

TOWN OF PATTERSON

APPROVED
2/5/04 MAB

PLANNING BOARD MEETING

November 6, 2003

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- 16) **Other Business**
 - a. **Frantell Site Plan** 30 – 31 Wetlands delineation discussed

- 17) **Minutes** 31 Board approved September 25, 2003 & October 2, 2003

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APPROVED
215/01 MAB

November 6, 2003 Work Session Meeting Minutes

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

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

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

Rich Williams took the seat of the Secretary in her absence.

1) COLAO FILL PERMITS

Mr. Colao was present

Chairman Schech stated Maiorano we are all squared away with that right.

Rich Williams stated no we haven't issued the permit.

Board Member Pierro asked so they are done.

Rich Williams stated no they are not. You are considering the permit at this juncture and any comments that you may have or any conditions you may wish to place on it. What I did do and gave you tonight that you didn't have at the work session was a list of my recommendations on Colao's as far as conditions. Some of those conditions may be applicable to other fill permits.

Chairman Schech asked for a motion.

Board Member Pierro stated in the matter of Colao Fill Permit, 235 Tammany Hall Road, the site has been inspected by the Planning Board Members and in that regard I make a motion that the Planning Board issues a Fill Permit with the six conditions outlined in the Site Inspection Memo by Rich Williams dated November 6, 2003.

Board Member Pierro made a motion that the Planning Board grants a negative determination of significance under SEQRA.

Board Member Montesano seconded the motion.

Board Member Pierro asked Mr. Colao do you have any problems with any of the six conditions that we outlined in the memo, have you had a chance to get through them.

Mr. Colao replied no I am reading I don't see any (unable to hear the rest of his statement).

Chairman Schech stated they are basically what we discussed on the site.

2) MAIORANO FILL PERMIT

Mr. Maiorano was present.

Board Member Montesano stated Maiorano the same thing.

Rich Williams stated a lot of those conditions in there as I discussed some of the conditions may be appropriate like having the erosion up, like not doing any further disturbance during the winter months because you might incur a very big erosion control problem because you can't stabilize the site. You want to at this point stabilize it as best you can before you do anything further in the spring if that is your intent. I don't know. Mr. Maiorano do you want to bring in more fill.

Mr. Maiorano replied yes we drive down and go all the way in. We are at the very bottom so at this point we are just trying to bring it up four or five feet to compromise.

Rich Williams asked do you know how much more fill you would be interested in bringing in.

Mr. Maiorano replied I am thinking we did a mathematical calculation and we are looking at probably in the range of two to four hundred yards at this point roughly.

Rich Williams asked more.

Mr. Maiorano replied yes.

Rich Williams asked and that would be to create, I am sorry for doing this, that would be to create a driveway going,

Mr. Maiorano replied no the driveway and everything is there we are looking at just simply as a matter of landscaping that is all. We are just trying to take the slope and have it complimentary because there is a structure back there and at some point I will be putting a permit in to rebuild the structure because it is in bad shape but presently I can't even get in to get back there to service the barn until I am able to at least get level so that I have a safe environment to get vehicles back there to repair the structure so at this point it is all landscaping to get the slope to work and it is all rock ledge back there. It is bringing it up three or four feet on one end and (unable to hear the rest of his statement).

Board Member Pierro asked explain to me where you are going to bring the level up to the right hand side of the garage in the driveway to the barn.

Mr. Maiorano replied well you saw the barn right.

Board Member Pierro replied I was down there, I drove down there I had no difficulty driving down there.

Mr. Maiorano stated there is a big open spot to the left of the barn that whole field in there bring the field up five feet.

Board Member Pierro stated that is a pretty significant area. That is pretty large.

Mr. Maiorano replied yes it is about roughly sixty by eighty and we are going to bring it in to the rock, rock ledge on the other side and that rock ledge is going to be the final grade that final grade is roughly the rock sticking up out of the ground and it is a pretty substantial piece of rock so we are talking about the length of say sixty feet across, we are filling in to the rock and as you go up your grading is going to be probably somewhere in the range of let's say eleven percent maybe even nine percent if we can go up gradually to five feet. Right now it is up at about let's say I don't know about eleven feet above the earth the lawn so we are going to fill in the lawn where the landscaping is complimentary.

Board Member Montesano asked and how is the fill on Mr. Colao's side going to affect your side if the runoff goes in towards there.

Mr. Maiorano replied I am sorry.

Board Member Montesano stated you are lower down than he is right from where we were standing when you stand on one edge you look quite a bit down from where you are now he has to stabilize his is there any chance of interference of runoff running into you.

Mr. Maiorano replied well at this point there is a huge valley and we are talking about at some point merging the two together so I am not adverse to that we are going to have to bring them together there is some erosion problems there but the big thing is that is all part of bringing in the fill over time we have got to fill it in.

Board Member Montesano stated that is going to be a considerable amount of fill.

Board Member Pierro stated I think that is, Chairman Schech stated in other words you are considering on bringing in a lot more.

Mr. Maiorano replied the difference between his property and mine that wasn't the immediate plan. I am just saying that if we needed to we could do that but that is not the immediate plan. The immediate plan is currently if you notice is that open field just bringing the open field up.

Board Member Pierro asked where the piece of machinery is laying.

Mr. Maiorano replied yes. Where the machinery is we want to bring that up about four or five feet at that point.

Board Member Pierro asked if you don't mind me asking for what purpose.

Mr. Maiorano replied landscaping it is uneven there is a huge hole. If you could picture filling that in four or five feet.

Board Member Pierro asked to the level of the driveway on the corner.

Mr. Maiorano replied yes as you are coming down the driveway it currently slopes on an angle so from that driveway it will step down I am putting a retaining wall up, a two tier retaining wall, the retaining wall will separate the lower lawn from the driveway. A retaining wall will be the separation.

Board Member Pierro stated I know what you are talking about but I would really like to see some diagrams or some sketches.

Mr. Maiorano replied I drew one it is in my file you have it.

Rich Williams replied Melissa has it I am not exactly sure where it is at this point.

Chairman Schech stated I don't quite understand what you are up to because basically the barn was there before you built your house right.

Mr. Maiorano replied yes.

Chairman Schech stated they were able to get to this barn and use the barn.

Mr. Maiorano replied well, Dino was there before I was. Dino, what did they use a four-wheel drive.

Dino replied yes he had like a little path getting back there like a four-wheel drive pickup truck and that was tough getting back there.

Board Member Montesano stated it looked like there was moisture back down on the bottom where that stream ran through maybe it was just runoff.

Rich Williams stated I did not see a stream back there. I sat there a couple times I didn't see it. There is a wetland way, way in the back.

Mr. Maiorano stated Mrs. Tallarico to my left she put in some plantings and bushes and that was the direct access to the back at one point but she would not allow me to use that access anymore so I had no choice but to do what I am doing now to get to the back.

Board Member Pierro stated I don't have a very aggressive pickup truck and it has bias tires on it and I drove back there without a problem right now as it is. You are saying two to three hundred yards of additional fill and you are talking seven maybe six hundred yards of additional fill, you are talking a really substantial amount of re-grading in there and I just don't see the purpose for it. You can access the barn.

Mr. Maiorano stated (unable to hear) so I continuously have fill, clean dirt, rock so I have plenty of fill at my access but the thing is, is the way that it is right now I can't if you can picture it, it is a hole in the ground it does not look nice even Mrs. Tallarico said it does not look so nice. All I am doing is bringing it up to make it level if you can picture that hole that is there being brought up to keep it level. That is the only reason just to make it look a little nicer.

Board Member Pierro asked and what about to the right of the driveway coming down there is that area directly below the house where there is a concrete pad that is in the ground is that,

Mr. Maiorano replied that is my storage for the boat.

Rich Williams stated my only recommendation is again, because we are late into the year that no additional fill be brought in at this time because of the potential for erosion and that we set some sort of time frame in which the fill being brought to the site will be completed and that we be notified ahead of time so that we can possibly go out and inspect the fill to make sure it is clean fill and not waste material.

Chairman Schech stated we don't want an on going fill program going on in there.

Mr. Maiorano asked if I can just make a suggestion this process we only have a three to five yard dump truck that is all I have and it probably is going to take me to do what I am describing probably is going to take at least a year to fill in that section. It is not something that I can do fast. I am not bringing in a big truck. It is a very small truck. It is going to be over a long period of time. It is not something I can do fast.

Board Member Pierro asked at this point, correct me if I am wrong Rich are we approving a fill permit for what has already been filled.

Rich Williams replied part of it is the fill that has been brought in but part of it, Chairman Schech stated plus dressing it up. Rich stated what I am hearing is he wants to bring in substantial amount of additional fill.

Board Member Montesano stated right now he is talking two hundred to four hundred cubic yards, square yards what.

Rich Williams stated cubic yards.

Mr. Maiorano stated I am guessing it has got to be somewhere around two hundred roughly.

Board Member Montesano asked if we issue a permit for 200 yards what does he do if he comes in with 400 yards he has to come back and get an additional fill permit.

Mr. Maiorano stated I am not adverse to that.

Rich Williams stated yes basically I mean the bigger concern not so much the quantity but making sure that it stays stabilize on the site and that we don't have an erosion problem out there. If he is going to be bringing in the fill incrementally over a long period time there is going to be a chronic condition where there is going to be a potential for erosion. It is going to take a lot more over sight. It is going to take a lot more work on his part. He is going to bring it in drain it off, re-seed it and then he is going to disturb it. There is going to be a constant disturbance for a year.

Mr. Maiorano stated what is nice is that first of all my brother is the one that runs all the machinery, we are in the drainage end of business so you are talking about something that I do instinctively so I have no problem with anybody talking about you can inspect during the year see that what we are doing is as we are going along passes and there is no erosion problem here.

Rich Williams stated and if you want to make it subject to periodic inspections being conducted I still would like to see some sort of time frame where you are going to have the fill done. If you are saying a year if we could do it subject to being completed September 1st at least this fill permit and then if you wanted to get another fill permit we could do that.

Mr. Maiorano stated no problem that is fair enough.

Rich Williams stated but also subject to that you would be required to do any erosion control measures that have been identified by whoever is doing the inspection I would assume that it would be me.

Board Member Montesano asked what would be a reasonable thing right now he has got two hundred cubic yards coming in, does he come in again after that amount is done or do you go out or do you think it should be inspected every ninety days, should he notify.

Rich Williams replied from what he is saying I wouldn't go out for a while because we are talking about not doing anything now.

Mr. Maiorano stated especially in the wintertime it gets icy so we won't go back there at all.

Rich Williams stated right until we get to next spring and we can start vegetating the stuff because when you bring it in you are going to have to throw grass seed on it.

Board Member Montesano asked if we are not going to do the work right now why would we give him a fill permit at this time.

Mr. Maiorano stated if I may, I have roughly I am guessing I have roughly fifty yards at my job in Brewster that we are double handling because we have this whole project on hold I have a big amount of fill that I am waiting to bring in subject to this. I can do that before the ground freezes.

Rich Williams stated understand though the issue is not the ground freezing the issue is having the weather conditions to establish vegetation over the fill that you are putting down. That is the big issue.

Chairman Schech stated if you don't get any vegetation you are going to have to hay it or something to keep the stuff down.

Mr. Maiorano stated that is no problem.

Rich Williams stated well that is even not going to be sufficient at this point in time. You really want vegetation so you are going to have to get some contractor's mix, some annual rye.

Ted Kozlowski stated winter rye.

Mr. Maiorano stated it is being done my brother has been on top of that. If you had been there today and you looked at it tomorrow you will see that and that is what he did.

Rich Williams stated and as far as the inspection schedule I mean I just kind of wing it play it by ear, kind of monitor what he is doing, keep in contact with him.

Chairman Schech stated and by September of next year if it is not done you will have to go before us for another fill permit.

Mr. Maiorano stated no problem.

Chairman Schech stated because we try to discourage this on going fill operation.

Mr. Maiorano stated I understand.

Chairman Schech stated can we include that as a condition.

Mr. Colao stated it would help me also if I could have until September you wrote until May on here.

Rich Williams replied okay in the conversations we were having I thought you were just going to get on it first thing.

Mr. Colao stated well that is the thing the other thing is what do you want me to do but throw rye seed and like I said if I can put in here for now and then in spring I can start working on getting the grade better do I have a permit to do that or do I have to come back in the spring.

Rich Williams stated the permit extended to May 31st to get the rest of the fill in as you indicated you weren't bring that much more fill in.

Mr. Colao asked in the spring I can start dumping.

Rich Williams stated dumping and you are going to get it graded off, the erosion control mat the way that is going to go down is you are actually going to grade off, get rid of all the boulders, all the roots, everything then you are going to roll the stuff out, overlap it, stake it, bring it up over the crest and stake it, start at the crest and go down and let me back up you throw the seed down first then you put the erosion control mat down and leave it and the seed will come up through the mat.

Mr. Colao asked can we start in April.

Board Member Pierro stated as soon as weather permits.

Rich Williams stated as soon as weather permits, as soon as the weather gets nice enough so that you can bring this in without having to worry about a major storm event so you can establish vegetation.

Mr. Colao stated so in the spring I am going to start bringing it in, start grading and getting ready, (unable to hear the rest of his statement).

Board Member Pierro stated I don't see a problem with that.

Board Member Montesano asked do you want to change it, amend it.

Rich Williams stated we should because the resolution was until May 31st.

Board Member Pierro stated in the matter of Colao fill permit that the Planning Board amends the previous motion to extend the period beyond the May 31, 2004 deadline so that the site can be brought to finished grade and necessary matting be applied and limit it to September 1, 2004.

Board Member Montesano seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	yes
Board Member Shay	-	yes
Board Member Pierro	-	yes
Chairman Schech	-	yes

All in favor and motion carried by a vote of 4 to 0.

Board Member Pierro made a motion in the matter of Mr. Maiorano Fill Permit application that the Planning Board grants the fill permit and that he is allowed to bring in additional two to four hundred yards of fill, not to exceed to four hundred yards of fill and that this activity should be finished graded and seeded as soon as practicable and the deadline for this activity will be September 1, 2004 and if at that point it is not completed or needs additional work Mr. Maiorano is to apply for another fill permit.

Board Member Pierro asked anything else.

Rich Williams stated yes I would also like to make a condition that any erosion control measures that are identified by myself will be installed by the Applicant.

Ted Kozlowski stated and no more fill until Rich Williams stated until spring you don't want to be disturbing ground between now because you can't get it stabilized.

Mr. Maiorano asked I can't move what I have at my job over there.

Rich Williams stated you can move what you got at your job but that is, Ted Kozlowski stated fifty yards.

Board Member Pierro stated to a maximum of fifty yards.

Mr. Maiorano thanked the Board.

Board Member Montesano seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	yes
Board Member Shay	-	yes
Board Member Pierro	-	yes
Chairman Schech	-	yes

All in favor and motion carried by a vote of 4 to 0.

Board Member Montesano stated we got the negative dec on that motion also.

Board Member Pierro stated yes issue a negative declaration to be included in the motion.

3) GDC SUBDIVISION – Bond Reduction

No one was present to represent the Applicant.

Chairman Schech stated we were discussing this.

Rich Williams stated I do have an update for the Board the issue with the overhead utilities was discussed last night at the Town Board Meeting. Town Board directed the Town Attorney to contact the Public Service Commission for a ruling.

Chairman Schech stated okay so we will take no action on the bond reduction tonight.

4) DRAGO FILL PERMIT

No one was present to represent the application.

Rich Williams asked I don't know if you want to take an action on this. This was fill that was placed over in Putnam Lake off of Haviland Drive. This is the one where the gentleman brought the fill in he received it from both White Plains and a boat yard down in Mamaroneck.

Chairman Schech stated I suggest we deny the application until the fill is tested because once it comes up from White Plains from a boat yard it gets a little scary.

Rich Williams stated we do have test reports from both locations.

Chairman Schech asked we do.

Rich Williams replied yes we do.

Board Member Montesano stated from their testing right. Do we know who did the testing on this.

Rich Williams replied it has been two, three weeks since I looked at the test reports I don't know. Do you want to table it until the next meeting.

The Board agreed to table the application until the meeting.

Board Member Pierro stated and as to Mike's concern I would like to add that Nichols Boat yard is on Long Island Sound in an old industrial area. There could be a lot of problems with that fill.

Chairman Schech stated if you are dragging up fill from White Plains to Patterson that does not make sense.

Board Member Pierro stated it is not from White Plains it is from Long Island Sound in the Mamaroneck area it is an old construction area, old municipal area.

5) CARPET DESIGN – Sign Application

Mr. Luis Rosa, Applicant was present.

Chairman Schech stated I looked at it tonight I don't have a problem with the sign but it is nowhere near your store.

Mr. Rosa stated I am moving from Pawling to Patterson. I use to have a store there for a couple years. The plaza where I was it was kind of getting empty that was the Kalyto Plaza, the owner passed way so the plaza went empty little by little so before I went out of business I decided to move to 22. It will be better for us (unable to hear the rest of his statement). We sell floor coverings, linoleum, hardwoods, and floors, everything that has to do with floors we sell it.

Chairman Schech asked where do you do the cleaning in the shop or on the site.

Mr. Rosa replied no we just sell carpet, hardwood floors, and ceramic.

Chairman Schech stated I thought you were in the cleaning business.

Mr. Rosa replied no we will sell it and install it to the public.

Board Member Pierro asked the Chairman where is the sign and store on this map.

Chairman Schech pointed it out on the drawing for him.

Chairman Schech stated his sign is basically in Blockbuster's area here because there is no room. They are infringing on his store. The sign does not look bad as far as I can see.

Board Member Pierro stated my concern would be that it is not symmetrical in between the two pillars.

Chairman Schech replied no because you can't line up over here.

Board Member Pierro asked what if we shifted this thing over a few feet.

Chairman Schech stated you would have to do an awful lot of moving over here.

Board Member Montesano stated can I make a suggestion here first off, the block part those little boxes I would like to see those go under and just leave Carpet Design there and then either allow him to put the sign, you can't really get one on the window of any kind because of the overall sizes. I would just like to have the words Carpet Design rather than that block box, the two boxes that you have on the sign.

Mr. Rosa stated the box on the bottom the floor coverings it specifies that it is not only carpet. It will be all kinds of floors.

Board Member Montesano stated all the other signs that are up here aside from the one, we want to have all these letters similar now what I am trying to find out is if we have just that sign up on top of the building where it matches Blockbuster and Subway with just the name of the company can he put that on his window.

Rich Williams asked you mean the other things.

Board Member Montesano replied yes.

Rich Williams stated the other things would also constitute a sign within the windows and would be subject to regulations. I apologize for not having the memos here, I came in late, and my Secretary ended up sick, she didn't leave me a copy of the memo that I did which the Board has but I think one of the things that I identified when we were going through this is similar to every other sign that has gone up out there is that the sign is too large as it is and in order to conform with the other signs that are out there it would still be too large even if it was just limited to the channel letters.

Board Member Montesano stated I would like to keep everything as uniformed as we can.

Rich Williams stated which is the direction that the Board has been going right along.

Board Member Shay asked Rich, if he eliminated the Genie and just put Carpet Design and keep floor coverings, Board Member Montesano stated it is still too big.

Mr. Rosa stated the block box is only going to be only ten inches which will be real small.

Board Member Montesano stated the size of the sign to the size of your building, see the sign is supposed to be because of the size of the space you have the sign right now appears to be over what we can approve to begin with because of the size of your establishment. In other words, if you have ten feet of business space we can't give you a fifteen-foot sign because we are restricted by how big of sign we can give you. What I am looking at is you would have to go somewhere else to get an approval for a sign like that but it wouldn't match.

Rich Williams stated this is the issue that has been before every other person who has come in here from the A&P. Our sign regulations require a certain limitation on the size of the sign or the size of the overall signs for the shopping center. When we approved the Benderson store, the A&P store they actually came in, approached the Zoning Board of Appeals, said we are going to have five stores out there, and got a variance to have five reasonably sized signs. Once they got the variance then they started breaking the stores up into much smaller stores so at present we are at eight stores out there. What the Planning Board has done is taken that variance and applied it to the linear footage of the stores so that everybody gets a fair portion of that variance. What ultimately happens is that your portion would give you such a small sign that it would be out of proportion to the other signs and probably would not be readily visible from a distance. This is what happened with Cumpeo Computers, it is what happened with Blockbuster, and it is what happened with Subway. Each one of these people as they came in for a sign actually also had to go the ZBA because they recognizing this fact went the ZBA to get a larger sign one that would be in more of the context of the other signs that are out there and that is one of the problems that I think Mike is pointing out

is that your sign the way it is right there exceeds the amount that you would be allowed to do. You would have to shrink it down to conform and to do that would make it so small it would not be readily visible. That is certainly your option if the Planning Board finds the appearance of the sign acceptable but you may want to consider taking a denial from this Board that is the only way you can get to the ZBA, go to the ZBA get a variance for the sign then you can come back here and get the sign approved.

Chairman Schech asked how many square feet is he allowed.

Rich Williams replied twelve and a half I believe.

Board Member Pierro stated I think it is going to look horrible at that square footage.

Rich Williams stated this sign right now I believe was eighteen square feet.

Chairman Schech stated I would say eighteen or twenty.

Chairman Schech stated I went out and looked at it, it does not look bad to me. The sad fact is that it is not over the store but you can't do it because Subway is infringing and everybody, and their Uncle is infringing on that site. We really can't give the approval. I personally like the sign but I can't say okay because I don't have the authority you have to go to ZBA to get the authority.

Board Member Montesano stated what we would have to do is tell you no we can't approve your sign then you apply to the ZBA and they can either say yes or no. If they say yes then you come back and we okay the sign.

Board Member Pierro asked do we have to indicate some direction to the ZBA as to what we are looking for.

Board Member Montesano replied we can do that.

Rich Williams stated you can do that if you so desire.

Board Member Shay stated hopefully by now they know it.

Rich Williams stated yes they have been through it a few times.

Board Member Montesano stated the whole thing is getting it done as fast as possible.

Board Member Shay stated I agree with Herb, I like the sign.

Chairman Schech stated I like the sign but we don't have the authority to approve it.

Rich Williams stated just so we are clear at this point, the ZBA is basically going to if he chooses to go to the ZBA, your other option is to submit another sign design that conforms with the square footage that you are allowed but,

Mr. Rosa asked which is.

Rich Williams replied is twelve square feet.

Board Member Pierro stated it is tiny they are not going to be able to see it.

Rich Williams asked the Board, am I understanding that you are okay with the general design and the colors.

Chairman Schech replied yes.

Rich Williams stated if the ZBA approves something when he comes back this Board will be comfortable with it.

The Board agreed there is no problem with the sign.

Mr. Rosa asked so how do I get to them.

Rich Williams replied because you can only get to the ZBA through a denial so they actually have to deny your application is the only way we can get you there and then you will have to come back in tomorrow and put an application in, you should come in tomorrow we might be able to get you on the next ZBA agenda it is entirely up to the decision of the Chairman.

Board Member Montesano made a motion that the Planning Board send a favorable letter to the ZBA asking if they could do this in an expeditious manner.

Rich Williams stated but you also have to deny the application.

Board Member Montesano made a motion that the Planning Board denies the Carpet Design Sign Application due to the size of the sign. Board Member Pierro seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	yes
Board Member Shay	-	yes
Board Member Pierro	-	yes
Chairman Schech	-	yes

All in favor and motion carried by a vote of 4 to 0.

Chairman Schech stated and Rich you will send a recommendation.

Rich Williams told Mr. Rosa to call him tomorrow if he is coming in to make sure someone is there.

Board Member Pierro asked Rich is there anyway as a matter of course the next time this happens I don't know if there are any stores left there can we informally deny any sign application that comes in in this regard and just send them directly to ZBA.

Rich Williams asked deny them before they make an application.

Board Member Pierro stated well when somebody comes in say you are going to get denied can we do the denial at a work session so that we can save the time.

Rich Williams replied yes we can orchestrate that.

Board Member Pierro stated just so that it is done and it would save people a lot of wear and tear.

Rich Williams stated just so the Board is aware I was contacted a couple days ago about an individual inquiring about breaking the stationary store in half-and-half of it would be a liquor store.

Board Member Pierro stated that can't happen as per State law, correct.

Chairman Schech stated no that has changed.

Board Member Shay asked footage you are talking about.

Rich Williams stated at that point they would be looking to break the store up and I would personally make a determination that they could no longer meet their parking demand and other improvements and make them come back in for site plan approvals so we can get a better handle on this.

Board Member Pierro asked did they eliminate the distance requirements between two liquor stores all together or did they extend it.

Rich Williams replied that is a State liquor authority issue and I don't know.

Chairman Schech stated I checked on it once and they did abolish it.

6) INTEGRITY HEATING & AIR CONDITIONING – Sign Application

Mr. William Dean, Applicant was present

Chairman Schech stated I don't think we had any problems with this one.

Board Member Pierro asked the parking issues have been taken care of.

Rich Williams replied yes.

Board Member Montesano asked do we have a color on the sign.

Chairman Schech stated yes red and blue.

Mr. Dean stated yes.

Chairman Schech asked and you are going on the pre-existing sign.

Mr. Dean replied yes there is a pre-existing sign area there. For your information the frame of it is made out of aluminum and these are the dimensions.

The Board replied we have that.

Mr. Dean stated so the only thing left was what was it made of I believe.

Rich Williams stated I think the only issue was the colors.

Mr. Dean stated red blue and white.

Chairman Schech stated well we weren't really controlling sign colors out on 22.

Board Member Montesano stated well we could. We can start with this one it is up to you.

Chairman Schech asked does it have to be red and blue.

Mr. Dean replied I can't believe that I don't have a card on me.

Board Member Pierro asked that is the standard logo for your company (referring to Mr. Dean's shirt)

Mr. Dean replied yes.

Chairman Schech stated I am okay with this. Can I have a motion.

Board Member Pierro made a motion in the matter if Integrity Heating & Air Conditioning Sign Application that the Planning Board approves the sign using the existing sign structure and size utilizing red, blue, and white colors. Board Member Montesano seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	yes
Board Member Shay	-	yes
Board Member Pierro	-	yes
Chairman Schech	-	yes

All in favor and motion carried by a vote of 4 to 0.

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

No one was present to represent the application.

The Board tabled the application.

8) LLS ENTERPRISES – Sign application

Ms. Eleanor Nurzia, Applicant was present.

Board Member Pierro stated congratulations I think you are the first sign that we all agreed upon at first glance.

Chairman Schech asked did we get colors on this.

Rich Williams replied yes it was green and brown.

Board Member Pierro stated yes Missy had it at the work session.

Ms. Eleanor stated the posts and the wood and background are all white, the lettering is all black, the top logo has (unable to hear the rest of her statement too many talking at the same time).

Board Member Shay stated our Secretary had a copy of it the other day I remembering seeing it.

Chairman Schech asked what is the square footage we are allowed on this, twenty-five.

Rich Williams replied twenty-five.

Chairman Schech stated six by four is twenty-four. I have no problems with this.

Board Member Pierro made a motion in the matter of LLS Enterprises Sign Application that the Planning Board declares a negative SEQRA determination. Board Member Montesano seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	yes
Board Member Shay	-	yes
Board Member Pierro	-	yes
Chairman Schech	-	yes

All in favor and motion carried by a vote of 4 to 0.

Board Member Pierro made a motion in the matter of LLS Enterprises Sign Application that the Planning Board approves the sign application of Abruzzi Tratoria and West View Golf Driving Range as submitted. Board Member Montesano seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	yes
Board Member Shay	-	yes
Board Member Pierro	-	yes
Chairman Schech	-	yes

All in favor and motion carried by a vote of 4 to 0.

Ms. Nurzia thanked the Board.

The following section of the minutes are taken from Rich Williams' notes. The tape was not recording at this point.

Mr. Pfister requested a waiver of site plan to extend the length of the walk-in cooler and sales office by an additional 3.5 feet. He indicated that the walk-in cooler/sales office would be enclosed with a peak roof and sided to resemble the main building.

The Board granted a waiver of site plan for the additional 3.5 feet for the walk-in cooler/sales office.

9) BURDICK FARMS SUBDIVISION

The Applicant appeared before the Board to present a revised concept plan for 37 single-family homes. The plan would leave as open space approximately 100 acres. The Applicant has changed the location of the wetland crossing necessary to provide access to the site, and is exploring the use of a bridge. Although some concerns were expressed, generally the Board found the plan acceptable. The Applicant will begin preparing the preliminary plat and Supplemental Environmental Impact Statement.

10) SYPKO PROPERTY – Wetlands Permit

The Board and ECI discussed the status of the project with the Applicant. Harry Nichols, Engineer stated they will be using grass pavers for the driveway surface and therefore will not require a permit from DEP. Mr. Nichols will make the requested revisions to the plans and resubmit to the Board.

11) EASTERN JUNGLE GYM

Mr. Gary Tretsch, Putnam Engineering was present representing the Applicant.

(Meeting being recorded at this point)

Ted Kozlowski stated it is not major stuff Gary but there is more out there than playground equipment in fact there is a boat and trailer and paraphernalia associated with it that is sitting in the wetland and I guess that at high tide maybe that boat does go off but that really does not belong. There is stuff stored there that does not belong in the wetland and probably does not belong on the site. It is certainly not part of the business. It is probably somebody's personal boat. I don't have a problem with it behind the building but I have a problem with it sitting in the wetland. The gas tank is there and other stuff. When you have a situation like that the back of the building tends to get a lot of garbage, debris, storing stuff and that

sometimes runs into the wetland. It gets pushed into the wetland, it gets blown into the wetland. The owner of the building may be as sincere as possible but maybe one of his workers isn't as good as he is so I would like to see something there to define the edge of the storage area and the wetland and to keep stuff out of the wetland. I think it is a reasonable request.

Chairman Schech stated okay so you don't have to flag the wetlands.

Mr. Tretsch stated I was about to say it is quite obvious where it is.

Chairman Schech stated we are going to do a site walk out there as soon as practical.

Mr. Tretsch stated it will give me time to address these comments and resubmit thank you.

Rich Williams stated before everybody walks away from this, I just want to make sure everybody is comfortable with the concept, with the concept of the storage in the front and the rear. There is no sense of him going away and coming back and hearing you are not happy with things.

Board Member Montesano stated you have storage, you have a thirty-five foot height.

Mr. Tretsch stated the building height is not going to exceed the Code.

Rich Williams stated the original plan that came in I think was twenty feet or it was supposed to be constructed.

Chairman Schech stated let's take a look at it and maybe we can make some suggestions.

Board Member Montesano asked Rich, when we go out you are going to have his plans, Rich Williams stated and we are going to have the original. Board Member Montesano stated I also want to make sure in case I forget mine we bring another copy of your report with us because I would like to go over each item.

Board Member Shay stated yes because there are quite a few things.

12) CARROLL PROPERTY WETLANDS/WATERCOURSE PERMIT

Rich Williams stated they are withdrawing the application.

Ted Kozlowski stated I spoke with their engineer and it looks like he is designing everything out of the hundred foot buffer. I don't understand why it wasn't done from the beginning he has got the room to make it work.

13) NOBLET SUBDIVISION

Mr. Steve Miller, Engineer with Badey & Watson was present representing the Applicant.

Mr. Miller stated I received Mr. Williams' comments I can address some of them or go through,

Chairman Schech stated let's go through them first.

Mr. Miller stated I will give you a quick explanation of what we are doing. Mr. Noblet owns twenty-three acres on McManus Road. It is surrounded by the proposed Burdick Farms Subdivision. There is a pond, stream, wetlands across the property which enters from the Burdick Farm property, the stream crosses through a pipe under McManus Road. There is two existing dwellings on the property and a barn. Mr. Noblet currently resides in one of the dwellings, he rents the other dwelling out. He is proposing to do a two lot subdivision; one lot being approximately 12.5 acres with the two existing buildings on it, the second lot about 10.5 acres to be available for a residential lot. We are in a four acre zone. It meets the zoning as far as area. I understand that there is a revision or amendment to the subdivision regulations concerning open space development which he discussed.

Board Member Pierro asked will the first lot with the existing dwellings Rich will that meet the Code as far as accessory structures, the lot size is big enough, and the buildings are in compliance.

Rich Williams replied no but they are not increasing the non-conformity of the lot by doing the subdivision.

Chairman Schech asked that is that house down here on the lower left right and the septic on the new parcel.

Mr. Miller replied this is just the proposed general area.

Chairman Schech asked and that is the driveway.

Mr. Miller replied that would be where we would bring the driveway in. The wetland line is here, there is a hundred foot setback here we are pretty much limited to an improved area being in here for this lot. There are some slopes in the back.

Ted Kozlowski asked who flagged the wetlands.

Mr. Miller replied Mike Priano.

Ted Kozlowski stated the wetlands have not been verified by the Town.

Mr. Miller replied I understand that.

Ted Kozlowski stated okay so with your permission I can go out there and check the flagging like what we did with Burdick Farm if there is a difference of opinion we can discuss that with somebody from your office but I would advise you not to spend anymore money in survey work until we have the wetland delineation agreed on. That may or may not change. If it changes you are going to have to re-survey.

Chairman Schech stated and when you get the wetlands flagged let us know and then we will do a site walk.

Mr. Miller stated the wetlands have been flagged.

Ted Kozlowski stated they have been flagged, I saw the flagging out there.

Chairman Schech stated how about the house location and the septic location, centerline of the driveway.

Board Member Pierro asked is that subject to change.

Rich Williams stated wait before you get too far away from this there is one other issue that I think we need to clarify that Ted needs to clarify and that is there is a wetlands to the south of this project and is that a regulated wetland area. That is wetland seven on the Burdick Farms Subdivision.

Ted Kozlowski stated I have not looked at anything on this parcel but there are some things that come into play and I spoke with Ron briefly while sitting in the audience here, as you know Burdick Farms is proposing houses over here and we have to see what that means to the wetlands. This wetland was not looked at, Beth Evans Associates did not flag this wetland, and this wetland is not looked at in the whole picture of Burdick Farms. I don't know if this wetland is within a hundred feet of the proposed lots for Burdick Farms.

Rich Williams stated well let's assume for the moment that what they show on the plan is correct then it is not and we are okay with that.

Ted Kozlowski replied right. The other issue then is wetlands seven do you recall from the Burdick Farms Subdivision material that we got is wetlands seven,

Someone asked how big is wetlands seven.

Someone replied it is not size but it is considered a vernal pool so figure it as a watercourse.

Ted Kozlowski stated then it will be regulated.

Someone stated there is a pool down here (unable to hear the rest of his statement)

Ted Kozlowski stated that is a vernal pool. That is what we protect.

Ted Kozlowski stated we have to double check the flagging.

Mr. Miller replied that was not flagged.

Ted Kozlowski stated you will have to flag that in coordination with what Evans Associates has here.

Mr. Miller replied I understand.

Ted Kozlowski stated you have to agree, I have to agree and

Rich Williams stated my point being is I did not want you to get out on the site and then have to go back because they have to re-flag that.

Mr. Miller stated before he comes out we will have this taken care of.

Ted Kozlowski stated I will check this, this week probably over the weekend.

Mr. Miller stated I may not be able to get this flagged before the weekend.

Ted Kozlowski replied I will check this anyway.

Mr. Miller replied fine.

Mr. Miller asked can I address some of the comments or would you prefer,

Chairman Schech replied sure you can address them now.

Mr. Miller stated Rich's Item "B" Zoning, the subdivision falls under the definition of a minor subdivision, can we have the Planning Board decide that this evening or is that premature based on.

Chairman Schech stated a two lot is a minor subdivision.

Rich Williams stated you need to make that determination as a Board traditionally the Board has always classified the subdivision when they come in.

Board Member Montesano asked if we determine that then for some reason or another that thing is not developable.

Rich Williams replied classifying the subdivision has to do with the process that they have to follow regardless of whether the additional area is wetlands or the whole thing isn't buildable because it is wetlands it would still be a minor subdivision and what that does is it allows them to skip the preliminary review process and go straight to a final plat.

Board Member Montesano made a motion in the matter of Noblet Subdivision that the Planning Board declares the application a minor subdivision. Board Member Pierro seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	yes
Board Member Shay	-	yes
Board Member Pierro	-	yes
Chairman Schech	-	yes

All in favor and motion carried by a vote of 4 to 0.

Mr. Miller asked Item "2" falls under the Chapter 139, Overlay Zone is that something that you would put off until Ted made his inspection. From what I read concerning this open space I personally think that is more where the possibility exists of multiple lots of more than two.

Rich Williams replied I don't disagree but it is a new Chapter of the law, it was written specifically to protect open space as a general rule. There are certain exceptions. I think this may fall into that category because the lot is so open and so environmentally constrained however this is probably the second, we haven't really wrestled with the first but the second application this Board is going to get under these new

rules and I think it is important for the Board to understand the process that they need to go through about evaluating whether the cluster subdivision provision should be applied or why it should not and what conditions they need to consider to place on the subdivision to keep the spirit of that law. It is thought process that we need to get them into. We don't have to do anything tonight.

Mr. Miller stated I suppose one of the ways to approach it in a cluster type thing is we would propose to have second lot over here some place so that we had three dwellings here and this all remains.

Rich Williams stated and I am not suggesting that.

Mr. Miller stated having a twelve acre lot and ten acre lot is a rural type setting as opposed to a forty thousand square foot or a fifty thousand square foot lot.

Rich Williams stated I am not taking exception with this design at all or that we need to do something different because of the law. I am just trying to very gently say that this is something new bear with us because there is a process that we need to go through and it may seem a little bit more complex than it needs to be but I am only doing that because there is going to be other applications because it is new for all of us.

Mr. Miller asked then my question is how do we proceed with it based on your comments.

Rich Williams replied if you can provide any justification as to why or what conditions that might help us out otherwise I am going to be taking a look at that area myself and making recommendations on the next round.

Mr. Miller asked number one, Patterson Subdivision Code requires any lands within twenty-five feet of centerline, McManus Road should be reserved for street alignment, widening purposes that is the standard boiler plat subdivision.

Rich Williams replied yes.

Mr. Miller stated there are along this road from this property line approximately to over here very substantially built walls, significant height, like screening height, fence type walls, Mr. Noblet's concern is that if he offers all the land within twenty-five feet of the centerline of the road for dedication even though ninety percent of the time the Town never exercises that the possibility would exist where the Town can come and say okay, Mr. Noblet we are going to widen this road out because now we have to figure out with this Burdick Farms road there is a lot of traffic there we better widen this road out.

Chairman Schech stated that is a possibility.

Mr. Miller stated what our concern is and I would be willing to and Mr. Noblet is very concerned about it that when you get out here to see this wall that you will be in agreement with us now what we are suggesting is offering from a point possibly here this way and this one leave with the understanding that if the Town decides that they are going to need to widen this out and they will come to Mr. Noblet and negotiate with him on a more formal place.

Rich Williams stated maybe we want to take a look at it at the site walk and make a determination.

Board Member Montesano stated I mean I can understand the rock wall and the reasoning behind it but the object is,

Craig Bumgarner stated we don't have to negotiate later.

Mr. Miller stated that is exactly what it is for but a little bit that is a strong arm and there has been court cases against those.

Mr. Noblet stated there are black walnut trees that are beautiful, oak trees that are beautiful, stonewalls that about eight feet.

Mr. Miller stated worse case scenario the Town comes in and says well we have to do this for public improvement.

Board Member Pierro stated you can also go to the other side of the street and do the widening.

Rich Williams stated the reality is we can do it anyway because State Law gives us the right to do it regardless. The only thing that we are doing here is making it a fee simple parcel.

Mr. Miller stated you are making it clean for the Town later on. He has already granted his rights to the Town. Mr. Noblet's concern is that there is a significant structure here that adds to the character of this portion of the road and the Town should consider looking at it before Mr. Noblet just offers his right up to it.

Board Member Montesano stated that is part of the State Law, Board Member Pierro stated if the Town deems it necessary to take it they are going to take it.

Rich Williams stated no let's be clear there is State Law that says that we can do any sort of improvements, Craig jump in here anytime I start messing up, within I believe three, Mr. Miller stated you can make the improvement but you don't necessarily have to take title. Rich Williams stated we don't own it, we can still go and take the walls down, we can still expand the road, and we can still take the trees.

Mr. Miller asked then why do you offer a second.

Rich Williams replied it just makes it cleaner for the Town in the long run.

Craig Bumgarner stated let's take a look at it we will see what is going on. We are making a big issue out of it.

Mr. Miller stated from a development standpoint we always cringe every time we have to cough it up.

Mr. Noblet stated there is an easement already here for the electric line.

Rich Williams stated that is something entirely different.

Chairman Schech stated we will look at it when we are out there.

Mr. Miller stated the last comment that I would just like to address is number two the vertical datum shown is assumed. We would like the Planning Board to accept the fact that the vertical datum on this plat is assumed as opposed to the National (unable to hear the rest of his statement).

Rich Williams stated if I could just jump in here, one of the fundamental reasons to have the datum referenced to USGS is if when you get into issues where you are looking at flood plains and this property is far from a flood plain so assumed datum would be perfectly acceptable unless there was some reason that we needed to have this vertical datum tied into a adjacent subdivision which I am not sure there is.

Mr. Miller stated as a point of information the proximity of a geological survey benchmark in Patterson makes it cost prohibitive for somebody to bring that vertical datum in.

Rich Williams stated I think the closest one is on Cornwall Hill Road.

Mr. Miller stated that is not to say that it is not a bad idea to have this but in rural areas the tendency for the spacing of benchmarks was minimal as opposed to being in Yonkers where there is one on every street corner.

Rich Williams stated it is just a standard code requirement unless it is waived by the Board. That is entirely up to them.

Mr. Miller stated and the next thing is just for my clarification, pursuant to Section 154-77 (b) site plan should be prepared for the project which shows the location for any structures larger than four hundred. Now, I read that part of the code is that a requirement for subdivision approval.

Rich Williams replied no it is a separate section of our Code which requires site plan approval for any subdivisions created after the date of the adoption of the zoning code. This lot is required to have a site plan.

Mr. Miller asked so if I come in I make a copy of this plan and it shows this proposed house, well and septic that is the site plan.

Rich Williams replied if those are the improvements.

Mr. Miller asked what happens is as you well know these are just generic, this is a generic layout.

Rich Williams replied yes.

Mr. Miller asked if Joe Smith comes in and buys the lot from Mr. Noblet and decides he is going to shift this around and it meets the Health Department approval he comes back to the Planning Board.

Rich Williams replied if they are minor shifts there are provisions in our Code, Mr. Miller stated for the Planner to take care of. Rich replied right but anything significant would have to come back and honestly that is a provision that we put in the zoning code to address the new stormwater regs recognizing that there are going to be a lot of new drainage facilities, we need to have some sort of regulatory way to monitor them and make sure that they stay.

Mr. Miller stated it was more concerning that you need to make an approval of the site plan as part of the subdivision.

Rich Williams stated we do it concurrently and generally it is not much more than what you have shown.

Mr. Miller stated so, you said the subdivision is minor, you agreed that assumed data is acceptable, Ted will go out and inspect the wetlands, do you have the days that you.

Chairman Schech stated we don't have a date yet.

Mr. Miller asked the next two weeks, next four weeks so I can arrange to have it staked out.

Chairman Schech replied you let us know when it is staked out and then we will look.

Mr. Miller thanked the Board.

14) CIOTOLA SUBDIVISION

Mr. Harry Nichols, Engineer was present representing the Applicant.

Mr. Nichols stated this is a fifty-one acre parcel at one end. It is located on Cornwall Hill Road.

Chairman Schech stated you have got a lot of wet stuff in there Harry.

Mr. Nichols stated it has got a lot of wet stuff in the back. We didn't even do the topo in the back because it was so wet. We are proposing to divide into a total of four lots. There is an existing house, pool, driveway system on Cornwall Hill Road. These lots have been sized in equally four acre zoning. We have done soil testing out here with the Putnam County Health Department and we have acceptable results. There is frontage over here which is less than the required frontage for a lot so this is going to require a variance for this particular one parcel.

Chairman Schech asked how did you get that line out there.

Mr. Nichols replied I don't know how this line ever came about but that is a crazy line.

Board Member Montesano stated you have got all that acreage and you still want a lot that does not have sufficient road frontage.

Mr. Nichols stated the lot is thirty acres in size.

Board Member Montesano stated and you don't have enough road frontage that is amazing to me.

Mr. Nichols stated well to get to this side we would have to do a common drive which I know you don't look favorably on.

Mr. Nichols stated when you get back to where the house is going to be you will have plenty of width.

Board Member Montesano asked but why is that line that way.

Mr. Nichols replied I have no idea.

Board Member Montesano stated find out.

Mr. Nichols stated it is in the tax maps that way that is in the Deed.

Board Member Pierro stated it is an existing residence.

Rich Williams asked Harry to read the name.

Mr. Nichols replied it says McGlasson Builders.

Board Member Shay stated that answers that.

Board Member Montesano asked but there is no way to enlarge that frontage.

Mr. Nichols replied no. If we took the total frontage and divided it by four we would.

Board Member Montesano stated that is what I am wondering why can't it be done that way.

Mr. Nichols stated well we would have to take a little piece like this, pie it,

Rich Williams stated Mike it has to be contiguous.

Ted Kozlowski stated Harry, the only thing is Lot 3, ? wetlands which is in the Town of Patterson a wetland soil and it looks like it is going right through the house on Lot 3. Can you check for wetlands there.

Mr. Nichols replied we are going to have the wetlands flagged. These soil maps are 2000 scale.

Ted Kozlowski stated I understand that. There is limitations but if you got it on the map you have got to look at it.

Chairman Schech stated flag the wetlands, the house and a driveway.

Mr. Nichols stated the existing house is here.

Chairman Schech stated plus the proposed houses and driveways.

Mr. Nichols asked you want it staked.

Chairman Schech replied yes please and the wetlands and let us know when you have got it done and we will take a look at it.

Mr. Nichols asked you want to see the flagging of the wetlands when you go for the walk.

Chairman Schech replied yes.

Mr. Nichols stated this is a DEC wetland.

Ted Kozlowski stated it is also regulated, Mr. Nichols stated also regulated Town wetlands.

Ted Kozlowski stated joint jurisdiction.

Rich Williams stated also the flood plain.

Mr. Nichols stated the State will flag theirs does the Town agree with the State.

Ted Kozlowski stated you can ask the State to do it but they are so back logged. They will entertain a consultant's flagging, call them up, and see it might not be timely. I know they will not go out there when the snow flies.

Mr. Nichols asked they will allow a consultant.

Ted Kozlowski replied they will allow a consultant now before the snow flies. Once we get into December they probably are not going to go out. They can't see but I know working with them what they look for so if you want to expedite this you need to get a phone call to them tomorrow and see how soon they could come out to flag their regulated area. Don't forget you have two jurisdictions the Town and State.

Rich Williams stated three.

Ted Kozlowski stated and DEP.

15) FIELD & FOREST APARTMENTS

Mr. Harry Nichols, Engineer was present representing the Applicant.

Mr. Nichols stated these are the existing Field & Forest apartments. These are the co-existing apartment units. One is ten units and one is eight units and we are proposing another three buildings each housing eight units. This is a similar or somewhat different application that was worked on several years ago. They proposed to locate these units so that they were over here.

Board Member Montesano stated near the pool.

Rich Williams stated no the pool was all the way in the back.

Chairman Schech asked there is a pool.

Rich Williams stated there was a proposed pool.

Mr. Nichols stated what we have done out here is we have soil testing with DEP and the Health Department. We are proposing a central subsurface system in this area. This will be for the primary. It will

be a central system to serve the three buildings. For the expansion we have an area back here. This parcel is a land locked piece that is on the other side of the New York State Electric or I should say right of way. We do not have enough useable area on this side that meets all the requirements to install this. This will handle the primary and the proposed expansion for future use.

Chairman Schech stated it looks awful steep for septic there.

Mr. Nichols stated this is fifty scale no these are within the limits. These are fifteen percent or less slopes same as back here this area is fifteen percent or less.

Chairman Schech stated all right same story flag the wetlands.

Mr. Nichols stated yes flag the wetlands these are local wetlands.

Chairman Schech stated the buildings.

Board Member Montesano stated the septic.

Rich Williams stated before he goes through all that, Harry you agree that the center of that property is a wetland system.

Mr. Nichols asked referring to the plan in here.

Rich Williams replied yes.

Mr. Nichols stated well there is a watercourse running through here that I am sure of and the extent of the vegetation on either side I am not sure.

Rich Williams asked Ted did you have a chance to go out there.

Ted Kozlowski replied I briefly went out there on Saturday.

Rich Williams asked would you say there is a wetlands system there.

Ted Kozlowski replied my impression was there was.

Rich Williams stated okay if there is a wetlands system there is that going to significantly change this design.

Mr. Nichols asked as far as ponds going in.

Rich Williams stated excuse me.

Mr. Nichols stated the ponds will be moved.

Rich Williams stated based on the topography there if just that center portion is a wetland and we take the hundred foot buffer then that would extend it out on a fifty scale there to just about the curve in the road.

Mr. Nichols stated you are assuming the wetland comes all the way over here.

Rich Williams replied yes that is what I am saying based on topography assuming that center piece is a wetland then the hundred foot buffer extends to the road, agreed.

Mr. Nichols replied if that was the case.

Rich Williams stated then the question is, is the Board comfortable with this concept with those assumptions.

The Board replied no.

Mr. Nichols stated we have to verify it.

Chairman Schech stated that is why we have to look at it.

Rich Williams stated but that is what I am saying is does the Board then still want to go out and look at this concept understanding that it may radically change once the wetlands are flagged or do you want Ted to go out there flag the wetlands, Harry to take a look at it and then adjust the design before we actually go out.

Board Member Shay stated that would make more sense.

Board Member Pierro stated that would make more sense.

Ted Kozlowski stated I don't know if I want to flag the wetlands for the Applicant because there is no wetlands permit in front of us.

Rich Williams replied no I said that wrong. Have the wetlands flagged and then you verify it.

Ted Kozlowski asked Harry do you have a consultant on board.

Mr. Nichols replied yes.

Craig Bumgarner stated I have another kind of jumping off issue I would like to know, Rich has raised in his memo to cross that NYSEG easement. Why don't we take a look at that and just confirm we can do it before we start submitting plans and so forth. Is that a high powered going through there.

Rich Williams replied yes it's what we call the high tension lines.

Craig Bumgarner stated I don't know about that. It might not let you go through there.

Mr. Nichols stated we will check it out and see what rights they have.

Chairman Schech stated before they dump too much money into it I would check that out and get the wetlands and see what is there.

Rich Williams stated so we will leave at once that is all done and there are no significant changes you will flag the stuff out and then we will go take a walk otherwise we will see you again.

Mr. Nichols thanked the Board.

16) OTHER BUSINESS

a. Frantell Site Plan

Mr. Gary Tretsch, Putnam Engineering was present representing the Applicant.

Mr. Tretsch stated just to clarify what the area that you said you wanted re-flagged.

Ted Kozlowski stated I know the original consultant didn't go back out there and re-flag.

Mr. Tretsch stated since we had the maps from before we had the surveyor go out and actually put the flags back the way they were.

Ted Kozlowski stated I went out there with the Planning Board on a site walk and there are some areas somewhere in the vicinity up here (referring to the map) and over here where the flagging didn't correspond what I felt didn't correspond with the character of the wetland that I saw out there. It is not a matter of a hundred feet or whatever. It is a matter of in some spots twenty feet, up here it definitely goes up into a drainage channel which is just totally disregarded so it looks like to me whoever put the flags out there just brush cut and drove wherever they could drive. Certainly, in this area here where there was a wetland, a finger of the wetland and went up clearly in a drainage channel and they couldn't get through there because it is too hilly and a four wheel drive was going to do it. It looks like it was flagged as a matter of convenience as opposed to,

Mr. Tretsch stated that was not the, the instructions that were given, the surveyor had the flagging, the locations of the flagging from before and was to go out and put them back.

Ted Kozlowski stated Gary, whoever did it drove through it and cut things down. That was not, that is probably in violation of our wetland law so we need to, I know the consultant is here he needs to go out there and re-verify the work he did years ago.

Mr. Tretsch stated that was the intent and the intent was to start with what was there last time. I don't know what happened we will get that done.

Chairman Schech stated what we also noted was down here on the lower part, you have the dumpster area, loading area and all that nonsense you are intruding into the buffer zone. That should be brought way up.

Mr. Tretsch stated we reactivated the project what was proposed and found to be acceptable the last time. (TAPE ENDED).

Mr. Tretsch stated the building footprint, the parking layout is as it was present to the Board previously. What we did to the plan was upgrade the drainage to meet the current requirements of the DEP and DEC. We did not alter the layout that was before the Board before.

Chairman Schech stated which was never approved.

Mr. Tretsch stated it was never approved.

Ted Kozlowski stated it was a different Board.

Chairman Schech stated from what we could see you could cut off about half of that long leg and shift everything up out of the buffer zone.

Mr. Tretsch asked when you say cut off half of that long leg.

Board Member Pierro stated you will have to make the building smaller.

Mr. Tretsch stated I think why don't we take a look at the wetlands get them reestablished and then go from there.

Ted Kozlowski stated Gary, I think it was Beth Evans Associates who did it.

Mr. Tretsch stated yes.

Ted Kozlowski asked that is the consultant that you are retaining.

Mr. Tretsch replied yes.

Ted Kozlowski stated she knows how to get hold of me and I will meet them.

17) MINUTES

Board Member Pierro made a motion to approve the minutes of September 25, 2003 and October 2, 2003. Board Member Montesano seconded the motion.

Chairman Schech asked all in favor:

Board Member Montesano	-	yes
Board Member Shay	-	yes
Board Member Pierro	-	yes
Chairman Schech	-	yes

All in favor and motion carried by a vote of 4 to 0.

Site Walk

Rich Williams asked do you want to schedule a site walk.

Chairman Schech asked is anyone ready.

Board Member Pierro stated let's try to get one in for the fifteenth.

Rich Williams replied that is true is nobody is ready though.

Board Member Pierro stated but at least it is two weeks from now.

Rich Williams stated all right tentatively the fifteenth.

Board Member Pierro stated I know Shawn and I are leaving on Sunday but if something opens up we can do it on the fifteenth.

Board Member Shay made a motion to adjourn the meeting. Board Member Montesano seconded the motion. All in favor and meeting adjourned at 9:52 p.m.