy it seems like they have precious little space on that front but hey, who knows.

Chairman Schech stated it might be monetary perhaps you could give them a little extra property in the back.

Board Member Rogan stated but anything to improve that road to kind of ease up that corner that is a deadly corner there.

Board Member Pierro stated that is going to be the toughest spot.

Chairman Schech stated this corner is the worse even though we made a great improvement with reducing the number of houses but still it is a bad corner.

Board Member Rogan stated and the intersection of McManus and Bullet Hole I have heard that was supposed to be cut out under the old subdivision many, many years ago and the land is there. It is just a matter of knocking that corner out and it was never done. That is a tough one now never mind thirty-seven

houses later but that also appears to be the easiest one to resolve. It is literally knocking the corner out ten, fifteen back and sloping it and done. I agree overall I like the layout of the plan.

Chairman Schech stated because realistically after you shrank down the development to this size I don't think we can, this is really a sticking point here because they sold it that time.

Rich Williams stated that was really an in your face move to the Board by Tom Scott.

Board Member Pierro stated you were not a part of that.

Chairman Schech stated that was before you.

Mr. Kellard asked they owned the property across the street.

Board Member Rogan replied yes a hundred and twenty-eight acres or so.

Rich Williams stated yes the Board said being as you own it we want you to give this portion to straighten that curve out and take the S out of it, he said wait a minute I will be right back and went and sold it.

Board Member Rogan stated and now some guy owns it. It is a barn on it he does not want to sell it. He is running his hobby farm out of there.

The Secretary stated tree farm.

Rich Williams stated I have talked to them they are more than willing to talk about selling it assuming that somebody will move the barn for them.

Board Member Montesano stated the original plan that was brought in on that thing and that goes back almost twenty years ago that road was supposed to be improved in that manner and then he came in and he just said it is not my responsibility and as long as that, Chairman Schech stated that got us started.

Board Member Rogan stated and Tom knew a lot about it because he talked quite often about changing the roadbed there and bringing it over maybe thirty feet and where it was going to come down. I have heard many stories about that.

Mr. Kellard stated you do know that Tom isn't part of this application any longer.

Rich Williams stated I do know that Tom is still sitting in the background. I do know that Tom was up last weekend looking at the foliage.

Mr. Kellard stated we don't communicate with him any longer and I don't know if Vinnie does either.

Board Member Rogan asked was the owner of the property at the last meeting.

Mr. Kellard replied yes.

Board Member Rogan stated I don't know what he looks like.

Mr. Kellard stated it was actually the first time I met him also.

Chairman Schech asked anymore comments on this basically I think it is a great plan. It needs a little fine tuning.

Board Member Rogan stated I like it.

Mr. Kellard thanked the Board.

#### **9) SYPKO PROPERTY – Wetlands Permit**

Ted Kozlowski asked Rich has Sypko submitted a wetlands permit.

The Secretary stated yes a long time ago.

Rich Williams replied yes.

Ted Kozlowski stated no they haven't submitted a wetlands.

Rich Williams replied yes they did. You commented on it.

Ted Kozlowski asked can I see the permit.

Rich Williams stated we will double check and see if we have got it or not and we will figure out a way to get you a copy.

Ted Kozlowski replied Rich, I am sure you have a copy handy can I see it.

The Secretary stated the wetlands are not organized in my files.

Chairman Schech stated okay basically where are your permits.

Rich Williams stated we got a letter in from DEP and I have got Gene looking at the latest revisions. I have not had a chance to catch up to it.

Ted Kozlowski asked and what was their letter it must have been a juicy letter.

The Secretary replied it wasn't that bad was it Rich.

Rich Williams replied it was basically asking him for the same stuff we have been asking him for. There is some confusion with the DEP because my opinion their regulations clearly indicates that this application qualifies for a residential stormwater permit and they are basically saying no he has to go get a variance and we don't see how he would ever qualify for a variance.

Ted Kozlowski stated I would think Rich, would you think DEP would do anything less than smash him on this.

Rich Williams stated they surprise me sometimes.

Ted Kozlowski stated Rich, I don't believe he has filed a wetlands permit.

The Secretary stated yes he did I know he did.

Ted Kozlowski asked Rich, why would he submit a wetlands permit when he wasn't even finished figuring out the culvert and all the other things.

Rich Williams stated here it is right here, there is an EAF, there is a list of property owners there is a lot of stuff because in his original application Ted he was going to use what was already in the stream and then you and I talked about it and Gene and we basically said no way no how.

The Secretary handed the copy to Ted and stated it was back in March.

Ted Kozlowski stated he does not have a complete application anyway because the application has changed.

Rich Williams stated I didn't say it was complete.

Ted Kozlowski stated by the way he did not pay the right fee either.

The Secretary stated that is your deal because I don't give out your fees I tell them to speak to you.

Rich Williams stated Ted, you want to let me know if you don't have the materials.

Ted Kozlowski replied why even bother with that. That thing is no longer valid it has changed everything on that we have widdled that to you know. Rich, the last meeting he still hasn't dealt with the plantings along the stream bed why would we even be considering a wetlands permit at this point.

Rich Williams replied the plan may not be complete but the application form, the EAF, the list of 500 feet property owners, the other supporting documentation they may or may not be acceptable but we should be saying they are or not acceptable.

Board Member Rogan stated you are obligated to review it though.

The Secretary stated we have been reviewing it for seven months.

Rich Williams stated I have I don't know where everybody else has been.

Ted Kozlowski stated right but look the bottom line is

Chairman Schech stated Harry keeps coming in with incomplete stuff.

The Secretary stated somebody has got to tell him that.

Board Member Montesano stated wait a minute he is the one with the stamp not me and nobody else. He has got the stamp.

Ted Kozlowski stated why waste the time and energy if we know it is not going to be what we are going to be approving,

Rich Williams stated because he is submitting a plan that is saying here it is, it is complete, it addresses your issues.

Chairman Schech stated and we tell him it is not.

Rich Williams stated so we are obligated to say okay yes you are right or no it is not.

Ted Kozlowski stated but Rich he submitted this in March, he has been in every month and every month we have changed things, we have asked for the same things over and over he hasn't addressed them.

Rich Williams stated let's be clear here we haven't changed basically anything we said you have to put a swale down the driveway with check dams in it that meet soil and erosion guidelines. He continually doesn't do that and it is not my fault but I still have to look at the plans and say no you didn't.

Ted Kozlowski stated Rich, but when he submitted also the major point which was crossing Stephen's Brook that has evolved from that point.

Rich Williams stated absolutely.

Ted Kozlowski stated so I don't see a point in addressing a wetlands issue until this Board and everybody else is happy with a piece of paper that shows what he is going to do.

Rich Williams asked how are we going to get there if we don't look at it.

Ted Kozlowski replied we are looking at it we have been looking at it every month when he comes in.

Rich Williams stated Ted, you have got me so confused.

Ted Kozlowski asked don't you always tie the wetlands permit with a site plan.

The Secretary stated we don't have a site plan.

Rich Williams replied there is no site plan.

Ted Kozlowski asked for Sypko.

Board Member Rogan stated the only reason he is before us is because of the wetlands.

Ted Kozlowski stated well I remember a lot of discussion about the driveway length that was not a wetlands issue, also the elevation of the driveway.

Rich Williams stated wait also one of the reasons I am reviewing this is because he also needs a soil and erosion control permit and I review those for the Building Department so I have been lumping the wetland issues that I have been looking at with the soil and erosion and that is how we get into the length of the driveway and everything else.

Ted Kozlowski asked do you have a new plan that you just opened.

Board Member Montesano stated here.

Chairman Schech asked did you see Dufresne-Henry's comments.

The Secretary stated that nobody has told Harry that the wetlands application is not complete and not correct.

Ted Kozlowski stated hold it the last Planning Board Meeting I stood up in front of everybody and said Harry, we have asked you for the plantings along the stream, he has not address that so,

The Secretary stated I understand that but the actual application you said you want a new application isn't that what you are saying.

Ted Kozlowski replied no I am saying the application is not complete because the plans are not complete.

Rich Williams stated Ted, I think the problem we are having here is that he submitted an application , a fee, an EAF, and a plan and everybody has been reviewing the plan because the plan is not correct and it is still not correct I have not read the comments but I am assuming by Herb's reaction it is still not correct but nobody has been commenting and that is really your responsibility to comment on is the form correct, is the EAF correct, is the fee correct. The first time that anybody has heard that the fee may not be correct is tonight. If the fee was not correct we should have known that, Harry should have known that seven months ago so we could have gotten the correct fee similarly with the application form.

Ted Kozlowski stated I don't think it matters because I am looking at a plan now that still doesn't have stuff that we asked for.

Rich Williams asked when is it going to matter after the plan is complete.

Ted Kozlowski replied yes.

Rich Williams asked shouldn't we have the correct fee before we start looking at the plan and not after.

Ted Kozlowski replied Rich, you should have asked that question in March. How come we let this go.

Rich Williams replied we didn't.

Ted Kozlowski replied okay how come we discovered it now.

Rich Williams replied we didn't.

Ted Kozlowski asked Rich let me ask you why is this an issue now.

The Secretary stated because you said you did not have an application.

Ted Kozlowski stated right but why is it an issue why is that so important.

Chairman Schech stated all right we are going to tell Harry the fee is incorrect and the application is incomplete.

Ted Kozlowski stated look guys it is in your hands but every meeting I go up in front of the Board I tell you,

Board Member Rogan stated Ted you have no comments last meeting on record other than talking about a deciduous tree for the pavement. I am reading them right now.

Board Member Pierro stated it was the meeting before that I think.

Ted Kozlowski stated Shawn, the last meeting I got up and said, Board Member Rogan stated Missy, The Secretary replied don't look at me they are verbatim unless I could not hear and it says that.

Chairman Schech stated we are going to send Harry home again right.

Board Member Rogan stated I am thinking about the way we do things in other agencies. We review it and we say this is what you have neglected to give us further review will commence once we have received appropriate fee, you are missing these documents.

The Secretary stated that is what Rich does in the review.

Board Member Rogan stated so let's get to that point what is the difference.

Board Member Montesano stated at one time wasn't there a form we had that told you the status of each project, if the fees were paid,

The Secretary stated I think that I found that it is an old form.

Board Member Montesano asked can we update that and possibly hand it out which would save a lot of time and trouble like this. I know we took a long time to come up with that years ago.

Rich Williams stated we do that internally for the site plans, subdivisions, we make sure the fees are paid for example we have got a couple of applications they didn't give us the escrow fees I have actually identified what escrow fees they need to give us.

Board Member Montesano stated fine I am not trying to say that you are not doing it what I am saying is we have five people on the Board, Chairman Schech stated we should be aware of it also. Board Member Montesano stated we can be aware of it because then we can add that point and it is part of the minutes of the meeting that we have also as people that are going to vote on this project told you that you have done something improperly and we should be able to tell it to the engineers.

The Secretary asked I thought that was in the project reviews it is not.

Rich Williams replied it is not with wetlands because I don't do the wetlands.

The Secretary stated no but in the other reviews.

Rich Williams stated all the other stuff is in my reviews if it is missing.

Board Member Montesano stated I realize that but we made that form for one simple reason when you are sitting there reading you know sometimes you can read the words it doesn't enter in where if you have the form you look at it and yes the engineering fees were paid, this was done and it is a quick review for me anyway to keep up to date that the guy has paid so we can continue if not I would not allow the guy to show up until he paid his fees and he paid them the night before then he goes on the next agenda.

The Secretary stated I think I have seen that form, it will take me awhile but I will pull it out, I will give you copies if that is what you want to use.

Board Member Montesano stated it is just a suggestion because we have ran into it before.

Rich Williams stated I am not sure which one we are talking about. I think we are talking about the one that I did which I use for myself personally and I keep it updated.

The Secretary replied maybe it is the one that I found is very old.

Rich Williams stated unless you are talking about the ones they were doing before where they were doing check boxes.

Board Member Montesano stated Ron and I sat one night because what was happening is we reviewed four or five different people that were here and they had never paid their fees so at the time it was just to get my mind and the rest of the guys and say hey wait a minute. It was just to keep everybody up to date that if I didn't catch somebody else would catch it.

## **10) EASTERN JUNGLE GYM**

Chairman Schech asked site walk.

Board Member Pierro replied yes.

Rich Williams stated anybody got the plan there are going to be some issues on this.

Rich Williams stated they made some changes on this plan on the old plan they didn't have any storage or display areas out front or on the side and now they are asking to put this stuff well we have an issue with putting stuff out here because of site distance but more importantly now they are expanding it right back and around and there has been things added in here. This is a regulated wetland area.

Rich Williams asked Ted this is a regulated wetland area.

Board Member Montesano stated I think it is time to slam them down a size again.

Rich Williams stated so I don't know how you want to proceed whether you want to say you need a wetlands application submitted or you want to do a site walk first and then go,

Board Member Rogan stated I would like to take a look at it.

The Board agreed to do a site walk.

#### 11) **CARROLL PROPERTY – Wetlands/Watercourse Permit**

Rich Williams stated Carroll is the ones that you did the site walk on Saturday and they were basically informed that, Board Member Rogan stated to meet the hundred foot setback.

Rich Williams stated the Board is not going to consider a wetlands permit.

The Board agreed.

Rich Williams stated I think Jack is trying to figure out how to shift things around.

Rich Williams asked Ted you haven't heard anything have you.

Ted Kozlowski replied no.

Board Member Pierro asked do you feel there is an alternative based on the property.

Board Member Rogan replied yes they can make it definitely.

(TAPE ENDED)

#### 12) **NOBLET SUBDIVISION**

Rich Williams asked Ted if he had a plan.

Board Member Rogan asked I am confused this is existing they are making the existing legal not legal but.

Rich Williams replied no they are actually keeping all this (referring to the plan) they are dividing the lot right down the middle. There is a pond, a stream, this is all one wetland system right here, and here is the buffer. They are not showing any other house because they are saying ten acres but guess what guys our Code now requires a site plan so they are going to show it anyway.

Board Member Rogan stated they are also already doing testing for that area so why not do it at the same time.

Rich Williams stated but here is another issue that Ted needs to tune into, are you listening Ted.

Ted replied yes.

Rich Williams stated this is also a wetlands system over here and it might be regulated now by the Town which they are not showing as a regulated wetland and that may extend the buffer for this wetland out to here. They still have a thirty foot path that they can get in to the back but it is very limited back there.

Board Member Rogan stated they are showing the riding rink.

Ted Kozlowski asked who identified the wetlands.

Rich Williams replied I have no idea.

Board Member Rogan stated the flags are still up on that wetlands.

Rich Williams stated actually I do Mike Priano.

Chairman Schech stated they are keeping all the houses on the one lot.

Ted Kozlowski asked Shawn they flagged these wetlands.

Board Member Rogan replied I am saying that it looks like that wetlands is still flagged.

Ted Kozlowski stated the wetland flagging stops at Burdick Farms.

Board Member Rogan stated no I am saying it is not connected to Burdick Farms. It looks like it was done maybe when they bought the property because Noblet just bought this property what two years ago.

Ted Kozlowski asked and you saw flagging.

Board Member Rogan replied yes there is flagging right along that edge. I didn't follow it in because I can only see what I can see from the road and maybe it is not marked where they were trying to survey out.

Ted Kozlowski stated well when I did wetland three with Beth Evans their flagging clearly stops.

Board Member Rogan stated yes but you are on opposite ends.

Ted Kozlowski stated if they were flagging the wetland he would come up to that property line.

Chairman Schech stated we will do a site walk but let them flag the wetlands first.

Board Member Rogan stated I am confused are you confused too Rich.

Rich Williams replied yes.

Board Member Rogan stated these are so far apart though, Ted I think that is the part that I am confused on. This wetland doesn't touch the wetland to the Burdick Farm property the one we are talking about. You are on the opposite end of the map, go to the far left side, top left corner of the map. That doesn't come anywhere near that is a completely separate, see you notice they have the metes and bounds they have got points that surveyed for that wetland that is probably some of the flagging that I saw maybe when they

were doing those survey lines that delineate the wetland. They probably did that when either as part of preparing,

Ted Kozlowski stated I don't know.

Chairman Schech stated all right let's have them flag wetlands and we will do a site walk.

Rich Williams stated what the note on the plat says was that they had Mike Priano who is over in Putnam Valley he is pretty good out there flagging the wetland and then they surveyed located it but it has never been verified by Ted.

Ted Kozlowski stated I have never been on the property so I don't know. I don't know who flagged it I don't know anything about it.

Board Member Rogan stated let's find out. So, you are saying that they are showing it more or less of what I would call a non-jurisdictional subdivision but our Code now says they need to show.

Rich Williams stated they need to show a site plan.

Board Member Rogan stated which shows the typical house, well, septic and I know for a fact that they have already tested the lot percs and deeps I believe so might as well do it all at once we have to anyway so we know what we are dealing with.

Rich Williams stated this is one of those issues we are probably going to catch some flack on because typically, the section of the law which says you don't have to show that on lots of five acres and greater it is non-jurisdictional but we ran into this problem before where and case in point this lot, if this lot is ninety percent wetland and very limited it may not be a buildable lot if they can't get a septic in a very limited area.

### **13) CIOTOLA SUBDIVISION**

Board Member Pierro stated this one scares me I have seen that field filled with water.

Chairman Schech asked were any of you guys living around here when McGlasson came in with ninety-five houses on this parcel.

Rich Williams asked really.

Chairman Schech replied yes and he nearly got it through and I was sitting at the Board Meeting and said you guys are ridiculous this is cluster zoning, he said cluster zoning.

Board Member Pierro stated that pond sometimes gets very large.

Ted Kozlowski stated he has identified Fredon soils where there is a house. Fredon on soils are wetter than wet.

Chairman Schech stated flag the wetlands, site walk.

Ted Kozlowski stated endorphins is a wetland soil.

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

Board Member Rogan stated they have to flag a lot on this one, centerline of driveway, Board Member Montesano stated you have to flag lots too. Board Member Rogan stated center of house.

(Too many individual conversations going on at the same time unable to transcribe)

#### **14) FIELD & FOREST APARTMENTS**

Board Member Rogan stated I didn't realize Field & Forest was in Patterson. I thought the line was further up by Indian Hill.

Chairman Schech asked they want to do more.

Rich Williams replied yes. They want to add three more buildings.

Board Member Montesano stated they were going to do the pool what happened the pool down went down the toilet and now they are going to add three more buildings.

Rich Williams replied yes and instead of clustering them up to the corner they are going to spread them out over the site.

Board Member Montesano asked they can still do that up there.

Rich Williams replied well that is the question.

Chairman Schech stated site walk.

Rich Williams asked Ted what do you think.

(Unable to transcribe too many talking at once).

Rich Williams stated Ted if you see some wetlands up there you might want to have Harry do something with them now.

#### **15) OTHER BUSINESS**

##### **a. Frantell Site Plan**

Chairman Schech stated the building is twice as large than it has to be.

Board Member Rogan stated and the wetlands were not accurate.

Rich Williams asked Ted, you looked at Frantell and Frantell is okay with you.

Rich Williams stated in the site walk comments because I talked in there about the line wasn't right and I gave some dimensions and I wasn't sure if that was right.

Board Member Montesano asked so what do you think are we going to get a difference of opinion or what.

Rich Williams asked to shrink the building.

Board Member Montesano replied yes.

Rich Williams stated yes I think so.

Chairman Schech stated I think he is going to have a new engineer the following week.

Board Member Rogan stated Putnam Engineering should site walk it with Ted and come up with some resolution as to where that wetland line is because that is going to drive the project.

Rich Williams stated they generally go out there with somebody who knows something about wetlands not Putnam.

Board Member Rogan stated well whoever they contract for wetlands that is fine that is what I meant.

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

Board Member Rogan stated my vote is to clear up the wetlands, let's know where you (Ted) delineated them and then have them put that on the map because that is like a spear head right into that plan.

Ted Kozlowski stated he is not going to want to pay for somebody to do that. He is just going to say you put the flags up I'll do it.

Board Member Rogan replied okay then we are going to go back out and put the flags up you and I, Ted. Board Member Rogan asked Rich, I guess they have the option of doing that don't they like if Ted went out and flagged what he thought was the wetland they have the option to accept it instead of hiring their own.

Rich Williams stated or probably the safer way because I don't know that Ted wants to be in the position where he is marking out wetlands and it gets denied or something so simply say flag them out we will confirm it or if you don't flag them out we are not going to review the application.

Ted Kozlowski stated no we have done this before where the Applicant has agreed okay this where you think the line is we will go with it and he has to say that or put it in writing or whatever.

Rich Williams stated that is solely at your discretion.

Ted Kozlowski stated yes I don't care.

Chairman Schech stated we will find out at the next meeting.

Ted Kozlowski stated yes and if he wants to contest it he is going to have to get his own consultant and prove it out.

Board Member Rogan made a motion to adjourn the meeting. Board Member Shay seconded the motion. All in favor and meeting adjourned at 9:07 p.m.