

**TOWN OF PATTERSON**  
**PLANNING BOARD MEETING**  
**November 4, 2004**

**APPROVED**  
 11/3/04 [Signature]

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**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**ZONING BOARD OF APPEALS**

Howard Buzzutto, Chairman  
Mary Bodor  
Marianne Burdick  
Ginny Nacerino  
Lars Olenius

**PLANNING BOARD**

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

**Planning Board  
November 4, 2004 Meeting Minutes**  
Held at the Patterson Town Hall  
1142 Route 311  
Patterson, NY 12563

**APPROVED**  
2/3/05 MBS

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

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

There were approximately 19 audience members.

**1) TRIPLE J WETLANDS/WATERCOURSE PERMIT – Public Hearing**

The Secretary read the legal notice.

Mr. Alan Pilch, Beth Evans Associates, Jay Hogan, Applicant were present representing the Applicant

Mr. Pilch stated I will review the items related to the wetland permit being requested. The analysis that we performed that Evans Associates had performed indicated that there were three wetland habitat types as I described previously on this site. There are actually two slope wetlands and a larger slope wetland, a smaller slope wetland and a stream side wetland which is associated with a perennial stream and this site of course straddles the line between Patterson and Southeast so the wetlands do occur on both properties. The two slope wetlands themselves are wooded and the wetland soils that are present are Ridgeberry Loam and the wetlands themselves are sustained by the seasonal high ground water table. The slope wetlands themselves are sustained by that in that the ground water table reaches the ground surface in the vicinity of the wetlands and that is what is sustains the wetland plant material. On this drawing this is the mitigation plan that we are presenting here, the wetland boundary itself is here. He pointed out the wetlands and the buffers on the drawing. There are four stormwater basins that are being proposed within portions of the wetland buffer. These two which are located in the Town of Patterson are both located within that wetland buffer and I will describe those in just a moment. Evans Associates, performed a functional analysis using McGee and Holland's method. This is the rapid procedure for assessing wetlands functional capacity and what the model showed is that the wetlands are of high quality and that they do function and there are a variety of things that are actually reviewed in assessing wetland functions including; ground water and the

ability to modify certain characteristics of the hydrology for example; ground water discharge or their ability to store flood waters, their ability to contribute to the diversity of wildlife, faunas and vegetation. These are important characteristics of these wetlands however on this site due to the prior activity which had occurred here the wetland buffer itself has actually been greatly modified. So, the wetland buffer which normally you would expect on an untouched site would probably be a wooded wetland buffer in this case it is highly disturbed. There is a lot of invasive species within the wetland buffer. It has actually been cleared, there is a pathway which (unable to hear due to a lot of background noise). The existing pathway that is here and basically what it has done, these are all the gravel trails which are present on this property that basically this whole part of the wetland buffer has been disturbed by the prior activities. There is invasive species there and that is what has been happening in this area so what you find is that the soils are compacted, there are rills and evidence of compromised hydrology if you will and the vegetation which supports the wetland is not really present there. This proposal what it does is to place the stormwater management basins within the wetland buffer and what they will do is that they will actually provide some of the wetland buffer functions which are no longer being performed by this modified wetland buffer as I said which occurred here to the prior land use of the property. Certain other functions that the wetland buffer will perform that the basins will perform which are similar to that of a wetland buffer would include; the modification of flow, it is currently at this time when there is water in a wetland buffer it is not contained by vegetation because most of the vegetation has been removed or it is compacted so the runoff basically flows very quickly into the wetland. There is little opportunity (unable to hear) or infiltration to support the ground water table. What the stormwater basins will do is provide a lot of these functions. They will for example contain stormwater flows and meter it out slowly to the wetland which helps sustain the wetland. There will be vegetation which is what this plan shows planted around the stormwater basins and what that will do is provide an opportunity for biological (unable to hear) into the biomass of the plants and thereby what it will do is it will help to provide a better environment for this wetland. It will also provide opportunities for infiltration into the ground water table and that will also help sustain the wetland. That is the proposal that is before you for your review.

Chairman Schech asked is there any comments from the audience.

**Eddie Keasbey** asked what kind of plants are you going to put in there in the buffer and will you make any effort to get rid of the invasive plants that are non-native, invasive plants that are in there and what kind of monitoring are you going to do after all these are as you say high functional good wetlands and because they have been disturbed that is your excuse to put the stormwater basins in the buffers. If you just left them alone they might even heal better but you don't do that that way.

Mr. Pilch stated what is being proposed are native trees, shrubs that is what is being proposed to be planted in these wetlands. There is a plant list here and it is extensive there is probably about thirty different species here. They are all native plant material that are being proposed. They are plant material that are common in this area. I could run through the list (unable to hear). Second, I believe your question was dealing with removal invasive obviously this portion of disturbed wetland buffer is (unable to hear) for stormwater basins some of the material will be obviously removed. The development itself by modifying the ground surface will also help to remove some of these invasive species that have come into the wetland buffer. As for monitoring I think the responsibility is on the developer which is usually three to five years after it is constructed and that is something that we will work out with the Town. What the monitoring involves is (unable to hear). The requirement is eighty-five percent of the species survive. (Unable to hear) It is also that any invasive species that have come into the planting area and these are typically all part of the maintenance and monitoring program we develop for the site and obviously it will be implemented by the Applicant and be reviewed by the Town and its consultants.

Ted Kozlowski stated his name and that he is the Environmental Conservation Officer for the Town. I would like to commend the Developer, the engineering firm and Beth Evans it is a rather extensive plan and it is much better than what is there right now, having said that, that is a very expensive and very elaborate landscape plan. That must absolutely be monitored and taken care of for a period of time to allow those plants to establish otherwise it is going to become a massive weed because it will be a disturbed site, you are going to be taking landscape stock and putting it in probably putting mulch down and walking away from it and on something like this you absolutely cannot do. You are going to have to have some sort of maintenance plan for that. You are going to have to do it for the stormwater anyway so incorporate it with the plantings. The only other comment that I have and I discussed this with the Board there is lawn proposed as I guess your access way around the ponds. I would rather see native grasses mowed once a year as opposed to lawn. Lawn to me means turf it is not native, it is not natural it does not belong in a native planting area so I would just convert it to native grasses mowing once a year so you can have your vehicles in it and keep it as a open grassy area. That is the only comments that I have.

**Edie Keasbey** stated referring to what you were just talking about is the lawn around the stormwater ponds do you have to drive on it or what.

Mr. Pilch replied the only place that a lawn was proposed was at the top of the berm, a ten foot wide strip. The other side slopes are planted both with native trees, shrubs or herbaceous species.

**Edie Keasbey** stated with all due respect to Ted, who I have nothing but the greatest respect for I would like to suggest low herbaceous shrubs instead of a lawn because of different, native of different types with different kinds of root systems because they will help to hold the water and have it go down into the berm rather than sheet flow which is nothing but a lawn creates sheet flow and it will allow the water where it falls to percolate into the soil. Lawn won't do that much because everything is the same roots and everything. You want to create a different environment all over the place within the soil. It will be much better. It will get much more treatment. This is a terrific plan. I suggest you bond it heavily, highly so that if somebody walks away you will have the funds to follow it through thank you.

Mr. Pilch stated I don't know I was just trying to clarify that the only location where we have grass is on the berm where access is needed for maintenance purposes.

**Edie Keasbey** asked the whole berm.

Mr. Pilch replied just on here. The side slopes themselves are completely planted and on both sides of the berm if you will both sides are completely planted just the very top of the berm where access may be needed.

Chairman Schech stated to maintain the pond.

Chairman Schech asked any other questions. There were none.

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

Board Member Rogan made a motion to close the public hearing in the matter of Triple J Wetlands Watercourse Permit. Board Member DiSalvo seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 5 to 0.

Chairman Schech stated the only question I had was access to the ponds and that was just covered. Three to five years maintenance.

Mr. Pilch stated that is typical.

Chairman Schech asked Ted is that enough.

Ted Kozlowski replied I am basing our experience with the A&P five years would probably be enough. You just don't want phragmites and stuff establishing. The guy that buys the house, whoever buys the house will want to look at something nice and not a mess of weeds and we don't want that person going in there mowing things down so we want to keep it as good as that design looks. It looks great right now.

Chairman Schech stated okay a minimum of five years on that.

Board Member Rogan stated we are also looking to get a bond calc on the plantings.

Rich Williams replied we probably should have a bond calc submitted so it can be reviewed by the Town Engineer. We have also just gotten a hydrology report in this week I have not had time to take a look at that.

## **2) T & T ASSOCIATES SITE PLAN – Public Hearing**

The Secretary read the legal notice.

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

Ms Ryan stated the Applicant owns a two acre plus piece of property in a C-1 Zone on Route 22. This piece property was part of a commercial subdivision created in 1980's. It contains an existing residence. At the time that was built it was a residential district but the zoning district has changed several times over the years and what is existing in the structure now is a split level structure, in the lower level there is an existing retail use, in the mid level and a portion of the upper level there is a three bedroom apartment and the remainder of the upper level is a two bedroom apartment that is going to be converted to a retail use. We are proposing to make some improvements to the site relative to the access and parking and some stormwater management facilities.

Chairman Schech asked is there any comments from the audience. This is a sporting goods store on Route 22.

**Bill Henry** asked are they going to move the septic from the adjoining lot, the septic system for the apartment.

Ms. Ryan asked the septic system for the apartment.

**Bill Henry** replied yes it goes on to the other lot.

Chairman Schech stated I believe they are abandoning the one that is on your lot and they are using the one that is off to the right of the building. Is that right.

Ms. Ryan replied that is what is proposed to be done right. We have to demonstrate to the Health Department that this existing septic system on their lot will be suitable for the conversion of that apartment to retail and then that would be connected in to that.

Board Member Rogan asked any other concerns on this Bill.

**Bill Henry** replied no.

Chairman Schech asked is there any other comments. There were no other comments.

Board Member Rogan made a motion in the matter of T & T Associates Site Plan that the Planning Board close the public hearing. Board Member DiSalvo seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 5 to 0.

Board Member Rogan asked Gene do you want to comment on what we have outstanding on this.

Gene Richards stated we prepared a memo and you have seen that memo, Theresa. There is a number of items that we had some concerns on. We have not reacted yet to the performance bond calc that you submitted and that is because I think the major item of dispute is the driveway. Just comparing the grades on the plan Theresa proposed against existing I don't see where any of the existing driveway is going to be saved and that is something that you can look at a little bit harder. So, the detail that you have on the detail sheet for widening really wouldn't be applicable here.

Ms. Ryan stated that will be revised if needed.

Gene Richards stated and then your bond would have to represent that as well.

Board Member Montesano asked did we put that future lighting in the plan also.

Ms. Ryan replied yes it is right here referring to the plan.

Board Member Rogan stated it is on the plan, proposed future light pole.

Gene Richards stated and then I think the other major comment that we had really involved grading and that is down in the area of the parking. Some areas kind of get steep so if you can look at that to maybe even out the grading to try to hold a five percent slope.

Ms. Ryan replied it is five percent all through here in this portion.

Gene Richards stated well then you need additional spot grades or something to represent that because just working with the contours there is one part that looks like it is ten percent another part looks like it is twenty.

Rich Williams asked the existing parking is going to be five percent how about the future parking.

Ms. Ryan asked is that something that you need graded out now or is that going to take place when we put that in.

Rich Williams replied I think that is one of the questions Gene and I talked about was the way that we have got this structured now is that we are going to provide ten parking spaces of the sixteen and in the memo that I did I evaluated future build out as the Board requested for parking but six spaces are not going to be built at this time and there is note being placed on the plat which essentially says that upon thirty days notice from the Planning Board they will install those parking spots. That may be difficult to do if in addition to putting down the Item-4 and blacktop you also have to bring in a considerable amount of fill and if we don't have a plan that shows the grading. So, the question becomes that we are posing for the Board is how far do we need to go right now with the future parking.

Chairman Schech asked any idea guys.

Board Member Pierro stated I don't think it would be too difficult to show the future grading on the plan at this time.

Ms. Ryan asked so is that going to be something that is going to be put in in the future or you want to show it to be graded now.

Chairman Schech replied it would be a hell of a lot easier to do it right now.

Ms. Ryan stated we would have to lose some trees in order to do that some mature maple trees.

Chairman Schech stated well it has to be done eventually anyway so they will be more mature.

Ms. Ryan stated if the parking is ever required yes if not the trees could stay.

Board Member Rogan stated why don't we just prove out the grading.

Board Member Pierro stated if we can prove out the grading that was my intent.

Rich Williams stated I know one tree would definitely have to go I don't know if more than one tree would have to be lost at this point.

Board Member Rogan stated I would be comfortable with just making sure that it is going to work and getting it on the plan that it will work and then in the future we need it then at that time if we have to lose a tree or two we do.

Ms. Ryan stated the other issue that we have I mean if the grade is difficult to accomplish at five percent because we are stuck with existing grades here at this driveway and existing grades here at this building and to have two percent all across this area we have to have five percent even on this turn and then five percent in this parking area this initial portion of this driveway cannot be at ten percent it is going to have to be much steeper than that. We would have to get a waiver from the Board on the grade of the driveway.

Board Member Rogan stated it seems like it is so flat coming across.

Chairman Schech stated the grade right now seems fine, no.

Gene Richards stated you are modifying the grades though.

Ms. Ryan stated if we flatten out this site, this is in some places right in here it does not look like it but it is twenty percent.

Board Member Rogan stated that area I believe.

Chairman Schech stated going up to the building yes.

Ms. Ryan stated so by flattening this out to two percent and this to five we really are lowering that a lot, raising it I mean.

Rich Williams asked so if I understand what you are saying is that you can't provide the future parking.

Board Member Rogan stated well that is the question.

Rich Williams stated without a waiver.

Ms. Ryan replied right without a waiver.

Board Member Rogan stated okay so let us know what we are going to need on this. I mean again, if we are showing future spots we have got to know what the grading will ultimately be otherwise they are not future spots.

Ms. Ryan stated unless you had some suggestions about alternative spots is that what you suggested in your memo.

Board Member Rogan stated I was going to kick that back to you if you find other areas that you could provide the parking that will work for grading propose them.

Gene Richards stated I didn't mention that in my memo that is a probability too.

Board Member Pierro stated in front of the existing of the current ten spaces is it possible in the future to realign that parking lot maybe make it a little more square do we have a grade problem there.

Board Member Rogan stated he is saying closer to Route 22 between the parking that is provided.

Board Member Pierro stated if we needed to provide additional spaces could we redesign that parking lot and maybe expand it more towards the westerly direction and put a rectangular shape parking lot. Is it still a difficult grade there.

Ms. Ryan stated or maybe we could put two spaces in here and a couple spaces in here.

(Unable to hear Gene Richards statement).

Gene Richards stated maybe what you could do is just agree to look at it and provide a sketch to the Board or something.

Board Member Pierro stated the Chairman suggested maybe doing some cutting on the high side of the road and putting in a wall to provide for six additional spaces later on.

(unable to hear Ms. Ryan's response).

Ms. Ryan stated if we provide five percent all the way over here a wall wouldn't help us we would have to catch up to grade down here.

Chairman Schech stated check it out you are good Theresa I know you will come up with an answer on this.

Gene Richards stated Theresa, one other thing the drainage that is running down to D.E.W.'s site in the easement there have you touched based with him at all on that.

Ms. Ryan replied I haven't been dealing with that. The Applicant's Attorney has been dealing directly with them on that.

Gene Richards stated it is just something to check into.

Ms. Ryan stated I had been faxing sketches back and forth with D.O.T. and that is how we came up with this so as soon as we get the application materials back from the Applicants we are going to submit that and get the permit from D.O.T.

Rich Williams asked don't we have the D.O.T permit.

Ms. Ryan replied not for this because we are connecting into this. That is something new.

Chairman Schech asked the detention pond is basically off on the right hand side right as you go in.

Ms. Ryan replied yes.

Chairman Schech asked and you are proposing a new one.

Ms. Ryan replied it is not really a detention pond he only asked for a little sump area around the inlet to make sure that the water would get in there before it ran out to 22.

Chairman Schech asked so that is what we need the D.O.T. permit for.

Ms. Ryan replied just for the drainage connection right.

Ms. Ryan stated the Applicant's also have made sure to remove that tower.

Ms. Ryan thanked the Board.

### 3) **GAGLIARDO WETLANDS/WATERCOURSE APPLICATION – Public Hearing**

The Secretary read the legal notice.

Mr. James Gagliardo was present.

Board Member Rogan stated for the benefit of the audience why don't you just let everyone know what you are proposing to do.

Mr. Gagliardo introduced himself. I am the builder for my brother-in-law and sister-in-law on the property on 18 Interlaken Road. Originally we planned on doing just a small addition and upon excavation of the existing dwelling we found no foundation under it which is a normal, typical Put Lake home everybody up here I am sure knows of that already. When we started excavating the house all that was there was a bunch of stone with some cement stuck in it and that was about it. There was no actual foundation. The proposed plan for the dwelling was everybody has a copy of it but the plan was to put a small addition on twenty-five feet to the outside of it to make the dwelling fifty-foot long by twenty-nine feet wide and the old house was approximately thirty by twenty-nine. Like I said, when we went to go do the initial excavation for the foundation we found zero so put a second floor and put the three bedrooms upstairs I told Mr. Piazza after he issued my Building Permit and everything that we have no foundation under this dwelling and I had him come out and examine the property and he noticed the stream that is already on the survey and asked me to hold on until I met with the water commission on this property so that is where we stand today.

Chairman Schech stated okay we went out there we took a peek. Does anyone in the audience have any comments on this.

**Eddie Keasbey** stated there is nothing to look at.

Board Member Rogan stated no there isn't.

Mr. Gagliardo stated no I mean it is an existing dwelling that really it is the runoff from the ball field through the ball field the old original I don't know how I am not as old as a few people in this room nothing personal but my father told me that the ball field used to be the lake when he was up here as a kid. Basically, the old stream that runs through the ball field is running through this piece of property and that is where we stand.

Board Member Rogan made a motion in the matter of Gagliardo Wetlands Watercourse Permit that the Planning Board close the public hearing. Board Member DiSalvo seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 5 to 0.

Chairman Schech stated it seems that we can do some improving over there. It looks like you are on your way. Do you have the comments.

Mr. Gagliardo replied we have started on yes I got them just now myself.

Chairman Schech stated some of the concerns are about the trees around the stream we don't want that disturbed.

Mr. Gagliardo stated we want to leave the stream because when you are sitting on your deck I have one at my house where I live it is a nice little thing to have. We don't want to go no where near it. I am sure everybody could see I had protected it before I even started. I put my silt fence up and my hay bales and all of that stuff to maintain it and my brother-in-law will vouch for it that he wants to clean that whole area up and get rid of all of the garbage that is in there now you know a couple of branches that are hanging down and the old brush and stuff. He wants to open it up and beautify it.

Board Member Rogan stated and that is the concern.

Ted Kozlowski stated and that is the concern.

Board Member Pierro stated Ted has some specific ideas.

Chairman Schech stated I have never heard this one a rain garden what the hell is a rain garden.

Board Member Pierro stated to the right hand side of the property up against the border Rich is that,

Ted Kozlowski stated we were out on the site our thought was to leave the stream corridor alone. The word clean to us might not mean,

Mr. Gagliardo stated we are talking about all the brush that has been thrown from everybody else's property.

Ted Kozlowski stated we are looking to keep it natural.

Mr. Gagliardo stated we are going to do it by hand if anything.

Ted Kozlowski stated in addition to the silt fencing we would like to see a construction fence erected because the house which you didn't tell everyone is that the house is no longer there.

Mr. Gagliardo replied right.

Ted Kozlowski stated so obviously you are going to build a new house, it is going to involve,

Mr. Gagliardo stated well originally it was supposed to be an addition and like I said when we went to go start there was no foundation and there was no sense in leaving just the deck to go up to the second floor. It wasn't cost effective.

Ted Kozlowski stated that is all understandable and I perfectly agree with why you had to do it. What I am saying is now that it has gone from a simple addition to a major house construction heavy equipment is bound to go in there all sorts of staging areas are now necessary so we want to make sure that the stream area that is still natural and untouched and protected by your silt fence is further protected by an orange construction fence that simply tells everybody keep out.

Mr. Gagliardo stated that is no problem.

Ted Kozlowski stated and we don't want to see vehicles in there or anything soil stockpile.

Mr. Gagliardo stated I mean what is disturbed right now is really the area that is going to be disturbed.

Ted Kozlowski stated leave the trees alone, leave everything alone.

Mr. Gagliardo stated we would like to get rid of the culvert pipe that is in there and that kind of garbage.

Ted Kozlowski stated if there is garbage in there that is fine but cleaning if your version of cleaning is to clear cut the area.

Mr. Gagliardo replied no, no I mean just make it look decent so it don't look like a mess.

Board Member Pierro stated that area we also spoke about doing some plantings in there.

Ted Kozlowski stated well when he is done yes.

Board Member Pierro stated also just removing that dumpster.

Mr. Gagliardo replied that should have been gone a long time ago I called the day I loaded it I called to get rid of it and,

Board Member Pierro stated right but just bringing a truck in there to pick up the dumpster may cause some problems with the wet soils. It may flood that area. It may muck up that area where Rich is talking about putting this rain garden in.

Ted Kozlowski stated well it is going to get mucked up you can't avoid that.

Board Member Pierro stated but we are concerned also about protecting the right hand side along the property boundary that low swale area.

Ted Kozlowski stated the vegetative section by your neighbor's property that is what Rich is talking about the rain garden. I would like to see the water skewed to that area so it is not a direct flow into the stream. We would like to see it flow over a vegetative area so the contaminants and silt and all that stuff is caught because what you don't want is a big pile of mud and every time it rains it just washes off into the stream. That is what we are trying to avoid here.

Mr. Gagliardo stated once we are finished it is going to be all lawn and.

Ted Kozlowski stated well when you are finished is finished but we are talking about when you are doing this project from now until spring it is going to be open soil. There is no way you are going to vegetate that now this late in the year so if we get heavy storms especially in the spring with the snow melt and all it is going to be and what we don't want is all that washing out into the road or more importantly into the stream.

Mr. Gagliardo asked so if I put some kind of, Chairman Schech stated you have to protect it. Mr. Gagliardo asked a small rip rap swale there that type of thing that would be sufficient.

Ted Kozlowski stated you need to make sure that whatever water flows is reasonably clear. That is your goal.

Mr. Gagliardo stated that is not a problem. So, if I put like I said a three foot gravel berm type thing.

Ted Kozlowski stated well I think we are looking at, Mr. Gagliardo stated I am saying temporarily.

Ted Kozlowski stated but we are also saying whatever vegetation is there keep it. You have got sections now that are vegetated that are near or around the stream.

Mr. Gagliardo stated the way that I have it cut out now is the proposed way of leaving it that is why that is left like it is.

Ted Kozlowski stated that is your proposed way but when the contractor comes in we all know, we have all dealt with contractors and they don't care about the stream. All they care about is they are there to (unable to hear) Make sure those vegetated areas are protected, vehicles are not parked in there and that the flow goes through the vegetated areas.

Mr. Gagliardo stated I am born and raised here so.

Board Member Rogan stated I think what we are looking for is to get some topo on that lot so that we can make sure, our engineer can make sure that the water flow and the finished project is going to flow to

where we want it to flow. If we can get the construction fence put up around the trees and the stream I would honestly say a couple of maybe five feet off of the trees so that we don't have root compaction issues.

Mr. Gagliardo stated I think we are a little more than that I believe we are twenty feet away from the open stream.

Rich Williams stated can I jump in here and make a suggestion because this site is already under construction rather than have them go through the process of getting a topo and delay everything,

Board Member Rogan stated no I was going to get to that to how we can get them to get back to construction on this.

Rich Williams stated might I suggest that we approve the wetland permit tonight subject to the following conditions; one, that they do not do anything within the stream channel as far as cleaning it except for manmade garbage except under the direct supervision of Ted Kozlowski.

Board Member Montesano stated no machines of any type.

Mr. Gagliardo stated like I said I put my silt fence up for that purpose because I don't want nothing. Like I said I am trying to protect myself as it is. I put the silt fence up and the hay bales to stay far enough away from that I believe. I have no problem with that.

Rich Williams stated that they address the site walk memo that they develop a suitable erosion control plan for the site approved by myself.

Board Member Montesano asked that tree that was behind where the house is going that one that didn't look like, Board Member DiSalvo stated the one that looked like it was dead.

Board Member Rogan stated it is not dead.

Chairman Schech stated it just didn't have any leaves.

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

Mr. Gagliardo stated no that is alive and that is staying there. We had to take the one in the front that was right out the door.

Rich Williams stated and then subject to the approval by myself they come up with a plan for either one or two bio-retention areas, bio-filtration areas based on the site hydrology and that gets them back into construction.

Chairman Schech asked do you agree with that.

Mr. Gagliardo stated yes.

Ted Kozlowski stated you just need to remember that you are putting in a big driveway now you don't want to divert that water directly into the stream. Whoever lives there is going to wash cars, throw salt, all sorts of stuff, oil you want that sheet flow away from the stream through the vegetation.

Board Member Rogan made a motion in the matter of the Gagliardo Wetlands Watercourse Permit that the Planning Board grants a negative determination of significance of SEQRA and grants the permit on the conditions stated by the Town Planner. Board Member Montesano seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 5 to 0.

Mr. Gagliardo thanked the Board.

#### 4) THOMAS SUBDIVISION

Ms. Theresa Ryan, Insite Engineering and Mr. Thomas was present.

Chairman Schech asked are we okay with the conservation easement.

Anthony Molé replied we went back and forth a few times on it the most recent version was sent to my office and I discussed it with Rich, everything is fine except for there were two issues to discuss further; one was the issue they had previously (unable to hear). There was language in there to the effect that they had the right to maintain a scenic vista on some portion of the property. Rich expressed concerned that the trees would grow to a certain height he does not want there to be topping of the trees at that point so that issue has to be worked out but other than that I think we had one minor change and it is ready to go otherwise.

Rich Williams stated I did meet with Mr. Thomas before the meeting and discussed it with him. I believe we are going to make an appointment to meet on the site to take a look at the specifics. I am relatively confident that we can work that issue out. It is not a significant stumbling block and actually I think as far as the conservation easement goes we are in pretty good shape.

Board Member Rogan asked what about the road name.

Ms. Ryan stated Rich you were going to check.

Rich Williams stated I talked to the Town Historian today actually on this issue and he assured me that within the next week or so he was going to get me a list of road names.

Board Member Rogan asked can we grant the reso and do the road name at a later.

(unable to hear Mr. Gregory's comment no microphone).

Board Member DiSalvo stated yes he mentioned Gregory Court.

Rich Williams stated that is up to the Board.

Board Member Pierro stated that only appeared on a map this week. We weren't given a formal.

Ms. Ryan stated when we submitted for this meeting we put that on based on a suggestion at the last meeting.

Board Member Montesano stated approve it with Gregory Court.

Board Member Rogan stated I don't have any problem with that I don't see that there was any historical significance out there. Rich can you think of any reason why that wouldn't suffice.

Rich Williams replied well if we can't come up with a historical name or we can't come up with a natural feature then.

Chairman Schech stated Gregory Court sounds good to me.

Board Member Rogan made a motion introducing the resolution granting Final Subdivision Approval for Thomas Subdivision contingent upon the (1) general conditions and (2) special conditions contained within the Planning Board Resolution dated November 4, 2004. Board Member Pierro seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 5 to 0.

Board Member Rogan congratulated Mr. Thomas.

Gene Richards stated Mr. Chairman there is one other thing, in our memo we talk about the performance bond have you looked at that Theresa.

Ms. Ryan replied yes.

Gene Richards asked are you okay with it.

Ms. Ryan replied yes.

Gene Richards stated what we recommended we reviewed what you had submitted and we came up with a performance bond amount (unable to hear no microphone). If you are okay with that bond calc then you need to do a recommendation to the Town Board.

Board Member Rogan made a motion in the matter of Thomas Subdivision that the Planning Board recommends the Town Board set the performance bond in the amount of \$125,000.000 with the inspection fees of \$6,250.00. Board Member Montesano seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 5 to 0.

## 5) BUDAKOWSKI SUBDIVISION

Mr. Brendan Maher, Attorney with Shamberg, Marwell, Hocherman, Davis and Hollis and Mrs. Budakowski were present.

Mr. Maher introduced himself to the Board.

Mr. Maher stated just prior to tonight's meeting I received a November 4<sup>th</sup> letter from Richard Williams with regard to the Budakowski Subdivision application. Again, these are the same six conditions that the Board recommended to the Town Board when the Budakowski's were here for their 280a open development area approval. As you know that was approved by the Board, the Town Board without any conditions on September 22, 2004. We are back here again basically looking for an end to the subdivision application and an approval. We can iron the specifics out during the site plan review but you know this is only a two family subdivision yet the Planning Board is requiring a fifty-foot road built to town specs.

Board Member Rogan asked you realize that the Town Board does not set the requirements for the subdivision that,

Board Member Pierro stated the Planning Board says.

Mr. Maher asked I am sorry sir but can you repeat that.

Board Member Rogan asked you realize that the Town Board does not set the specific conditions.

Mr. Maher stated for a subdivision.

Board Member Rogan stated for a 280a.

Mr. Maher stated they approved it without.

Board Member Rogan stated that is correct that does not mean they approved it. It comes back to the Planning Board to set the conditions as contained in the.

Mr. Maher stated that is what we are here for tonight.

Board Member Rogan stated that is correct.

Chairman Schech asked okay can I say something.

Mr. Maher replied sure of course.

Chairman Schech stated in some of your papers you have enclosed is the engineer's subdivision plat. This is it (referring to the plan). Now, do you want to take a look at this and tell me that this is a plat.

Mr. Maher stated for the record Mr. Chairman I did not prepare that letter Ms. Budakowski did. As you know, this has been a long process and I understand that you know nerves on maybe both sides are getting frayed and that is why I am here tonight to try and see if we can work through this. I have had discussions with Mr. Williams and he seems very cooperative and I look forward to working with the very professional staff here in the Town of Patterson.

Chairman Schech stated it looks like a marker was laid on a piece of paper and it rolled down the board. Now, when you come in with a subdivision plat we will discuss this further.

Mr. Maher replied okay.

Chairman Schech stated okay.

Mr. Maher asked a subdivision plat.

Chairman Schech replied yes.

Mr. Maher stated thank you very much and I will continue to work with the professionals. Mr. Williams do you have anything you would like to add.

Rich Williams stated I just think we need a little bit of clarification here. The process is now, we are going to go through a subdivision process we are just actually at the beginning of the subdivision process as ownership of the property has now changed we need a new application, an environmental assessment form and a subdivision plat along with construction plans constructing whatever improvements that need to be shown.

Mr. Maher asked so we are going to go back to square one.

Rich Williams replied that is where you are in the process. It is not that you are going back that is where you are and that is what we need to do to get clear to start moving this forward. Right now all that we are doing is going back and forth and we are not getting anywhere. Now, as part of that within our Town Code, the Zoning Code requires also a site plan approval for that individual lot which we can do as part of the whole subdivision review process we incorporate it within. I just want to be clear as to where we are in the process and what we need to do so we can move this forward rather than keep going back and forth. I understand that one of the reasons you were here is because there are some concerns about the six conditions but the six conditions are tied into that subdivision approval and if there is any discussion that needs to be had on those six conditions to move this forward it really should be had tonight so that we can move this thing forward one way or the other.

Mr. Maher asked okay would you like to go through those conditions one by one Mr. Chairman.

Chairman Schech replied no I want to see a subdivision plat that is where we start from and then we work it from there.

Mr. Maher asked so submit the subdivision plat and then, Chairman Schech stated yes and we take it from there. We will make suggestions like we do with everyone else.

Mr. Maher asked will those six conditions still be there.

Chairman Schech replied God knows you know I might not be here.

Mr. Maher replied well let's hope so.

Board Member Rogan stated I think your answer is the Planning Board came up with those conditions through like you said a long process and we started out with quite a bit more than what ultimately ended up going into the recommendation and I think we used the reasonable decision that not all of those original improvements were required.

Board Member Pierro stated we widdled them down.

Board Member Rogan stated and the conditions were a result of like you said a long time reviewing this and going back and forth with the Applicant and the Applicant's engineer. As someone who went through that process I felt that the conditions were the result of a lot of reasonable effort. The conditions originally when we started the process were a lot more significant if you remember Mrs. Budakowski. Me personally I felt that we worked pretty hard to get the conditions down to the level that we did based on the impact and based on what we felt needed to be done. Now, whether or not those conditions will change for the subdivision we don't have a subdivision plat to review.

Mr. Maher stated I think probably one of the major concerns that our client has is the fact that the roadway, the common driveway, whatever we want to call it tonight must be paved before construction of the house. As you know with any building we were just talking about in the prior public hearing that when you bring construction vehicles in there is going to be damage and it is very difficult for my clients to layout x amount of dollars only to have that driveway ruined when the trucks come in.

Rich Williams stated let me jump in here and maybe clarify this issue. We have been talking about having asphalt surface road going in, in any subdivision it is typically that you have that asphalt surface in but

there are different levels and typically what we do is the binder course goes down now I imagine within the context of the subdivision viewing the direction the Board has been going that is all we are going to request her to put down at that point and you never put down the top course because of the damage that may occur because of the construction equipment and I would imagine in this particular case that we are not going to require her to do a top course at all. So, the issue about the construction equipment damaging it generally it won't damage the rougher binder course which is thicker and it can well withstand that.

Mr. Maher asked so there is basically no possibility to bond the improvements.

Chairman Schech stated we are open to discussion.

Mr. Maher stated I just want to know that there will be some dialogue back and forth.

Chairman Schech stated we are reasonable.

Board Member Rogan stated if you check the minutes you will notice that there has been a lot of dialogue through this process so I think that is a pretty obvious answer.

Mr. Maher stated I have checked the minutes and there was a lot of back and forth some good some bad and I am not here to get into that. What I am really here for tonight is to move this forward. Budakowski's have been frustrated and I am sure your Board has been frustrated it has been a long process and I am hoping that tonight we see a light at the end of the tunnel. Rich Williams has been very cooperative and I look forward to working with him.

Mrs. Budakowski asked is there anyway I can appeal to the Board to just address the conditions so that next time when we come back I will bring you a plat and the conditions can be reflected in the plat as you want them.

Chairman Schech replied just bring us a plat.

Mrs. Budakowski stated but I don't know what to reflect in that plat.

Board Member Rogan stated I would reflect the conditions of the referral.

Mr. Maher asked and then they will still be open for negotiations on those conditions.

Mrs. Budakowski stated but then if they are open to negotiations I will have to change the plat.

Board Member Rogan stated I personally think that the conditions that we set were pretty reasonable. I think that you are missing the way that I read the letter back that a lot of the conditions were misunderstood. We said from day one we weren't looking for a fifty foot wide right of way we were looking for what the person could possibly give us. In other words, on their side of the property the twenty-five foot. We were looking for a narrower driveway. We weren't looking for a full town road. I didn't think that there was anything in there in the letter it said something about the original 280a from the Zoning Board didn't require the driveway to be paved. It didn't require you to put a roof on your house either you didn't ask for a waiver so it wasn't given. It wasn't that it wasn't required it was that you didn't get a waiver from it because you didn't ask for it. You have to pave your driveway when it goes in.

Board Member Pierro stated that is our Town Code.

Board Member Rogan stated it should have already been paved.

Mr. Maher stated that was on the prior 280a application.

Board Member Rogan stated that is correct but it was in her letter.

Mr. Maher stated that was not part of the 280a for the home. The 280a was issued by the Town.

Rich Williams stated the 280a application was specific to granting access over an easement. It was not intended to set construction standards. There was never any discussion about that.

Mr. Maher stated and yet a Certificate of Occupancy was issued by the Town.

Rich Williams stated improperly. If you want to take that up with the Town you can do so but the violation still exists.

Mr. Maher stated the Certificate of Occupancy was issued almost four years ago and yet we are still harping back on that.

Board Member Rogan stated we are not harping on it we now have where you are trying to subdivide, (TAPE ENDED).

Board Member Pierro stated Mr. Chairman we asked for a plot plan let's look at a plot plan. Mrs. Budakowski knows what the conditions are when we get the plot plan with the, Chairman Schech stated with whatever she wants to put on it, Board Member Pierro stated we will react to it at that point. I don't see any further gain into discussing this further.

Mr. Maher asked with all due respect would it be fair enough for me to work with the Planning staff to come to parameters that should be on this subdivision plat.

Board Member Pierro replied absolutely.

Chairman Schech replied if he has free time.

Board Member Rogan stated we have set those parameters through that process.

Rich Williams stated Jack calls me once a week so.

Mr. Maher stated okay well I am sure me, Jack and yourself will probably get together and we will iron everything out and hopefully when we come back everything will be straightened out.

Board Member Rogan thanked Mr. Maher for his time.

**6) EASTERN JUNGLE GYM AMENDED SITE PLAN**

Mr. Paul Lynch, Putnam Engineering was present.

Chairman Schech stated we have some problems with the plan certain things were not on there which we requested.

Ted Kozlowski stated Paul, I have asked for a number of times the stream in the rear and the parking lot, the rear parking lot the stream comes straight into the parking lot and then it makes a ninety degree turn. Every storm that stream gushes right into the parking lot and eats away at it. I have repeatedly asked for some sort of resolution to protect your parking lot and the stream by building some sort of natural retaining wall out of stone or something and it is still not shown on the plans. I see a section for a retaining wall but it is not shown specifically addressing that particular issue and that needs to be addressed.

Board Member Pierro stated the neighbor to the property just to the west of this did that separation in the stream.

Ted Kozlowski stated plus he has the stone, Northeast Mesa.

Board Member Pierro stated that is exactly what we are looking for in this particular situation.

Mr. Lynch stated I am not one hundred percent up to speed with the project but I will be before we come back.

Chairman Schech stated also facing the front of the building on the left-hand side, Board Member Rogan stated to the south. Chairman Schech stated the south side of the building we have a 25 foot offset from the wetlands.

Mr. Lynch stated I saw that yes.

Chairman Schech stated and then it is cutting down to ten feet. We would like to keep that twenty-five feet all the way through there so let that be indicated on the plan.

Board Member Rogan stated I know one of the questions that Putnam Engineering stated was whether or not we liked the idea of a split rail fence. I don't think we have a problem with it so long as it is not is something that can be easily taken apart so that they can access in and out of the wetland buffer. If you could come up with something that is more secure or something.

Board Member Pierro asked did Ted have a suggestion for putting in trees there that were close enough that could not be driven through.

Ted Kozlowski stated see Paul what happen is you are going to get this all cleaned up it is going to look nice and then once it done it becomes a storage area again. That is not your fault. Eastern Jungle Gym is doing a great job, they are making money and it looks to me that they are out growing this place and that is forcing them to use a part of the buffer and wetlands for storage and right now going through this permit it will all be cleaned up but history has shown you know that once it is all said and done they go back in there. We need to see something permanent so you can't physically start piling in to the buffer.

Mr. Lynch asked so you are looking for a safeguard.

Ted Kozlowski replied yes natural safeguards. I don't want to see a chain-link fence.

Chairman Schech stated because we know human nature.

Board Member Montesano stated and I don't want to see one of those rail fences because that gets blown over real easy especially when you take the rods out from in between the posts and that means access with a backhoe or whatever. I would rather see something other than a rail and post.

Board Member Rogan stated Paul, to bring you further up to speed on this project a couple of months back we were basically ready to deny this application because of the over use of the site and the Applicant's had stated that part of the reason it looked so cluttered and over used was that they were in the process of installing a lot of shelving inside. They had bought you know market being what it is for plywood right now they had bought a large supply of that. We went out there subsequent to that meeting and it never really looked any better out there. It has always looked over used even after that so you might want to talk to the Applicant's about doing their best to clean up that site to condense things. What we said to them was if you have so much materials maybe you need an alternative storage site we had even recommended up across the road they store quite a bit of the masonry supplies. I think if they could clean up a lot of their outdoor storage they would have enough room right now they just have too much on site. So that is basically the direction if they can clean it up and they can make it work I would be happy to approve it.

Chairman Schech stated we don't want to chase them out of Town.

Board Member Rogan stated no they have a good location there. You can see them from Fair Street and they have been there for years but it isn't working the way they are using it apparently.

Mr. Lynch stated I will sit down with them.

Board Member Pierro stated a simple suggestion there is two trailers that they use to move those large storage sheds that are across the street I don't even think that they are even on this site, we had a suggestion to move some of the sheds that are on display if they have the use of that little corner across street put some sheds there instead of leaving the trailers there put the trailers around the back of the building.

Boar Member Rogan stated I don't think that was because it is not part of their property.

Board Member Pierro stated yes but if they have access they ought to utilize it.

Rich Williams stated they do not have legal access.

Board Member Pierro stated these guys are not making zero attempt to go with what this Board is asking them to do. They are just buying time because they are in court eventually it is going to come to a denial.

Rich Williams stated Dave, you can't have them move things on to someone else's property.

Board Member Pierro stated well they have to make an attempt it does not take much to get into a lease situation with that property in there. I am sure there is plenty of land that is available.

Board Member Rogan stated I think the bottom line here is just make it work, get a site plan that works and if they can follow it great.

Chairman Schech stated sit down and talk with them see what their ideas are it is not working.

Mr. Lynch replied okay thank you I will be back.

## 7) KIDS WORLD SIGN APPLICATION

Ms. Denise Opromolla, Applicant was present.

Chairman Schech asked we did have a picture didn't we.

Board Member Rogan replied yes.

Board Member Rogan stated you actually, you did something rather unique with this sign I guess it was a year or two ago we decided that we would really like the Hamlet of Patterson to have kind of an identity with signs so we said hey, you know these couple of colors would work great unfortunately the intention was that someone pick one of the colors as the main color with the lettering being another color and you used all of them and we said what a great attempt.

Chairman Schech stated it is too busy because you are not going to be able to read it.

Board Member Rogan stated I can't imagine someone driving by would know what you had there with the size sign that you would be allowed.

Chairman Schech stated I would say just simplify it.

Ms. Opromolla asked just simplify it.

The Board replied yes.

Ms. Opromolla stated my computer just didn't do the right colors and that is why those colors are like that. I tried the best I could to get the right colors so I have the colors here.

Chairman Schech stated just simplify it, bring it into Rich.

Board Member Rogan stated just knowing that the intent really was to have one main color with another color as the lettering. We looked at the antique colors and you did use all of them and that really was not the intent so it is kind of a loop hole but we would really prefer that you go with a if you look around the Hamlet and see like the library.

Ms. Opromolla asked like two colors.

The Board replied yes.

The Secretary stated I have the colors in my office.

Rich Williams stated it might be helpful to give her some specific suggestions such as; the sign at Peterson's Nursery or the sign at the Patterson Church, blue and red, the Presbyterian Church.

Ms. Opromolla stated I am still just a little confused so if by simplifying it you mean just pick two colors or you want the whole thing simplified.

Board Member Rogan stated I don't know that we can tell her, Chairman Schech stated we can't really tell you to do that but it is just too busy people can't.

Rich Williams stated if you feel the sign is too busy maybe you want to have a discussion about what elements you find too busy.

Board Member Pierro stated we are looking for old world colonial colors, the astrological sign here I guess.

Ms. Opromolla asked okay but basically you just really want the name.

Board Member Rogan stated I think and it is certainly not your fault if anything it is ours for not being more clear in what we were intending for our sign ordinance we really wanted signs that all gave identity to the Hamlet that were all kind of a similar look and so I think if you look at a few of the local signs you can probably come up with something that would be creative enough for you. Even if this were just one color with a second color for the lettering but with the whole design, well probably with one color it wouldn't work you would not be able to see what individual item was but this looks like it would be great for a big poster inside the place. I can understand you want people to know what you advertising. I would suggest looking at some of the signs that are around and see what you can come up with.

Ms. Opromolla asked and then do I have to bring it back here or just work with Rich.

Chairman Schech replied just work with Rich.

Rich Williams asked so you are approving the sign subject to my approval,

Chairman Schech replied and me I do stop around once in awhile.

Board Member Rogan replied I would be okay with that.

Board Member Rogan made a motion in the matter of Kids World Sign Application that the Planning Board grants a negative determination of significance of SEQRA and approves the sign application to be no more than nine square feet and contingent upon meeting with the Town Planner and the Chairman and their approval of the sign. Board Member Montesano seconded the motion.

Chairman Schech asked all in favor:

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

Chairman Schech - aye

Motion carried by a vote of 5 to 0.

Ms. Opromolla thanked the Board.

## 8) BURDICK FARMS SUBDIVISION

Ms. Kristina Burbank, Kellard Engineering, Mr. Koelsch, Attorney with Shamberg, Marwell and Mr. Conditto, Applicant was present.

Ms. Burbank asked do you want me to walk you through the boulevard concept.

Board Member Rogan replied sure.

Board Member Pierro stated walk the audience through a lot of them would like to hear that.

Ms. Burbank stated I didn't bring the existing plan with me I brought the boulevard concept so we can begin with explaining a little bit about it. It has got a hundred and sixty-eight acres, we have got some twelve hundred feet of frontage on Bullet Hole Road and McManus another five hundred feet here along McManus. On the site (unable to hear). It is a tough site to get access to the public road in the first place. (unable to hear). A wetland corridor basically the western portion of the site. We have got wetlands here, here (referring to the plan) along here and then the associated buffer. Currently the proposal for access is consistent with the original plan which is the 81 lot plan, the main access is coming from Bullet Hole Road. We are also proposing a second access coming from McManus. (Unable to hear). The McManus access is to provide a second point of access through the site and then so that we comply with the maximum length requirement for the cul-de-sac. Associated with this second crossing which the Town has always asked us to provide is a direct wetland disturbance which is about point seven tenths of an acre and about six tenths of an acre of wetland buffer. As part of the Supplemental Draft Environmental Impact Statement we also proposed an alternate access from McManus that avoided wetlands and buffer disturbance but that was (unable to hear). So, we were some what constraint back to our original proposal for this main Bullet Hole Road and then the McManus crossing. So, when we circulated the Draft Environmental Impact Statement to all involved agencies the DEP provided written comments and asked us to again consider an alternative that would avoid disturbing this wetland corridor. We gave it some thought and one thing that had changed since the original proposal was the re-zoning of the property and the creation of the overlay district and built into that overlay district was some design flexibility for roadway standards and with that in mind we thought that we would go back and look at our roadway design and see if we could deal with meeting the intent of the overlay district and still achieve the goals that we have in terms of eliminating this crossing, this disturbance, associated with this crossing are some permit approvals that we need. We also need a variance from the DEP because we are building that road to town standards and that requires that we put in an imperious surface within fifty feet of a watercourse. What we came up with is this boulevard plan and the idea of the boulevard is proving a single point of access along Bullet Hole Road in the same location as the main proposal. We are proposing a sixty foot right of way, two fifteen foot lanes, that boulevard has a ten foot wide, landscaped island so to speak that extends up to about twenty-five hundred feet from that point we build a conventional, circular roadway system to it meeting town standards and then again have

the cul-de-sac reaching out in compliance with the town requirements about fifteen hundred and fifty feet. Some of the advantages of this plan as we see it; are diversified street scape, connectivity through the development in and of itself, elimination of the permits and those wetland disturbances and buffer disturbances. Disadvantages of this plan could include; some maintenance issues, a single point of access and lack of connectivity within the development and perhaps with the surrounding area. That is debatable because some might consider severing this access point that is beneficial because what we allow then is an undisturbed buffer along this whole western corridor in contrast to the existing proposal which has some of these homes along here with a stormwater basin adjacent to this roadway.

Chairman Schech asked Ms. Burbank did you give him my message.

Ms. Burbank shook her head no.

Board Member Rogan stated Kristina, I have been thinking about this plan since last week and I know you were slightly disappointed that we did not embrace it more than we did. We were very interested to see it. It seems to me that the advantages to the Applicant in this case would be the same number of lots with less infrastructure improvements and less time constraints in terms of Army. Corp of Engineers which we all have admitted is going to be a long process for the wetland crossing proposed. Also from a positive standpoint speaking from someone who travels McManus Road quite a bit the road is not really designed to handle I don't even think the traffic that is on it right now, we have argued, people have argued in the past that only the four lots that actually border that road on the old proposal would use that access and I tend to disagree. I think it depends on how people get comfortable using the roadways that they may use McManus and I have never felt that there are some turns one of which is adjacent to Mr. Noblet's property that is a really sharp turn and is a concern. Also, with this plan I don't think that any improvements to the intersection of McManus and Bullet Hole would be required because there is no traffic going directly into that. So, what I obviously see is a situation of a boulevard would be a great advantage to the Applicant but what we have is still an extremely, long roadway and I can understand the Chairman saying maybe we should look at losing the last six lots and dead ending this project at three that terminate, Ms. Burbank pointed it out on the plan. Board Member Rogan stated that is correct. Now, the Board we had asked it is unfortunate that the area contained within that circle is not useable for septic because if we could fit three lots in there I think that would make things easier. That is just my thoughts it does not reflect the rest of the Board but what I have been thinking about for the last week on this especially the in-adequacies of McManus Road for handling traffic.

Board Member Pierro stated I think there is a considerable amount of value in keeping those last six lots out. I think that large of a block of land in that area would be a value to a conservancy group or the County maybe even the Town. I know that we don't have the money but in the future there may be. That could make a great park space, green space and the developer may not get hurt so bad by not being able to develop that portion of the land.

Board Member Rogan stated I can tell you that if those six lots were gone that I would embrace this plan. I can tell you that that to me would be a reduction that would offset the hassle of having a secondary point and I am not trying to bargain or barter it is just simply the way I am trying to offset the impacts versus what we see as the benefits. I like the boulevard concept.

Board Member Pierro stated one thing that we did bring up at our work session is that two thirds of this Board is fairly new on here and that access on McManus Road dates back to when this project first came in and I know that two thirds of us have expressed our discontent with going through that wetland and our

expert is telling us that is part of a very large wetland system and even though a bridge is the better way out we don't want to see that either.

Mr. Conditto stated I totally agree with you. We don't want to go through the wetlands either and this is the second time we have tried to (unable to hear). We brought it up five or six years ago and you said definitely no. What we have been told consistently from day one is that we had to have a second access.

Board Member Rogan stated I started pushing for the idea us talking about it when I saw another subdivision in the Town of Southeast and Chairman Schech stated we don't have boulevards up here they finally put one in Southeast so we saw it.

Board Member Rogan stated and actually Ted seems to drive that one quite frequently and I saw it and it seemed to me when I saw that concept it seemed to lay itself right out to this, understanding that there are concerns that the Town has with maintenance, with where to put the snow, with maintenance of the island, but I also see it as something that may beautify this street. It is a concern if your driveway does not directly oppose a break in the boulevard but that is something that I think we can look at and I am excited about you having it as an alternative actually.

Mr. Conditto stated the Brewster boulevard actually breaks at (unable to hear no microphone).

Board Member Rogan stated in this case the problem is I think the Brewster their spaced out a little more in terms of the boulevard than compared to here so in this case it may not work to have and I don't know that is why you guys have the engineers.

Board Member Pierro stated and back to keeping that rear portion as green space and losing those six lots now you never know what is going to happen in the future. If you were to retain that ownership something might pop up in that area where you could acquire another piece of land.

Mr. Conditto stated that is green space in your rules (unable to hear).

Board Member Pierro stated but not all of them.

Chairman Schech stated there were some concerns when we were going through the comments about shallow soils so there is another reason for losing them.

Mr. Conditto stated we have done that with the DEP and they (unable to hear no microphone).

Board Member Rogan stated you can certainly imagine that the people that have never been a fan of this project and have considered the Bullet Hole entrance to be a hazard would say now we are guaranteeing that all the traffic is going into one point.

Mr. Conditto stated but again if you look at the old plan there is only four lots at McManus Road that might go that way and if you look at the difference between the town roads (unable to hear no microphone).

Board Member Rogan stated you also have to appreciate the fact that this does not meet the essence of what a cluster subdivision is really intended to do that it is fragmenting the property and you could also say that it is using the areas that you were able to approve. There isn't really a spot on this map in green that isn't

either a steep slope, a wetland or a questionable soil otherwise we would have the lots in that circular area. We have high ground water and we have got steep slopes.

Mr. Conditto stated what I mean when you go through and look at where we have actually placed the septic none of them are on slopes greater than fifteen percent.

Board Member Rogan stated right well they would not be allowed so there is no point in it.

Mr. Conditto stated all the septic are going to be approved by the Health Department or they won't exist.

Board Member Rogan stated right obviously.

Mr. Conditto stated so I don't agree with the comments that these are illegal lots in the sense of,

Board Member Rogan stated no that is not, Chairman Schech stated we are not saying that they are illegal it is just some people have problems with them like I do because you are spreading these houses way out, just running too much road to a cul-de-sac and I am not going to approve it I don't know about the rest of the Board.

Board Member Rogan stated Mr. Conditto I know that the Town Planner's opinion on this is that our fifteen hundred foot roadway standard would actually only get you to the first bottleneck that you are extending the intent of that requirement. A lot of us would say if it is fifteen hundred feet maybe we would go twenty-five. You are going right now seventy-two hundred feet.

Mr. Conditto stated I have actually taken a huge hit in terms of economics (unable to hear no microphone). The infrastructure of this project is fairly expensive already and in nine years. (unable to hear no microphone).

Chairman Schech stated in nine years your land values have quadrupled.

Mr. Conditto stated I guess I don't see your argument I mean the point that I am trying to make is that the advantages of the boulevard are the same advantages of a boulevard whether it is one lot or fifty lots. I mean we still have the contiguous open space in that green section there and you don't have the McManus crossing. In either case it is not a function of lot number it is a function of opening this whole space up.

Board Member Rogan stated well it is a function of lot number based on the impacts to the roadway you can certainly agree on that, that if we look at so many trips per day that we are funneling traffic to certain points whether it be Bullet Hole Road, McManus Road or both. The argument could be made that accessing McManus now you are putting traffic to two intersections that really neither one are adequate and that is not your fault. I am not saying that it is. It is product of bad existing roadways. We recognize the fact that this is an awful lineal lot. It lays out poorly. I did not create that either. You know we often wondered why this wasn't split into four large lots with horse farms. We have looked at what people spend for property down county and we often wonder why that wasn't approached.

Mr. Conditto replied well because I can't find the market for that. I don't believe that is the market. We have been hearing that for ten years now. We should make them big lots (unable to hear). I don't think that your new planning allows for that. (unable to hear). If I could I would make these all twenty acre lots (unable to hear).

Board Member Rogan stated well you were saying that the market doesn't allow for it anyway so that is a mute point.

Board Member Rogan stated but anyway I appreciate the chance to review this kind of a concept.

Board Member Pierro asked do you disagree with the assertion that if the McManus Road crossing is there that nobody will use it.

Mr. Conditto replied I think that the small, Board Member Pierro stated one school bus and I guarantee you that there will be some testosterone high school kid going to figure he can get out to Ice Pond quicker by going the dirt road and testing out the struts on his new car. They are going to use it, McManus just can't handle it.

Mr. Conditto stated we have tried, it has (difficulty hearing) McManus crossing will always be an impervious surface and we have always said that if it was a sole access but the reason for the McManus crossing was a safety issue we would be happy to put in a substandard road which broken off that can be used for emergency access and avoid all these issues. We have offered these things in the past and obviously since half of you guys are new at this point you don't have benefit of the arguments but we were consistently told that those weren't options.

Chairman Schech stated look at the money you are going to save by not putting in all that road.

Board Member Rogan stated well they will still have the same length of road.

Board Member Pierro stated the bridge.

Ms. Burbank stated same amount of road but it is the bridge.

Chairman Schech stated no I mean when you lose those six houses.

Board Member Rogan asked have we figured out what the impervious surface is compared to the other concept yet.

Ms. Burbank replied I am close I think I can tweak it if it is more.

Board Member Rogan stated yeah you are fifteen foot wide on each side Rich is not happy about that.

Ms. Burbank stated it is not significant at all.

Board Member Rogan asked did we ever address the proposal for the Claire Burdick property.

Chairman Schech stated she is not interested.

Board Member Rogan stated her letters to the Board seemed to clearly indicate that, Chairman Schech stated well that is basically not the issue the issue is right here. That is a small item we can iron out later on. This is the thing here which I think is going to hold us up.

Ms. Burbank stated our intention isn't to hold it up.

Board Member Rogan stated I am sure.

Board Member Rogan asked Mike, you have been quiet down there what are you thinking.

Board Member Montesano stated the Town passed a bunch of laws within adjustments I can say fine I don't mind fifteen hundred, I don't mind two thousand but when we are going to seventy-two that number scares me because when it is allowed on this it can be used in the future on any project. The properties that we are getting in front of us right now are far from choice because all the choice lots were built on and if we start giving away on what the Town Board passed for laws at every option that we decide somewhere along the line Pandora's Box is going to open and we are going to end up choking so to me to have a seventy-two hundred foot road that is a single lane, you can't get in here, you cannot satisfy me, I have been involved when there has been an emergency and the road is blocked and you can't get to where you have to be, seventy-two hundred feet is just too much. To convince me fine the boulevard I like the idea it is acceptable. I have been to New Jersey they call it a boulevard if you want to make turns to the house across the street from your house you go six miles down the road there is a turn around and you can turn there. Here we don't have the equipment, we don't have the facilities and that still scares me that seventy-two hundred feet.

Board Member Rogan asked Maria.

Board Member DiSalvo replied well I kind of agree with Dave and Shawn and Herb to lose the six houses. I like the boulevard concept, I am not a fan of going through wetlands I would say lose the six houses. I am new on this Board I was not here from the beginning I know this has been dragging on since I lived in Westchester County seven years ago it made the front page down there a few times so I am in agreement with them.

Chairman Schech stated the ball is in your court.

Board Member Pierro stated I think going beyond our Town Code and expanding the roadway length in exchange for a larger piece of green space out in the back where the six lots would be would be something I would like to delve into even further if Mr. Conditto wishes to think about that.

Mr. Koelsch stated I know I haven't been here in awhile and forgive me I am a little confused. You say the ball is in our court. This presentation of the layout was precipitated by the comment by DEP they wanted us to look one more time at an alternative to the wetland crossing. What I am hearing and maybe I am wrong is that because this provides benefits, perceived benefits to the Applicant there should be a (unable to hear).

Board Member Rogan stated no you are incorrect.

Mr. Koelsch stated I don't see the association between the loss of the six lots and the boulevard concept.

Board Member Rogan stated the length of the roadway.

Chairman Schech stated the length of the roadway.

Board Member Rogan stated you are talking seventy-two hundred feet.

Chairman Schech stated we try to do away with cul-de-sacs to start with.

Board Member Pierro stated that is why our Code limits us to,

Mr. Koelsch asked is it the length of the roadway or the impervious surface.

Chairman Schech stated the length of the road and the cul-de-sac.

Mr. Koelsch stated because the length is the same with the secondary access.

Chairman Schech stated yes but the length of the road and the cul-de-sac.

Board Member Rogan stated the Code says fifteen hundred feet from one point of access.

Mr. Koelsch stated I know it says fifteen hundred feet.

Board Member Rogan stated so we are going from fifteen hundred some might argue to seventy-two hundred.

Rich Williams stated let's try to be clear it is probably closer to fifty-two.

Board Member Rogan stated I am sorry I thought Christina said seventy-two I apologize.

Rich Williams stated from the beginning to the cul-de-sac it is,

Board Member Rogan stated I thought you said seventy-two hundred from the beginning all the way to past the wells.

Ms. Burbank stated fifty-six.

Board Member Rogan stated so seventy-two includes the other spur is what you are saying.

Ms. Burbank replied right.

Board Member Rogan stated okay I apologize.

Chairman Schech asked what is the length of the cul-de-sac.

Ms. Burbank replied thirteen.

Board Member Rogan stated and Christina's contention is that meets the way they are interpreting the Town Code in other words fifteen hundred feet from that point. I don't think that Rich agrees with that.

Rich Williams stated no.

Chairman Schech stated no.

Board Member Rogan stated because it is still one way in, and one way out the boulevard I think splits that at some point. I think at least my feeling was that you are taking a subdivisions that has a very poor road surrounding it and you are dumping it originally into two points to now dump it into one point I think you need a reduction from what was proposed otherwise I would almost go back to the two points of ingress and egress to give the option and then you are taking away all the fire protection concerns of there being an accident or something that blocks. Rich has from day one said he does not support this concept.

Mr. Koelsch stated no and we understand that and that is why we are prepared to do the more costly bridge and provide that secondary access again, this is something that we would were led to by the DEP.

Board Member Rogan stated I understand well it is something that we had been kicking around ourselves and when Christina had approached us about it, Rich about it we thought we definitely would like to take a look at it so my thought process only is to be able to qualify putting all the traffic into one point would require a reduction in the lots and the length of the roadway above and beyond the fifteen hundred foot that is allowed you would be looking at roughly five thousand then to that point.

Mr. Conditto stated but Shawn I don't understand that because right now we are, Board Member Rogan stated okay you can just agree to disagree and be done with it that is fine.

Mr. Koelsch stated and we don't want to argue but we are trying to understand, Board Member Rogan stated and I am not going to argue with you I understand.

Mr. Koelsch stated and the traffic argument we had a findings statement at 47 lots which,

Board Member Rogan stated with a lot of improvements, a lot of improvements that you probably can't make in this case especially given the fact that the barn is on somebody else's property.

Mr. Conditto stated we still have that option.

Mr. Conditto stated the point is we calculated a number of trips based on the houses that we have, our afternoon, I am sorry our morning trips are roughly thirty-seven in the two hour period, the peak two hour period.

Board Member Rogan stated thirty-seven for thirty-seven houses.

Mr. Conditto replied yes ITE numbers.

Board Member Rogan stated one trip per household.

Mr. Conditto stated peak hours.

Board Member Rogan stated so you have thirty-seven per hour.

Mr. Conditto stated so it is thirty-seven so you are saying that if we make it thirty-one which is the reduction in the six houses then all of a sudden the traffic situation on Ice Pond is better. I can't see how you can make that statement.

Board Member Rogan stated I am not making it from your numbers I am making it from belief, from my own personal belief. Proceed like this if you would like that is fine. You have that option.

Mr. Koelsch stated we have to figure out where we are and then we will close it out, where we are procedurally and your comment that it is on our court. This is just one of the alternatives that we will include in the DEIS. We will have to go back and think about what you said in terms of modifying whether it is an additional alternative that take these lots out or it is one that replaces this. I don't think that is what we will do but in the interest of completeness and moving this Board we can put yet another alternative in the DEIS. At this point we want to move this forward.

Chairman Schech stated also I will go through the comments again and find out who was very concerned about the shallow soils in this area because I know there was several people concerned.

Mr. Koelsch asked you are talking about the shallow soils in this area.

Chairman Schech replied yes.

Mr. Koelsch stated there has been additional testing since that concern was raised and we think it has been addressed but by all means go back.

Board Member Montesano asked there is no way to get the houses that are there in any other location because apparently the soils that are available are not good enough.

Ms. Burbank stated within the constraints of the zoning. You know in all fairness you know the restriction on lot size is significant.

Board Member Montesano stated well if we look at the overall picture you have there now you have a whole group of houses right in a row and then a huge space and then on this side we have houses then we have space then we have little spaces. I mean you can't put a house in that large green space right there why I don't know well because there is a problem with the soil so we can't get a house in there. I didn't make the land so this is my problem.

Mr. Conditto stated that is not completely true. We tested 46 lots, we tried the first 49 so of those 46 lots what Christina is saying it is based on the zoning requirements that you have in your cluster subdivision we can only surround a house lot around 37 of those to come up with this plan.

Board Member Rogan asked Rich is that the only option they can explore under the zoning can't they default to the,

Rich Williams (hard to hear) depending on where the septic areas are in relation to this plan to see if there is some other way to skin the cat. It is hard for me to say without knowing where the other septics are.

Board Member Rogan stated Mr. Conditto if you could fit some of those other or all of those other seven lots that way to reduce the roadway I am probably,

Mr. Conditto stated that was going to be my question.

Mr. Koelsch stated if the concern is open space and length of road maybe there is a different way to skin the cat and tighten this up.

Mr. Conditto stated I am sure that would require changes in the lot requirements, frontage or whatever.

Rich Williams stated it might but it comes down to a trade off. If the Board feels strongly that they want to limit the length and they like this layout if we can find a way to move them in maybe,

Board Member Rogan stated relax some of the standards.

Rich Williams stated by changing some of the standards then maybe we need to look at that.

Mr. Conditto stated we wrote a letter to the Board when you guys were originally considering the zone codes and we tried to explain that it would be very difficult conditions that you were putting us under, requiring a smaller lot sizes I think it was 12%.

Board Member Rogan stated especially with the size houses that they are putting in.

Mr. Conditto stated we made that point from day one and it has been very tough.

Board Member Rogan stated and even further difficult and that is why we asked for the typical layout of where people would put pools and sheds because I despise the idea of creating a subdivision and then a week later someone is going in for a zoning variance it means poor planning on our part so we definitely want to avoid that.

Board Member Rogan stated I probably have gone on longer than I should but,

Mr. Conditto stated we have the map already that shows the septic areas that are available if you want to sit down.

Rich Williams replied yes I mean if you want to do that.

Board Member Pierro stated bring it in on a work session one night.

Rich Williams stated I was thinking I would just sit down with them look at the plans and see what we can sketch out then if we could come up with something present that to you.

Board Member Rogan stated one last thing we have always said that if 37 lots creates a certain impact to roads that you need to improve does a lesser number of even when we were at 46 does a lesser number negate those impacts and I would say a reasonable person would say yes that as you go down in size you reduce the impact and therefore you reduce the infrastructure improvements that would be required along the roadways so just something.

Mr. Conditto stated well we got no credit from 46 to 37.

Board Member Rogan stated sure you did.

Mr. Conditto stated no we didn't .

Board Member Rogan asked you didn't.

(unable to hear response too many were talking at the same time).

Board Member Rogan asked what are you doing to Ice Pond Road right now the intersection.

Mr. Conditto replied the last findings statement said we are going to do some clearing and fix a bump in that road.

Board Member Rogan asked at the intersection of Ice Pond and Bullet Hole is that what you are referring to.

Mr. Conditto replied the findings statement says that we would acquire the property that is across from the Ice Pond intersection where the barn is and dedicate that to the Town for the Town to do future improvement on the road.

Board Member Rogan asked since we have you here though I remember about a year or two ago you had specifically, Dave has had concerns from day one I won't say from day one from a year or two ago about the property and I don't even know how to point you on the map but on Bullet Hole down the hill of Ice Pond Road right where you have the green space, right in there and Mr. Conditto you had said that is not a problem looking at straightening it out because you own the property I just want to make sure that you,

Mr. Conditto replied I am not sure that I said that but certainly, Board Member Rogan stated we can pull the minutes but I do remember you saying, (too many speaking at the same time unable to transcribe).

Mr. Conditto stated there are a lot of bad curves on Bullet Hole but I am not convinced that maybe that is the worse one if you go up and down Bullet Hole.

Board Member Rogan stated I am not convinced it is the worse one either but it is something that David had concerns.

Board Member Pierro stated I am concerned about the yaw factor on that curve.

The Secretary asked the what factor.

Board Member Pierro replied the yaw, an old traffic investigator's term.

Board Member Pierro stated the car pitches this way and it goes around the corner, the road is tilted this way and it rolls off on to somebody's lawn.

Mr. Conditto stated we just have to bank it the other way. (joke)

Board Member Pierro stated right while you are banking it you might as well cut the curve down a little bit. It doesn't take much.

Board Member Rogan thanked them for their time.

Rich Williams stated just one last very quick thing just so we can wrap this up because I want everybody to be aware of this. There is two other individuals that are going to be involved and be viewing this and looking at this and that is our Fire Inspector and our Highway Superintendent and they may have significant comments on this layout.

Board Member Rogan stated we have also asked some of those people for comments in the past and haven't gotten any so that is going to weigh in a little bit on this.

The Board thanked them.

## 9) MUSHKOLAJ SITE PLAN

Mr. Harry Nichols was present representing the Applicant.

Chairman Schech stated we took a little peak. We have to send you to ZBA, Harry right.

Mr. Nichols replied yes.

Board Member Rogan stated it is pretty straight forward Harry, we took a look and we were hoping that some new fencing could be installed to surround the site. We were happy that some existing fencing that was there that would contain things. We need a couple of parking spaces. We need the trailers removed.

Mr. Nichols asked you said both trailers.

The Board replied yes.

Board Member Rogan stated if you need other storage space you will have to propose it on the plan I don't know what would be acceptable.

Board Member DiSalvo asked didn't we say take out those bins too.

Mr. Nichols stated the heating system for the building is in one of the trailers.

Board Member Rogan stated well then I guess we need to make that a permanent part of the plan somehow and how do we.

Chairman Schech stated put it on the plan.

Board Member Rogan asked how was it put into a storage trailer.

Board Member Pierro stated everybody that we tell to move their storage trailers is going to come back and say hey guys.

Rich Williams stated I think I need to talk to Paul about this to see if that is even, Board Member Pierro stated permitted.

Board Member Rogan stated my guess is what we are going to need to do is probably knock down that trailer and put up an extension of some sort that Paul would accept some kind of permanent fire.

Chairman Schech stated the heating system could be mounted on the ceiling you have enough height in there that is for sure.

Board Member Pierro asked what kind of heating system is in there.

Mr. Nichols replied oil.

Board Member Pierro asked Mr. Spano.

Mr. Spano stated it is just an oil tank for the oil burner.

Chairman Schech asked it is just the oil tank that is in it.

Mr. Spano replied yes.

Mr. Nichols asked Mr. Spano the oil burner is not in there.

Mr. Spano replied no.

Board Member Rogan stated I wished you would have jumped in earlier.

Board Member Pierro stated don't fill it.

(TAPE ENDED)

Board Member Rogan asked how many parking spaces do we need for this facility.

Rich Williams asked what size is the building.

Board Member Rogan replied thirty by thirty.

Rich Williams stated so you are talking four.

Board Member Rogan stated maybe we can pop four spaces in where the concrete bins were something like that.

Mr. Nichols stated there is plenty of room for the parking.

Chairman Schech asked Mr. Nichols if he had the comments.

Mr. Nichols replied yes I do.

Board Member Pierro stated Harry, one of the things that we did not want I am sure you have heard us discussing the Eastern Jungle Gym you know once the site grows out then fences get knocked down and all of the sudden we are in the wetlands. I can see what is going to happen here is the site gets established and

business is good and more materials is in and then the parking is going to be outside the fenced in area and people will be backing out on to 22. We would like the Applicant to know that the site has its limitations. We are willing to let him get in there but it has got its limitations but the fence has got to be strictly the limit.

Board Member Rogan stated well the site does not offer a whole lot else. It has to be fenced and contained within.

Mr. Nichols stated being a fence company I don't think it will be a problem.

Chairman Schech stated you want a perimeter fence over by the wetlands which you could also use for your samples.

Chairman Schech stated okay so the next step is ZBA Harry.

Mr. Nichols asked will you be sending a positive recommendation to the ZBA.

Chairman Schech replied of course.

Rich Williams asked you want a recommendation to the ZBA.

Chairman Schech replied yes.

#### **10) FOREST VIEW APARTMENTS SITE PLAN**

Mr. Harry Nichols and Mr. Jay Hogan, Attorney was present.

Mr. Hogan stated I am Jay Hogan, Hogan & Rossi but I also acquired the building I just closed title on this property at the end of the September. I know that there was an inspection, when you folks went out there you had some concerns about the property. I would just like to indicate that most of the debris and garbage have been removed. We do have some couches and things that we still have to get out but it looks quite a bit different than when you did your site inspection.

Chairman Schech stated it didn't look like anything that John would be involved with.

Board Member DiSalvo asked so the bath tubs are gone.

Mr. Hogan replied the bath tubs are gone.

Chairman Schech stated low income housing I was going to suggest to him does not mean slum.

Mr. Hogan stated this is what I would like to tell you what is going to happen to the site. We recently spent thirty grand, had NYSEG come in and put gas lines in. We are putting individual gas boilers in every one of the units to basically phase out the oil system that is there and antiquated. We have replaced and refurbished every bathroom in the eighteen units that are there, we have refurbished most of the kitchens and the idea is if this project Lord willing were to get approved the idea is to make the new buildings

identical to the exterior of the buildings that are existing there presently and the idea would be to upscale what is out there. That is really what the plan is and I think that will be accomplished if we get the approval that we are looking for I will accomplish it. I can tell you that for sure. It will be a different complex. We also have already hired a property manager whose basically stays on top of things and also keeps me tuned into what is going on. I just want to let you know that it is not going to be the way it was in the past.

Chairman Schech asked NYSEG you need written approval to put a road under their lines right.

Mr. Hogan replied yes I sent something I think up to Rich there was an easement that was granted when the owner of this property sold in 1960. It is the ordinary ingress and egress and basically in my discussions with Ed over at NYSEG, the easement guy he said when you are further along in the process and you know what the area is that will be utilized our engineer meets with their engineer and we sit down and they really have a concern about structures that are being built on their property because they have to be a certain distance from the power lines and I believe the structures that we would be talking about are underground structures. Basically, it is a sit down and get their consent which the easement documents says that,

Chairman Schech stated a road is a structure according to the easement document.

Mr. Hogan replied sure and the only thing that really that they reserve the right to go over the whole project and what your proposed plan is.

Ted Kozlowski asked Jay some time tonight would you if you have a property manager would you let us know.

Mr. Hogan replied sure.

Ted Kozlowski stated a phone number and who to contact periodically we do have issues that come up over there and it would be nice to be able to get a hold of that individual.

Mr. Hogan stated absolutely.

Ted Kozlowski stated the other thing is I do have a person that lives, a neighbor to the Field and Forest who has complained a number of times about septic smell and it does go into the wetlands so would you just look into that.

Mr. Hogan replied sure will.

Board Member Pierro stated the other issue that we were concerned with was because this adjoins or is contiguous to the Clout Preserve I don't know if you can enforce any rules or regulations.

Mr. Hogan stated I don't have a problem with putting a fence up but I think the people in the Clout Preserve probably pass over through onto this property as far as A.T.V.'s I will post the property and enforce it. I don't want anybody getting hurt out there on an A.T.V. anyway.

Mr. Hogan stated we will do anything the Board wants.

Board Member Pierro stated one of the things that has been voiced to me by neighbors and people who utilize that property was the A.T.V. problem down there.

Mr. Hogan thanked the Board.

Board Member Rogan stated Rich you have been toiling over those plans you must have.

Rich Williams stated I did do a memo it reflects the conceptual plans. I guess my primary concern was the stormwater basins being located in pretty steep areas and they are actually discharging to a different point than the rest of the hydrology of the site discharges to and considering that they are discharging down to the Penn Central Railroad tracks there are some issues about getting that water through to the wetlands (unable to hear).

(Unable to hear Mr. Nichol's response).

Rich Williams stated and that is all fine, well and good if you are discharging to the same (unable to hear no microphone). What you don't show is you don't show the rest of the topography on that site plan if you did you would see that it does not drain down to the drainage channel that you are proposing to discharge down to it discharges to farther down to the south west. Mr. Nichols pointed it out on the plan. Rich Williams stated yes that is where the drainage actually goes.

Mr. Nichols stated I will correct this drainage point.

Rich Williams stated I am not saying that you need to correct the discharge plan I am saying you need to take a look at how it is going to get through the railroad tracks because there is not a visible culvert going under the tracks. (Unable to hear the rest of his statement).

Rich Williams stated the other thing that I do just want to bring up one of the concerns that the Board has with putting the proposed septic area up on top of the hill and they haven't changed that concept.

Mr. Nichols stated the area where we are showing the primary going in that area requires two feet of fill if we put it down in this area which does not require any fill the current regulations require us to cut that area and put the fill in.

Rich Williams stated I think the desire was not to have any septic in that area at all. That was the intent. I just want to make sure that the Board is okay with going forward with this concept.

Board Member Pierro asked with not having the septic on the hill.

Rich Williams replied right.

Board Member Rogan stated personally, I didn't so much mind the septic over there I was just bringing up the point when we were out in the field or at least when you and I went out in the field we want to look at trying not to clear right to that property line and based on the topo I think it is going to be kind of difficult to.

Board Member Pierro asked was that forested, pine trees.

Board Member Rogan replied no the pine trees are down below I thought it was more of an upland ridge.

Board Member Rogan stated what I was hoping honestly Harry was that maybe we could at least get some type of a planting or if you have got to clear the edge get some type of a planting that would be a buffer from the Preserve Property to this. It might also work as a nice delineation. It would also keep the A.T.V.'s out but that is just me I am not speaking for the rest of the Board.

Board Member Pierro asked there is no alternative site for the septic.

Mr. Nichols replied no there isn't.

Board Member Rogan asked have you done any testing at all on the expansion area.

Mr. Nichols replied we have done testing for both locations with the DEP and with Putnam County Health Department.

Board Member Rogan asked can we I think you probably already said this, you said you need fill on the area that we are concerned about so therefore you have to clear anyway.

Mr. Nichols stated this area will have to be cleared and two feet of fill going in so why clear two locations.

Board Member Rogan asked any chance of getting a waiver from that that you don't have to clear it and put the fill if it was recommended by the Planning Board. I don't know I am asking.

(Unable to hear Mr. Nichols response).

Board Member Rogan stated you know what let's face it you are going to have to put the septic where it works we all agree with that.

Board Member Montesano stated you have two sensitive areas around that site right.

Board Member Rogan replied the wetlands is a sensitive area what else are you referring to.

Board Member Montesano stated there is two wetlands on either side of that area.

Rich Williams asked there is two wetlands.

Mr. Nichols replied no there is one on the inside right here.

Board Member Montesano replied all right I am sorry.

Rich Williams stated the other wetlands is on the other side of the railroad tracks.

Board Member Rogan stated when Rich and I walked the property the area that you are proposing now for the basins I thought was pretty steep down through there. It was pretty rugged I will call it rugged, a non-technical term and it looks like an awful lot of grading but if between you and Gene you guys figure it out at least you are not putting them in the wetland buffer.

Mr. Hogan stated that was the main thing I got the jest the last time we were here that you wanted them out of the buffer.

Rich Williams stated I don't know that that was what I heard as much as we wanted to make sure that any impacts were offset.

Mr. Nichols stated well it is the same thing we have to increase the width of the buffer because the basin occupies part of it. It would be the same as putting the pond up here which would negate the possibility of the second building.

Board Member Rogan stated if you can make the basins work over there and we are completely out of the wetlands that is up to you engineers to figure out to me that is negating going into the wetland buffer so I would rather have that.

Gene Richards stated Harry, just to make you aware first of all I did not do a review on the project it wasn't at a point yet where but I briefly did look at the plans and one thing that I see that you are doing is you have two areas where the slopes, the embankments are steep one is one and a half to one about by scale behind the one building.

Mr. Nichols asked you mean this building.

Gene Rich replied right there I scale that at about one and a half, one slope.

Rich Williams stated let's talk about that area real quick that is really bedrock outcropping it is not shown on the plan.

Mr. Nichols stated if we hit bedrock then we can terrace it.

Gene Richards stated you will be fine.

Rich Williams stated you can see it you don't have to worry about it. It is high.

Gene Richards stated if you are in earth if you are greater than three to one you are going to have prove out the soils. You are going to have to do an on site investigation of the soils.

Mr. Nichols asked you said three to one or two to one.

Gene Richards replied three to one.

Mr. Nichols asked when did that come in.

Gene Richards stated it has kind of been coming for awhile and we are getting to the point now reviews are going to start having that comment in them and there is a reason for it because we have got some projects that involves steep slopes on hillsides that have failed and had problems. It is going to be a new requirement so we encourage you to avoid anything steeper than three on one. If you want to go there you are going to have to do a little work to prove it and down by your basins I think one thing that you can do you have got a tremendous amount of disturbance down there and that is two to one slopes and I think you could probably eliminate some of that disturbance by eliminating the access to that one basin on the left.

You need access if you can get it from, Mr. Nichols stated from here go around that way. Gene Richards replied right kind of tighten up all that grading so it is not as much.

Mr. Nichols stated good comment.

Board Member Rogan stated that is why we have the Engineers. We are only here for concept.

Rich Williams stated and we have Planners because we are concerned about the view of the rails for trails.

Board Member Rogan stated that is a good point.

Chairman Schech asked everyone was concerned about the location of the septic system is this where.

Board Member Rogan replied that is where they were referring to. That is where they have got to put it because of the soils. I mean septic system wise the first thing is always to put it in my opinion put it in the soils that work best for it as opposed to putting it somewhere where it is going to fail. In relation to the forested area I think we should look at some type of a buffer. I know we can't push it too far looking at the topography but you are saying two foot of fill how far, you are not going to fill right to the property line are you. You are going to be ten foot off the property line so we have ten foot to work with.

Mr. Nichols replied yes.

Board Member Rogan asked we could consider a buffer couldn't we either what is existing or.

Mr. Nichols stated certainly in that strip we will save any worthwhile vegetation.

Board Member Rogan stated I am willing to go forward with it. I think it will work it looks like it has a lot of engineering to iron out.

Mr. Nichols stated the wetlands was flagged and I think we need an inspection by the Wetlands Inspector.

Ted Kozlowski stated yes.

Chairman Schech thanked Mr. Nichols.

Mr. Nichols asked Mr. Chairman did Mr. Williams speak to you about this Wednesday possibly at nine o'clock if you can join us in Mr. Williams office.

Mr. Nichols stated we wanted to limit it to the Chairman because we did not have a quorum

Board Member Pierro asked in what regard.

Mr. Nichols stated it is an old project that we are going to revitalize and make it work to today's Code but there are some alternatives.

Board Member DiSalvo asked do we get a hint.

11) **OTHER BUSINESS**

a. **Parker Site Plan Discussion/Bond Reduction**

Ms. Parker was present.

Ms. Parker stated as you know I have this subdivision that is intersecting East Branch Road and White Hawk Trail. I am currently in the final stages of the site work. I had a little confusion and I am hoping that I can be helped out with here with the light at the intersection of White Hawk Trail and East Branch Road. Currently, there is a light that I actually created its existence by calling NYSEG when I believe I was doing the correct thing. I called them in there is a light required to light up the intersection and the sign and the lovely woman who advised me on what was a good idea for the project which would fulfill the requirements of lighting of the intersection of East Branch and White Hawk suggested a 150 watt sodium and you see them all over as streetlights it has a curve. There happens to be a telephone pole with electricity as well that they intersected so it actually blends fairly well. It comes off the telephone pole and it has quite an expansive light. You can see it from very far away.

Board Member Rogan asked help me out here for a second since I wasn't part of the Board that reviewed your subdivision, was there a light that was proposed as part of the subdivision.

Chairman Schech stated yes.

Ms. Parker replied yes every subdivision has to have a light.

Board Member Rogan asked and so you had a set of those plans that you can refer to to see what was required and then tell,

Rich Williams stated it is the standard shoe box lighting that was required.

Board Member Rogan stated I am sorry I just wanted to know that.

Ms. Parker stated which I will address. So, when my project was reaching and a meeting with the Town Planner and various other people it was pointed out to me that the incorrect light had been installed. I actually went back to Craig Lincoln at NYSEG and he said he was not sure how that happened then he researched it and said that the woman who had come out to determine the lighting and help me with that project and she was new. He did say he would release me from that contract for me to put the shoe box light in and quite frankly the shoe box light is 250 watt sodium also on the same sensor and it lights up lesser of an area than the light that exists now which means that if we are talking about lighting up the intersection and the sign it actually focuses down more. It requires a structure. It requires a cement structure, it requires major installation and I didn't object to doing it because I really want to comply with everything that has been presented. It turns out the cost to me will be over two thousand dollars. What I am asking that being as what I understand that although

the shoe box light is on the plans I am asking and I am not sure I had a nice conversation with Rich Williams and he suggested that I talk to the Planning Board, I have an enormous amount of financial difficulties right now in getting through this. This has cost me three times as much as I had ever thought including what has been planned out by professionals. I am looking at the fact that I pay NYSEG for this existing light which lights up the entrance, lights up the sign and it has a wider scope, radius lighting up more area than the shoe box light. That is my concern that I am asking if we can leave this light that exists now that NYSEG installed which lights up the road and the sign versus there is another reason I prefer not to have this shoe box light at the moment this is a three lot subdivision on 73 acres. There is 54 acres, there is a 5. something acre lot and a 12.5 acre lot, it is a private road, it was essentially allowed to be through permits a non-paved road. At this current moment due to the regulations for what is necessary there is a Stop sign, there is road marker for White Hawk Trail and it is a very quiet little private drive and another additional form it is not that big but eighteen feet or whatever it is it is another structure sticking out in this little road there is all these things and there is a telephone pole there. So, right now currently just aesthetically no one is complaining about the light that exists there, aesthetically at least that one comes off, I think it was twenty-five feet high but it curves over it is like you see every road that has their road lit by the same types of lights. It is a little bit less obtrusive. For me aesthetically and for the people who are on this road we kind of all said it would be nice to not have to stick another object right there. There is a telephone pole, a Stop sign, and a road sign so there will be now a fourth element which would be the shoe box. If I could plant trees between each one that would be one thing but you can't. So, it is mostly financial and aesthetics and I believe that since what is required is a light that serves the purpose of a light at an intersection. There is one thing that is nice for Patterson to know I am sure they would not mind saving a couple of hundred dollars a year. If I install the shoe box light then the Town picks up the bill for the electricity. Currently, I pick up the bill for electricity on a monthly basis and I don't mind that because it would stretch it out over a long enough period of time that I would not be popping out two thousand more dollars that I don't have and I would have something that is much more aesthetically pleasing.

Chairman Schech stated one of the reasons we specify shoe box lighting is so the light does not spill all over the area lighting up too much of an area. That is why we specify it. It was on the plan. If we say okay to you we say okay to every developer out there.

Ms. Parker stated I don't know any other developer would rather by any stretch because,

Chairman Schech stated it sucks.

Ms. Parker stated well I don't think that is a reason. No one has objected to it that is what I am saying. I am here because I have a difficulty and I am expressing it. I am not here to fight with you.

Board Member Rogan asked Gene can you speak to the rest of the request for the bond reduction.

Ms. Parker stated I am not addressing the bond right now. I am not addressing the bond reduction right now. I am only addressing one thing that is it.

Board Member Rogan asked so the difference between the lights in essence is that one is a broad spectrum lighting, one is more of a focused light designed to not have,

Rich Williams stated the big issue with the light is architectural and the elements of the light trying to keep it focused and that is why the Board typically well in almost every case recently has required the shoe box lighting. There was a period where they liked going from high pressure, metal halite to high pressure sodium because some Board Members didn't like the yellow look of the light but typically now everybody requires high pressure sodium, right.

Gene Richards stated more energy efficient and cheaper to run.

Rich Williams stated high pressure sodium as opposed to metal halite but the shoe box because it stays lower, there is less splash off the site and architecturally they look better than the cobra head.

Board Member Pierro asked there is no way to convert that cobra head to a shoe box light utilizing the same arm.

Ms. Parker replied no.

Gene Richards stated it is a totally different style. Just so the Board is aware, Tom McGinn in our office and Laura I am sure you have had conversations with him, Harry has on the lighting issue Tom works very closely with NYSEG on all the subdivision projects with the lighting. The light that is up there today would not be accepted by NYSEG for inclusion in the lighting district so that light would never go into the Town lighting district.

Ms. Parker stated right I would have to pay for it.

Gene Richards stated it is considered by NYSEG as an area light and the owner, Laura Parker would pay for it. At any point in time,

Chairman Schech stated when she stops paying.

Gene Richards stated if she stops paying for whatever reason financial difficulties the light gets cut off and there is no light. If it is in the Town lighting district then it is there permanently and NYSEG maintains it.

Board Member Rogan asked so the Applicant pays for the installation and the lighting district pays for the fee of continual maintenance.

Gene Richards stated of the shoe box style right.

Rich Williams stated after that it goes into the district. We pay the maintenance in case a bulb burns out or anything needs to be replaced, if the light pole gets hit we replace that and the electricity.

Board Member Rogan asked Ms. Parker how much did you say the fee is for you monthly to run the light.

Ms. Parker replied it is \$16.75.

Board Member Rogan stated oh, sixteen I thought you said it was running you hundreds of dollars.

Ms. Parker replied no, no I said over a year. I am not saying it would run me a huge amount of money. I am just saying it was an option I thought I might have.

Board Member Rogan stated no my inclination that if you had said it was running you a hundred dollar a month I was trying to figure out how long before you would actually be,

Ms. Parker stated no (unable to hear the rest of her response).

Board Member Rogan stated my inclination was to say that I wanted to actually go look at it being that it was dark or one night after work when it was a little more reasonable hour and also to speak with Craig Lincoln but I am not sure now based on what Gene said that really is relevant. Even taking a look at it I am pretty sure I know what it looks like. I think that it is unfortunate that NYSEG gave some bad advice. That is not the first time and actually I have heard several incidents from Craig where maybe the same individual gave some poor advice. I am running into a problem with the problem that you had an approved set of plans that clearly indicated what you were supposed to put up. So, you can imagine that somebody who did not review your plans wondering why the right light wasn't put up. I don't know how the rest of the Board feels.

Board Member DiSalvo asked that two thousand dollars that you have pay for the other light do you have to pay it up front or can they space it out over your bill.

Ms. Parker replied no it is not NYSEG it has to be put up by I have had three electricians they all have the same problem they have to order it, they want a thousand dollars up front it takes them to get it because it doesn't just sit around somewhere and then we have to dig, a machine for the whole day, do a concrete form and they give us the (unable to hear) and then they require a payment for the hookup which that is a question of how each individual electrician bills after the fact that they want the main body of the money up front. (Unable to hear her statement).

Board Member Rogan stated it sounds like you know what you are talking about. I am getting a nod from the back of the room from another developer it sounds like he is agreeing with what you are saying.

Board Member DiSalvo asked how soon after that does it go into the lighting district like right then and there.

Rich Williams replied yes pretty much immediately.

Board Member DiSalvo stated so she makes the initial investment then we pick it up and then the Town absorbs the ten bucks a month or whatever it is.

Gene Richards asked what amount is bonded on the project right now do you have the figures.

Ms. Parker replied yes I do it is eleven thousand.

Gene Richards stated one thing that Rich just mentioned that is a possibility now if she goes the route of installing the light that is on the approved plans you are saying it is two thousand dollars once that is up you can apply immediately for a reduction in your bond to get that two thousand dollars back from the Town. I know talking to Harry that he is going to be working with your contractor out there on some additional work on the site, if that stuff moves forward, we get all the calcs that we need from Harry, once all that site work is done you can apply immediately for the release of the bond too and maybe you will get timing right.

(Unable to hear Ms. Parker's response)

Board Member Rogan asked can we approve a bond reduction contingent upon their satisfactory of inspection of that.

Rich Williams asked are we talking about specific to the light.

Board Member Rogan replied specific to the cost of the light.

Rich Williams replied if you are going to do something like that. You would probably want to make it contingent on acceptance by the Town Engineer the installation of the light.

Board Member Rogan stated that is exactly what I mean I may not have. That is fine with me.

Board Member Pierro asked what kind of time frame are we talking about to get all of the items completed.

Mr. Nichols replied I would say about two weeks.

Board Member Pierro asked we won't be able to do the bond reduction until the next meeting anyway. If all the items are completed in two weeks we will do the bond reduction it is a mute point.

Board Member Pierro stated because we are that close to doing a bond reduction I would rather not entertain a motion,

Board Member Rogan stated I was thinking you were talking months and months on the rest of your work.

Ms. Parker asked let's say that all of the requirements were finished in two or three weeks the next meeting December 2<sup>nd</sup> just out of curiosity if all that was done and I am here saying that upon completion of all of these things is it possible to actually create a bond reduction or I have to come back regardless on that date.

Chairman Schech stated somebody has to inspect it.

The Secretary stated it also has to go to the Town Board.

Ms. Parker replied well it has to be inspected I understand that. It will be inspected.

Board Member Rogan stated we would get a recommendation from our engineer that we could release the bond, we would make a positive recommendation to the Town Board to release those funds.

Ms. Parker asked right so would that be appropriate to ask for that upon God willing I will have everything completed because of whatever and therefore I hope that will be in a short period of time under the time period for December because I am needing for that to happen and Tom is willing to come out and inspect everything else then it would just be the as-built. In any case I am just asking to ask so I can understand the process if I am officially requesting at this point upon completion of all aspects including a site walk from Mr. McGinn and everything is completed can a request that the Board release the bond or do I have to come back.

Board Member Rogan asked in other words you are asking if the Board could approve tonight make a recommendation to release the bond contingent upon the Town Engineer's approval of the requirements.

Ms. Parker replied contingent right.

Board Member Rogan stated it would seem that it would almost all the time if that were the way,

Gene Richards stated typically what normally happens is once the work is complete, the Applicant calls our office it would be Tom, says it is done can you come out and inspect it, arrangements are made, he would go out and inspect it and say everything is fine. You would put it in writing to the Planning Board requesting your bond be released actually you would do that before Tom went out and then Tom inspects, he writes a recommendation to the Planning Board saying everything is done we recommend the bond be released. The Board then reacts to that by sending a recommendation to the Town Board.

Chairman Schech stated yes it is nothing unusual.

Ms. Parker stated I have actually done that, I have already requested that and they are in order that you have stated.

Gene Richards stated but at this point you are not finished yet.

Ms. Parker stated I understand that upon completion of all aspects.

Board Member Rogan stated Ms. Parker I don't even think and maybe I am speaking out of turn but I don't think you necessarily have to be here on the date December 2<sup>nd</sup> for us to do a bond reduction.

Chairman Schech stated no.

Ms. Parker asked then how long does it take for it to be recommended.

Chairman Schech replied the next Town Board meeting.

Ms. Parker asked which is.

The Secretary stated probably that following Wednesday.

Rich Williams stated because we are getting into the Holidays I am not sure. Typically it is the second and fourth Wednesday of every month.

Ms. Parker stated I am in a catch 22 again anyway. Thank you very much.

**b. Maguire/Dillman Lot Line Adjustment – Request for extension**

Rich Williams stated the next item on the agenda the Planning Board approved a lot line adjustment for Maguire/Dillman the time is running out they are looking for an additional ninety day extension.

Chairman Schech asked the way the engineers are going now I would say ninety days is enough.

Rich Williams replied if you want to do a hundred and eighty I don't care.

Chairman Schech stated do a hundred and eighty.

Board Member Montesano made a motion in the matter of Maguire/Dillman Lot Line Adjustment that the Planning Board grants a 180 day extension. Board Member Rogan seconded the motion.

Chairman Schech asked all in favor.

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

Motion carried by a vote of 5 to 0.

Board Member Montesano asked on Louie's project is there supposed to be a street light on that one.

Rich Williams replied yes.

Board Member Pierro stated there is no light there.

Rich Williams stated there has not been a light installed yet.

Board Member DiSalvo stated well he has got like six houses with people living in there.

Board Member Montesano stated yes I am wondering.

Rich Williams stated well one of the problems we have is there is no requirement within the approval or on the plan about when the light gets installed so typically all the contractors install it at the end.

Chairman Schech stated because they don't want people knocking them down.

Board Member Montesano asked can we make a note I would like to see the light put on when the roadway is capped.

Board Member Rogan stated before the first building permit is issued.

Board Member Montesano stated because the light should not be hit if it is hit by somebody they have to replace it.

(TAPE ENDED)

**c. Wyndham Homes Wetland/Watercourse Permit**

Mr. Joe Darnell, Wyndham Homes was present.

Chairman Schech stated we had some discussion about the fact that this is going to happen with every house you build there that you are going to come in.

Board Member Rogan asked help me out here which lot are we talking about.

(Unable to hear too many speaking at the same time).

Board Member Rogan asked the house is right on the buffer off the cul-de-sac okay.

Board Member Pierro stated we are going to give him what he asks for and that is it nothing more.

Board Member Rogan stated we were entertaining the proposed grading if I remember.

Ted Kozlowski stated Joe one of the things we wanted to know is what is the purpose of this grade change.

Mr. Darnell replied so we can get the house and the well in the buffer area so we have got to get to the well and we are just doing twenty feet,

Ted Kozlowski asked I know but what ultimately happens after you do this.

Board Member Rogan stated he just said lawn.

Mr. Darnell stated it is going to be a lawn that is all. No impervious surfaces will be in the buffer.

Board Member Montesano asked but anytime there is a problem with that particular item somebody is going to go in there with a vehicle to fix it.

Board Member Rogan asked what are you referring to you lost me.

Chairman Schech stated when ever there is something wrong with the well you are going in there and,

Board Member Rogan stated I didn't know what you were referring to just asking.

Board Member Montesano stated that truck weighs an awful lot to begin with and that means every time there is a problem we are going to be going in that well such as some people what was it seven times before they found water so there might be an awful lot of damage being done in that twenty feet with that truck sitting in there.

Mr. Darnell stated the only heavy truck that has to go in there is the drill rig.

Ted Kozlowski stated Joe, one of the things that this Board as well as myself and Rich are becoming more and more involved with is intrusions into the buffer zones. I am not just talking about this particular one. This is not a big intrusion but it seems like every project that we are now entertaining is involving buffers and intrusions and we kind of knew it was coming with Wyndham Homes. It is not your fault you are in after the fact after it was approved. We know that you are going to have to come in a lot more times. A lot of these houses are within the buffer zones or infringing near them so we know that this is going to happen again. We are sure somewhere down the line, having said that we have recently been trying to conform more with the intent of the law which requires an analysis of what the impacts are to the infraction into the buffer zone. Your application does not include that and I don't know if this is a substantial issue with the relatively small area that you are asking for because we already know that there is going to be disturbance after the construction of that house. There is no way that you are going to build that house without disturbing the

immediate ground. When we were out there and Shawn maybe now is the time for you to kick in, we spoke about an area that once you do this, Board Member Rogan stated he is only asking for that, Ted stated right. Board Member Rogan stated I was shot down. They said he is only asking for that grading let's keep it to that. Ted Kozlowski stated no but what I am saying is that we don't want or I don't want to see that this is it is what I am saying. The property owner that comes in there that is going to have to buy this property realizing that everything behind his house is buffer. That does not automatically give him or her the right to clear that and now use that which most people do with their backyard, garages, play areas and stuff like that.

Board Member Rogan stated what I would like to see honestly is not only the hundred buffer line posted with your small metal tags on the trees that border that but also then at the limits of disturbance obviously then we would be curving it it would not be a hundred foot buffer it might be a seventy foot buffer but I would like to see something that memorializes.

Chairman Schech stated we were talking about a stone wall I think.

Ted Kozlowski stated Joe I do have the right and what I am going to do is these little signs that we have are going to be posted there.

Mr. Darnell replied come see us anytime.

Ted Kozlowski stated the property owner is going to have to respect them, they are going to have to stay up. They are little yellow signs that say Town of Patterson Wetland.

Board Member Rogan stated Joe, I actually feel bad for the person that buys this house that doesn't realize that because they are going to look and it is back to the rock wall it looks like perfectly useable area. If I bought the house I know I would be looking and saying hey, that is going to be my backyard and it is unfortunate but it is the way the lot lays out.

Mr. Darnell stated we have represented the lot the way it is and they bought it.

Board Member Rogan asked Rich, and I believe Mr. Darnell a hundred percent with what he says with the owner but would it be too much to ask for a condition on this wetland permit that we get a letter from the current property owner saying they have reviewed and acknowledged at least acknowledging the wetland buffer line. I know it might be kind of off the wall with the idea that they are being put on notice but there is nothing. In other words, our whole intent here I mean we have always said the problem is that the person that buys the lot or buys home in this case it may be different but generally speaking the person that buys the lot sometimes doesn't even get this or they don't bother to look at it they don't know anything about it and they don't know some of these things and then they will come into us or to the Zoning Board and say we didn't know that was the wetland buffer I am sorry that we cleared all the trees and that we put in grass and that we did all this stuff but please forgive us. Anthony, I would love to be able to know that the owner,

Anthony Molé stated require basically a signed statement from you acknowledging receipt of that plan.

Board Member Rogan stated and acknowledging the limitations of what they have there of what is obviously is not allowed. It is very simple.

Ted Kozlowski stated acknowledging that this area beyond this cleared area you may have to get a permit for anything you do there.

Board Member Rogan stated and some basic inclusive of cutting trees, planting grass, putting in your kid's swing set whatever the case.

Board Member Pierro stated and after the closing they don't see their real estate attorney until they sell their house or have a problem so you might as well just send a document certified mail.

Board Member Montesano stated how about a six foot wall, stone wall on each piece of property that is the new buffer wall.

Ted Kozlowski stated Joe we just don't want to get, you know the houses that are going up are substantial, they are probably paying a lot of money for it and people are going to go in there with the assumption that they have got two acres and this is what they can do with the property and they quickly learn that they are not going to be able to do that.

Mr. Darnell stated all we can do is tell them what the rules and regulations are and this gentleman does know that he is right on the buffer line.

Board Member Rogan stated and this might be the exception that is my point in bringing this up, your conversation with this gentleman may be the exception where other maybe this is something we have been talking about and I have been trying to get across. I am always afraid that the homeowner doesn't know. People don't know what they are buying these days maybe not in this case but in most cases they buy something, I have heard stories of people buying a house, Board Member Montesano interjected excuse me, Board Member Rogan stated and the real estate agent said I own this whole hill up here and they own two acres, Board Member Montesano interjected excuse me I have to ask Anthony one thing, can we put in the deed when they sit down to have the closing can some item be put in where it is an affidavit that must be signed by the buyer each time that house is sold that they understand that they cannot go beyond this point.

Anthony Molé replied that is a private transaction the Town really does not have much of a role in requiring things go into the deeds. I am not sure that requirement would be upheld if the owner didn't want to sign it. The Town would not really be able to enforce it. If the Town preferred to send out a notice to the owner in reference to this application showing that or advising them these are your limitations with the wetland application if you need a further wetland application the likelihood of it being granted is very limited.

Board Member Rogan stated we can send that certified and at least we would have some way of knowing.

Anthony Molé stated you will have something in your file to show that this notice was sent out. This will be not a mute point entirely but some what of a mute point because if they

come back for anything they are going to be here just like this gentleman is here and the Board will decide whether it be granted or denied at that point.

Board Member Rogan stated it would allow us I am sorry to take up your time with this because it is relevant at least to this application but it would allow us if when the situation happens where there is a wetlands buffer violation and we have something, at least we know they were notified not that we are going to hang it over their head but at least we have some communication which has been frustrating in the past.

Anthony Molé stated if we send something for them to sign chances are most people probably are going to sign it, what does the Town have to enforce that they sign it really nothing.

Board Member Rogan stated understood and clearly you look at the property that we are talking about the buffer, it is not a wetland, you are not going to look out the back window and say hey, that is a wetland there I can't touch it. It is not a wetland. It is a wetland buffer and we are just trying to protect that. I didn't mean to get long winded but that is the intent.

Anthony Molé asked this wetland is marked correct.

Board Member Rogan stated it will be it is not yet. We are talking about marking the hundred foot buffer with the exception of where you are grading and then we will do limits of disturbance.

Board Member Rogan asked what do we have to do on this one.

Rich Williams replied a public hearing.

Board Member Rogan made a motion in the matter of Wyndham Homes Wetland/  
Watercourse Permit that the Planning Board sets the public hearing for December 2, 2004.  
Board Member Pierro seconded the motion.

Chairman Schech asked all in favor.

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

Motion carried by a vote of 5 to 0.

Mr. Darnell asked this wasn't the public meeting for this application.

The Board replied no.

Chairman Schech stated it has got to be noticed.

Ted Kozlowski stated Joe this is standard procedure you went through on the last one you did. That is why you had to give the names.

(unable to hear too many talking at the same time).

Board Member Pierro asked Ted is the application complete.

Ted Kozlowski replied technically no.

Board Member Pierro stated okay then we won't do SEQRA.

Ted Kozlowski stated Joe you have to notify that list of property owners (unable to hear the rest of his statement).

Ted Kozlowski stated at the public hearing if there is no other objections or problems you get your permit. You need to talk to Missy about sending out the notices.

**d. Schoen Site Plan Bond Reduction**

Rich Williams stated next on tonight's agenda is the Schoen Site Plan (unable to hear no microphone), outstanding item and that has to do with they installed the wrong building mounted light. We got a letter today from the Building Inspector indicating that the light has now been installed and they put in a request to release the bond. The C.O has been issued.

Chairman Schech asked did they put in the proper light.

Board Member Montesano asked did anybody check to see if he knows what the proper light is.

Rich Williams stated they are looking for a recommendation from the Planning Board concerning the release of the bond.

Board Member Pierro made a motion in the matter of the Schoen Site Plan that the Planning Board recommends to the Town Board to release the bond. Board Member Rogan seconded the motion.

Chairman Schech asked all in favor.

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

Motion carried by a vote of 5 to 0.

e. **Forschner Wetlands/Watercourse Permit**

No one was present representing the application.

Ted Kozlowski stated this is the one that is, Chairman Schech stated the second story. Ted stated we would just like him to clean up the site.

Chairman Schech asked so we have to set a public hearing on this.

Ted Kozlowski replied not necessarily if you give him a waiver.

Board Member Rogan asked they don't have a Stop Work Order do they.

Rich Williams replied no.

Chairman Schech stated yes I think he did put one on there.

Rich Williams replied no.

Board Member Rogan stated the problem would be if we set a public hearing are we going to have anybody to even represent it.

Board Member Pierro stated the building is already built.

Ted Kozlowski stated the building is there.

Chairman Schech stated he is putting a second story on.

Board Member Pierro stated the addition is already done.

Ted Kozlowski stated he hasn't changed the footprint.

Rich Williams stated there is no impact to the stream.

Ted Kozlowski stated there is no impact to the stream but the place is a mess whether he bought it as a mess or whatever.

Board Member Pierro asked can we grant the waiver contingent upon him cleaning up the site.

Rich Williams replied no a waiver is a waiver.

Ted Kozlowski stated the dirtiness of the site is really not a wetland issue it is a, (too many talking at the same time unable to transcribe).

Board Member Pierro made a motion in the matter of the Forschner Wetlands/Watercourse Permit that the Planning Board grants a waiver of the permit. Board Member DiSalvo seconded the motion.

Chairman Schech asked all in favor.

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

Motion carried by a vote of 5 to 0.

**f. Monterio Wetlands Watercourse Permit**

Rich Williams stated Monterio is a Wetlands Permit issued by the Planning Board October of last year. There is a one year limitation on these permits. This site is down here on 311 it is still under construction. I received a phone call from him requesting an extension.

Board Member Rogan asked how long of an extension did they request.

Rich Williams replied generally the Code provides that we grant an additional one year extension on Wetlands Permit.

Board Member Rogan made a motion that the Planning Board grants Monterio Wetlands Watercourse Permit a one year extension. Board Member DiSalvo seconded the motion.

Chairman Schech asked all in favor.

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

Motion carried by a vote of 5 to 0.

**g. Brook Farms Landscaping**

Rich Williams stated I did give you a memo outlining the changes to the proposed plan as it currently stands. He has committed to installing most of the landscaping that hasn't yet been installed. There were a couple of issues; one is at the north end of the parking lot he

installed some Spruce trees rather than installing the landscaping as shown on the plan. The other area is on the east side of the building,

Board Member Pierro asked why was that Rich.

Rich Williams replied he did not give a reason for it.

Board Member DiSalvo asked what was it supposed to be.

Rich Williams replied they were deciduous shrubs.

Rich Williams stated I just wanted to get some input back from the Board on whether you were okay with the changes he was proposing or what you wanted to do with the issue with the landscape.

Board Member Rogan asked Rich what is your recommendation.

Rich Williams replied as far as the east and west side of the building even though he did not do what he was going to do the area that you initially approved actually on the west side he has put in a foundation and it looks very, very attractive. As far as the Spruce trees, (unable to hear too many talking).

Rich Williams stated let's try to wrap this up, on the east side of the parking lot we had anticipated that the Health Department was going to make them move the vegetation because there is live rooted trees growing out of the septic system. We now heard from the Health Department and they are not going to require them. One reason to put the Austrian ? in for screening in that area. The last big issue is the issue with the landscaping on the north end of the parking lot which recognizing was a very limited area and there were two commercial buildings being specified there was going to be low growing trees and deciduous shrubs. I am not real crazy about having evergreens that are going to grow big in that area.

The Board asked Ted how do you feel.

Board Member Pierro asked so what about Brook Farms are we happy with this.

Board Member Rogan asked the north side of the building between Schoen and Brook Farm there are some evergreens and Rich is saying it specified low growing shrubs and he does not believe that the evergreens given the fact that they are going to grow to a mature height of more than the shrubs are adequate or appropriate.

Rich Williams stated what I am concerned with that if they get bigger being they are very limited, they are on the edge of bank and next to a parking lot that as they get big they are going to be susceptible to wind (unable to hear the rest of his statement)

Ted Kozlowski stated the only thing from an aesthetic standpoint I don't like the fact that the two buildings now it is stark. I would like to see trees.

Rich Williams stated what was spelled out on the plans were some low deciduous shrubs.

Ted Kozlowski stated I definitely would not go with Austrian Pine.

Board Member Pierro asked is there something there.

Board Member Rogan stated Blue Spruce.

Chairman Schech stated that sounds good to me.

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

Board Member Rogan made a motion in the matter of Brook Farms in their landscaping plan that the Planning Board approves an amended landscaping plan based on Rich Williams Memo dated October 25, 2004. Board Member Montesano seconded the motion.

Chairman Schech asked all in favor.

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

Motion carried by a vote of 5 to 0.

#### **h. Site Inspection Memos**

##### **Perenti Site Walk Comments**

Ms. Theresa Ryan, Insite Engineering was present.

Chairman Schech stated okay Theresa, we don't like it.

Ted Kozlowski stated I was trying to give it to her gently.

Board Member Rogan stated Theresa, the Board felt that the type of, (too many talking at the same time) Board Member Rogan asked Mike what do you think on this one.

Board Member Pierro stated we don't like the use for the site.

Board Member Rogan stated Theresa, when we were out on the site the Board felt that the type of retail business proposed didn't quite meet the characteristics of the site based on view shed, based on steep slopes in relation to wetlands, based on outdoor screening facilities that are not part of the operation, it is a poor site for that type of activity unless it was something pushed lower down the hill, it is right adjacent to a residence.

Ms. Ryan asked down the hill which way.

Board Member Rogan stated towards the road I apologize. The wetlands are all around on three sides. There was a total use of that knoll for the building proposed that is a large building for that knoll.

Chairman Schech stated plus it is not an allowable use according to the Code right.

Rich Williams stated there was a question of whether you can actually, the Code says (unable to hear his response no microphone).

Board Member Rogan stated there has got to be a better use for that lot than what they are proposing for that area recognizing even just the view shed. I actually questioned whether or not that should be zoned the way it is zoned.

Chairman Schech asked who is the current owner do you know.

(unable to hear Ms. Ryan's response no microphone).

Ted Kozlowski stated Telecom uses the site.

Board Member Rogan stated there is a lot of trucks up there.

Rich Williams stated there were old trucks but I don't think they were Telecom trucks.

Board Member Pierro stated yes they said Telecom on the side.

Rich Williams stated but there were no plates on them.

Board Member Pierro stated we don't like Theresa it is just it.

Board Member Rogan stated it is not your fault.

Chairman Schech stated I will entertain a motion.

Board Member Pierro made a motion to adjourn the meeting. Board Member Montesano seconded the motion. All in favor and meeting adjourned at 10:27 p.m.