

APPROVED  
2/3/05 MAS

**TOWN OF PATTERSON**

**PLANNING BOARD MEETING**

*November 23, 2004 WORK SESSION*

**AGENDA & MINUTES**

- |   |              |
|---|--------------|
| 1) Wyndham Homes Lot 24 Wetlands Permit         | Page 1 – 4   |
| 2) Carroll Property Wetlands Wetlands Permit    | Page 4 – 5   |
| 3) Beechtree Construction Lot 6 Wetlands Permit | Page 5 – 9   |
| 4) Burdick Farms Subdivision                    | Page 9 – 13  |
| 5) Troccoli Fill Permit                         | Page 13 – 14 |
| 6) Mairoano Fill Permit                         | Page 14 – 15 |
| 7) Labor of Love Tattoo Sign Application        | Page 15      |
| 8) T & T Associates Site Plan                   | Page 15 – 19 |
| 9) Budakowski Subdivision                       | Page 19 – 20 |
| 10) New England Equine Center                   | Page 20      |
| 11) Paddock View Estates                        | Page 20 – 21 |
| 12) Bri Car Site Plan                           | Page 21      |
| 13) Dunning Subdivision                         | Page 21 – 22 |
| 14) Bear Hill Subdivision                       | Page 22 – 24 |
| 15) Chestnut Ridge Developers                   | Page 24 – 25 |
| 16) Poppy's Place                               | Page 25 – 26 |
| 17) Fryer Machine Systems Site Plan             | Page 26      |
| 18) Patterson Outdoor Storage Site Plan         | Page 27 – 28 |
| 19) Other Business                              |              |
| a. Site walks                                   | Page 28      |
| b. Kect Construction Bond                       | Page 28      |
| c. 2005 Meeting Schedule                        | Page 28      |

**PLANNING DEPARTMENT**

P.O. Box 470  
1142 Route 311  
Patterson, NY 12563

Melissa Brichta  
*Secretary*

Richard Williams  
*Town Planner*

Telephone (914) 878-6500  
FAX (914) 878-2019



**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

**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**Planning Board  
November 23, 2004 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 Dave Pierro, Board Member Maria Di Salvo, Board Member Shawn Rogan, Rich Williams, Town Planner, and Ted Kozlowski, ECI

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

2 Members in the audience

**1) WYNDHAM HOMES LOT 24 WETLANDS WATERCOURSE PERMIT**

Chairman Schech asked do we have a problem with Wyndham Homes. Are we going to suggest to them that they no longer come in for a permit every lot they do.

Rich Williams asked are we now going to suggest they don't have to come in.

Chairman Schech replied they don't come in or are we going to continue to give them permits.

Rich Williams stated I mean if you are suggesting that they don't make an application they have every right to make an application whether you approve it or not is another story.

Chairman Schech stated because technically I am getting tired of approving them.

Rich Williams stated that was the way you set it up when they wanted to do the subdivision.

Board Member Pierro stated I think we have no other choice. We have to review each and every one from this point. What else are we going to do are we going to say no. We had a discussion about we are a Caveat Emptor State it is buyer beware I think that the people that are buying these homes should be notified in some way shape or form what they are getting into. My suggestion was a sign at the front of the project that local zoning is in effect. I don't know if that is a proper way or if it is something that can be done there are sub-standard lots or there are lots here with wetland issues near them. Is that a possibility, is a deed.

Rich Williams replied it can be done I don't know if that is the best way to do it but it can be done.

Board Member Pierro asked what is the answer then Rich.

Rich Williams replied perhaps, Chairman Schech stated the best thing to do is just deny the permit.

Rich Williams replied no but to give notice,

Board Member Pierro stated for what then we are Article 78 like the last two.

Rich Williams stated making sure maybe that the potential property owner has signed off an acknowledgment that when he is buying the property there is wetlands on it. I don't know that we can do anything but we can strongly suggest (unable to hear due to plans rattling in the microphone).

Board Member Pierro stated my point about denying Herb is how do we deny if the Developer comes in.

Rich Williams stated you are reviewing each application on its merits regardless of ownership.

The Secretary stated and that is how it was setup on the subdivision that they had to come in for each of those lots.

Board Member Pierro stated that was my recollection.

Board Member Rogan stated it may be an inconvenience to the Developer but it is building on property that is like you said sub-standard.

Chairman Schech stated and they have to build with what is there. We don't have to grant this every time they come in.

Board Member Rogan stated I totally agree but I think we have an obligation that we have to entertain them.

Board Member Pierro stated right but if the houses are too large for the lot,

Rich Williams stated that is what you have to evaluate when they come in because,

Chairman Schech stated that is not our fault.

Board Member Pierro stated but we have to send a message to the building side that we are having these issues.

Rich Williams stated the ZBA tried to send a similar message. They are currently in court with an Article 78 because of trying to send that message.

Chairman Schech stated I don't understand why as the Planning Board we are in the middle of this thing because we had nothing to do with this what you have is what you have and they tend to get us involved.

Rich Williams stated if I can interject the problem with Deerwood was there was a number of lots that were very tight, there were a number of lots that they showed house locations right on the wetland boundary and rather than just deny those lots or make them show something reasonable or evaluate the wetland impact at the time of the subdivision everybody said we are just going to figure it out later on. Well now it is later on and here you are. You are going to have to wrestle with each one of these lots.

Chairman Schech stated we don't have to grant each one either.

Rich Williams stated you do not have to grant any of them.

Board Member Pierro asked so on the one that we have reviewed two weeks ago on the site walk that permit was for that triangular shaped piece of property on the side of the house, do you recall Shawn. I don't know if Mike and Herb got to see it.

Board Member Montesano asked which one are we talking about.

Board Member Rogan asked yes which one.

Board Member Pierro stated Wyndham Homes we were on the proposed side yard.

Rich Williams stated they were looking to extend the area of disturbance into the wetland buffer showing a little triangular piece.

Board Member Rogan asked the limits of disturbance is what we were talking about the triangular area, the area basically for grading off the back of the house and this is what they were asking for and we spoke about only allowing that area that limits of disturbance. That was basically where I thought we left it.

Rich Williams stated you had also stipulated certain conditions. You were considering to put in the permit no permanent improvements in that area, no impervious surfaces I have them written down.

Board Member Rogan stated we are just talking about in that area that is being proposed, the grading area.

Rich Williams stated no anywhere in the buffer.

Board Member Rogan stated that would be, wouldn't that go without I mean,

Rich Williams stated I would like to think so but.

Board Member Rogan asked Rich if I remember correctly we had set the conditions at least on record at the last meeting so we just need to pull that out.

Rich Williams replied I have the.

Board Member Rogan stated all we have to do is have the public hearing on this.

Rich Williams stated yes I was going to pull something together for you for the meeting.

**2) CARROLL PROPERTY WETLANDS WATERCOURSE PERMIT**

Chairman Schech asked Ted do you have anything.

Ted Kozlowski stated I looked at the permit application today and I understand why they have to do what they are doing but I don't understand when the water comes out of the end of that swale what happens. In other words I have not been to the site so I don't know what kind of impact it is.

Rich Williams stated it drops off very steeply there is a fallen tree right at the end of the swale so it is basically going into the root ball that is torn out of the ground of this tree.

Ted Kozlowski stated that is kind of my point what happens to the ground and that stream area with all this runoff Karrell's plan doesn't really show that.

Rich Williams stated it gets it as close to the stream I was comfortable with riprap.

Ted Kozlowski stated I don't believe riprap was on the plan.

Rich Williams stated when you go out and look at it they did a nice job putting a riprap swale in.

Ted Kozlowski asked this is a done deal.

Rich Williams replied yes don't you remember I came to you and I said how do you want to handle it and you said make them file a permit.

Chairman Schech asked this is the one that goes up the State right of way all the way up to the back.

Rich Williams replied yes.

Chairman Schech stated the only thing that I don't understand about this piece of property how can they do this go up to a State right of way and have a gate across the road so nobody else can.

The Secretary stated the State asked him too.

Rich Williams asked is the gate up.

Chairman Schech replied no but it calls for a gate.

Rich Williams replied yes the State wants it up.

Board Member Pierro stated the State wants to control access.

Chairman Schech asked well how are you going to access the State road.

Board Member Pierro replied they bought acreage down the road there is going to be, Chairman Schech asked from where.

Board Member Pierro replied they bought it down the road, they bought a piece of property, they are building a parking lot that is going to be the State access.

Chairman Schech asked down where.

Board Member Pierro replied right down Ludingtonville Rd. They bought land expressly for a parking area for public access.

Rich Williams stated I think the bottom line here is it really doesn't matter other than the State does not want the public accessing the State Park through this area.

Board Member Pierro stated right it could be a great secondary access for emergency purposes.

**Edie Keasbey** stated that road is terrible.

Board Member Pierro stated well maybe in the future it will get a little bit better.

### **3) BEECHTREE CONSTRUCTION LOT 6 WETLAND WATERCOURSE PERMIT**

Chairman Schech stated Douglas Wallace.

Board Member Pierro asked is that Beechtree.

Rich Williams replied yes it is the lot that we looked at.

Board Member Pierro asked which one.

Rich Williams replied down in the hole.

Rich Williams stated I think we are all concerned a little bit about having a uniform policy on this.

Board Member Pierro asked Ted refresh our.

Ted Kozlowski stated his permit was, this is the one that has a violation on it.

Board Member Pierro asked is this permit up to snuff, the application.

Ted Kozlowski replied to be honest with you Richie had told me numerous times that the permit was in last week and this is the first time I have looked at it.

Board Member Pierro asked between now and the meeting can you.

Ted Kozlowski replied the bottom line is I am looking for I have cleaned up the violation and I don't see that.

Board Member Pierro asked he hasn't re-filled the curtain drain.

Ted Kozlowski replied no so I am advising the Board right now that unless he did it and didn't tell us he has not addressed the violation.

Rich Williams asked does he have a pending violation, have you actually issued a violation.

Ted Kozlowski replied yes Paul Piazza issued a violation months ago.

Rich Williams asked so he is going to court.

Ted Kozlowski replied no I told him that if he did not fix the violation by December 1<sup>st</sup> then he was going to court.

Chairman Schech stated okay so he has a violation.

Ted Kozlowski stated he has a violation and the Board can choose to entertain the permit application or choose not to.

Board Member Pierro stated my feeling is we have had a lot of discussion on this I don't think we ought to go any further until that violation is cleared up.

Board Member Rogan stated the only problem is not to be the thorn here if we turn around then and issues a permit that is going to do the same thing in other words I think we need to look further down the road and look at what we are going to allow out there or what the ultimate design of that site is going to be. I would like to be able to know whether or not that lot is going to be approved by Health Department but there is so many variables on it.

Board Member Pierro asked I thought that the slopes,

Board Member Rogan stated it is a previously approved subdivision it does not have to meet the slope requirement it can get a waiver. They can re-grade.

Rich Williams asked fifteen percent.

Board Member Rogan replied yes previously approved. It is either a State or Putnam County Health Department approved subdivision it does not have to meet the slope requirement. They have to re-grade to fifteen percent if they can but they could get all sorts of waivers on that because it is previously approved.

Rich Williams stated I did not know that.

Board Member Rogan stated oh yes. If it was previously approved it could be thirty percent grade and they can still get a permit for it.

Ted Kozlowski stated well that changes the color of this.

Board Member Rogan stated that is my concern is looking down the road to what, I will be the first one to

say that it is the most ridiculous lot that I have seen in a long time. I would like to see the original subdivision plat but that is not for a discussion with the Board.

Ted Kozlowski stated guys you don't have to worry about it this application is still incomplete. He did not address all the stuff in my letter.

Board Member Rogan stated I can't see how they are going to get a septic system down there.

Rich Williams stated I know there is a lot of reluctance on the Board to review it and if it is incomplete you shouldn't be reviewing it but I have got to chime in with Shawn that it is ridiculous to not review it and then have him fix it and then go back out and tear it all back out again.

Board Member Rogan stated I won't do that.

Rich Williams stated in whole or in part if you are going to consider it consider it and if not let's get it,

Board Member Pierro stated the application is not complete.

Ted Kozlowski stated but that is rewarding the guy for violating the wetlands law and I am sorry I disagree.

Board Member Montesano stated let him come back again and if he don't like it he will come back again until,

Rich Williams stated the question here is restoring the whole site only to tear it back out.

Ted Kozlowski stated not necessarily Rich because,

Board Member Montesano stated wait a minute if you do a violation of the law you want to have, we want to get someone else to come in and mitigate it then why do we need it.

Rich Williams stated if you have done a violation of the law the remedy is to go to court and the Judge will fine you.

Board Member Montesano asked did he in fact do a violation of the law.

Rich Williams stated the violation is not an issue before the Board other than to recognize that there was a violation. It is not your job to rule on that violation. The violation goes to court. Your job is to review and evaluate the impacts to the wetlands.

Board Member DiSalvo stated but Ted is still saying it is incomplete.

Ted Kozlowski stated it is incomplete.

Board Member Montesano stated the application we can rule on not on the violation. We went over this the last time.

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

Board Member Rogan stated I think we have got to ultimately when we start reviewing these applications we have got to look at what they are proposing to do and how we would, you almost have to look at the application forget about the violation for a second, look at it and say would we approve this wetlands permit or would we not approve it or if we were going to approve it how would we approve it and then see how that corresponds to the calamity that is going on out there. I think they clearly are two separate issues.

Board Member Montesano stated the first thing he has got to do is give you a complete report to read. In the meantime that is where we stop and then we go along with the rest of it.

Ted Kozlowski stated all right guys we are spinning wheels, he hasn't paid the fee which is substantially different than what he has already paid, and he has not given a functional analysis of the wetlands. They have addressed a couple of things here. It is not complete.

Chairman Schech stated and although this has been approved prior we are up to today's code.

Board Member Pierro stated we are not as far as Health Department is concerned.

Chairman Schech stated we don't care about Health Department. If you look at SEQRA you can take Health Department and stick it up your rear end.

Ted Kozlowski stated the other thing gentlemen he is going to need and I have asked him he is going to need an Army Corp. jurisdictional determination. It is clearly in the letter and he has not addressed it. He has a violation in the wetland. I asked for the flagging to be completed and they are just saying that it was done in June.

Chairman Schech stated of what year.

Ted Kozlowski stated 2004 but when I was out there I did not see flags in all the right spots. He has done the minimal to address the letter.

Chairman Schech stated all right so let's brush him off.

Ted Kozlowski stated I will prepare another letter saying it is still incomplete and he still owes money.

Chairman Schech stated and we have the next one also.

Board Member DiSalvo stated no we are just doing the one down the hill now.

Chairman Schech stated we also have Carolyn Way.

Rich Williams stated no Carolyn Way is not on the agenda.

Board Member Rogan asked the Chairman do you want to push up Christina.

Chairman Schech replied yes.

4) **BURDICK FARMS SUBDIVISION**

Ms. Kristina Burbank, Kellard Engineering was present.

Ms. Burbank laid the plan out on the table for the Board's review.

Ms. Burbank stated we eliminated the cul-de-sac. We made up the lots by making some larger than,

Board Member Pierro asked some larger lots that our zoning allows.

Board Member Rogan replied not allowed.

Board Member Pierro asked Rich have you reviewed this.

Rich Williams replied I have taken a look at this.

Board Member Pierro asked did you meet with Mr. Conditto we had talked about.

Rich Williams replied I did not meet with Mr. Conditto I met with Kristina and John Kellard and we took a look at some of the issues, Board Member Pierro stated useable septic areas. Did we also address the useable septic areas.

Rich Williams replied to some extent yes.

Ms. Burbank stated that is what mandates the lots being larger than the 55,000 square foot because based on our testing they are all deeper if you will.

Chairman Schech asked what did you do with the six houses that we got rid of.

Board Member Rogan replied we didn't get rid of them.

Chairman Schech asked I know where did you shift them to.

Ms. Burbank replied we have an additional couple in here referring to the plan, two I think are squeezed in here. Some here and I believe one more in here and then one up front.

Board Member Pierro asked what is the amount of impervious surface.

Ms. Burbank replied I didn't calculate it.

Rich Williams stated it is probably down because you have lost the cul-de-sac.

Board Member Pierro asked what is the length, rough length of the road.

Ms. Burbank replied sixty-five sorry fifty-six.

Board Member Pierro asked from,

Board Member Rogan asked do you mean the complete.

Ms. Burbank replied yes.

Board Member Rogan asked how about length from entrance to

Ms. Burbank replied thirty-nine.

Chairman Schech stated actually you did exactly what I wanted. We still have other issues because of the road down here and all that stuff we still have a lot of issues here but as far as I am concerned,

Board Member Rogan stated in terms of layout we have tackled a lot of it meets more of the idea of a cluster in the sense that we now have things pushed forward, we eliminated the wetlands,

Chairman Schech stated we got rid of the well fields.

Board Member Rogan stated Rich had said earlier and Rich jump in please but the swale along the top of Mr. Noblet's property has been eliminated, we have a lot less of the intrusions and the areas getting close to the wetlands that we had on the previous plan.

Rich Williams stated I still have very strong reservations about the lack of connectivity into the overall road system and the length having said that this plan pretty much addresses every significant impact in some way and reduces it in some fashion; some are eliminated all together others are reduced in some minor way.

Board Member Pierro asked there is a lot of left over area back here has any attempt or is it possibility that some of this could be,

Chairman Schech stated hopefully not.

Rich Williams asked be what.

Board Member Pierro stated you want to see it on the tax rolls I understand but.

Chairman Schech stated as open land.

Board Member Pierro stated I think it would be a great opportunity to keep this protected.

Rich Williams stated by our Code it is going to be protected there has to be a conservation easement, deed restrictions but then it gets down to who is actually going to own whether it is going to be a non for profit or it is going to be a HOA like we setup for Big Elm where they are still paying taxes on the residual land be it is not a great deal of taxes but they are still paying taxes on it.

Board Member Rogan asked Rich, if I remember right from what you just said before the stumbling block right now is the Zoning Code in reference to this and maybe you could talk a little more about that.

Rich Williams replied I have not had a chance to look at the dimensional requirements as far as setbacks I think the big issue here is lot area. The subdivision does not meet lot area but as we talked about in the past

the Code that I wrote didn't provide any flexibility for doing some of these things and it was intentional that way because I didn't want to give anybody any wiggle room but having said that it has become evident that not having any flexibility is also as much of a problem as having flexibility so we have been kicking around a couple of ideas which we could adjust the Code because we are going through a major code revision now again that we could take a look at maybe doing something that might accommodate some of what they want to do here.

Board Member Rogan stated also speak to the big difference here is now we are shooting for individual wells.

Ms. Burbank stated that is true. Every lot has an individual well.

Board Member Rogan stated which takes the impact out of that wetland.

Ms. Burbank stated absolutely.

Board Member Rogan stated so these would just be abandoned formally.

Chairman Schech stated or fire protection.

(Everyone laughed and started talking at the same time unable to transcribe).

Chairman Schech stated we are trying to avoid that.

Board Member Pierro asked how can we.

Chairman Schech stated we are trying to get tanks in there that are filled by the fire department.

Board Member Rogan stated I noticed the letter from Dave Raines said he was shooting for a well to service each tank individually.

Chairman Schech stated and it doesn't work as a fireman it doesn't work.

Rich Williams stated if you are going to have a well you have got to have electric service to the well, you have to have a control panel and we are going through this with Deerwood and it has become a real nightmare on Deerwood trying to set this well tank.

Board Member Pierro stated there are very few wells in the community except for maybe Shepperle that could supply that kind of volume.

Board Member Rogan stated it supplies the volume though is a trickle and that is not a big deal.

Chairman Schech stated it provides the well filling and all that stuff but the thing is you are going to pump out of the tank, you can have a tank in the ground that is filled by the fire department which is there in an emergency which they can pump out of because a well is not going to refill it while you are at the scene. It is not going to do it. The only thing that it does is cause a big problem which we have seen on a lot of places where we had these things we keep blowing the wells, blowing the pumps and people get pissed off at us because we are destroying these things. It doesn't work. If you want a tank, so many tanks for each

house that is fine but put the tank in by the Developer and the fire department will fill the tank and maintain the tank.

Board Member Rogan stated I am fine with that. I am amazed that they need three separate locations that is what they are asking for on this subdivision, 90,000 gallons.

Chairman Schech stated we are working on that.

Ms. Burbank stated every letter has been different.

Board Member Rogan stated I would say overall though I understand and I appreciate Rich's concerns and maybe we are opening up a can of worms but given the constraints what I think is I don't mind adjusting the rules provided you can give reasons why you are doing it and in this case the mitigation not having to go through the wetlands and stuff I am willing to I would say I like this concept the best thus far and would be willing to support it.

Rich Williams stated let me throw this out to you, Christine is here tonight because she needs to advance the EIS and she needs at this point what she is looking for, what she is hoping for is some really clear direction which way you want to go.

Chairman Schech stated well she knows she has my support.

Board Member Rogan stated yes I think she has mine too. I like this so far because we are reducing the environment, Chairman Schech stated but the fact that we are supporting this over here we still have issues.

Ms. Burbank stated no I understand that.

Chairman Schech stated we have road issues and all that nonsense.

Ms. Burbank stated no I understand what I have to do is proceed through SEQRA knowing all of those elements that you have raised previously and this is just another alternative to the main plan but I have to craft the EIS to support this plan now and I would like to minimize the amount of work that I am doing on the current set of plans because we want to proceed in the direction of developing a preliminary subdivision plan based on this project not on the other one.

Chairman Schech asked do we want to take a vote. Are we supporting her or not supporting her.

Board Member Rogan stated I like the alternative.

Board Member Pierro stated I like the alternative with reservations we still have some issues,

Chairman Schech stated we have all kinds of issues, Board Member Rogan stated this is the first time we are looking at it, (too many talking at the same time unable to transcribe).

Board Member Montesano stated we are not crossing wetlands, we have got plenty of open space.

Chairman Schech asked Ms. Burbank how does that sound.

Ms. Burbank replied it sounds good.

Ms. Burbank asked and the mechanism we are going to work on that kind of process of getting zoning or whatever is needed.

Rich Williams stated yes.

Board Member Pierro asked so the zoning change would be to allow for larger square footages.

Rich Williams replied I am going to draft something certainly I am going to take a look at this, it is going to be in the back of my mind but I am going to draft something that benefits the Town Of Patterson now maybe it is going to accommodate them in some fashion, maybe they may need a variance or two I don't know until we get there but I think I can draft something that is going to make everybody happy.

Ms. Burbank asked and in a timely fashion so that we can proceed with preliminary.

Rich Williams replied probably six, eight weeks.

Board Member Rogan asked can I bother you for a couple of copies of the plan.

Ms. Burbank replied sure keep this one and I will send a couple more.

**Edie Keasbey** asked how long is the road.

Ms. Burbank replied the entire roadway is fifty-six hundred linear feet.

Ms. Burbank thanked the Board.

## **5) TROCCOLI PROPERTY FILL PERMIT**

Board Member Pierro asked where is Troccoli.

Board Member DiSalvo replied up by Jerry.

Board Member Pierro stated Mountain View Road.

Board Member DiSalvo stated he did a lot of work on this house.

Board Member Pierro asked have we seen this, Rich have you been out there.

Rich Williams replied I have not had a chance to get out there. I plan on getting out there before Board Meeting and getting some pictures anyway for the Board.

Chairman Schech stated so we are going to have to take a look at that one right.

Board Member Pierro stated I would say so next Saturday I can't do it this Saturday.

Rich Williams asked you are going to do a site walk on it.

Board Member Pierro replied yes I think so.

**6) MAIORANO PROPERTY FILL PERMIT**

Rich Williams stated Maiorano is a fill permit that you issued; Chairman Schech stated that we looked at last year right.

Rich Williams replied right and you gave him from last year you gave him until this September to bring the fill in well middle of September he was still kind of bringing fill in in dribs and drabs most of it was laced with concrete. I did go back there because the neighbor complained, I went back and took a look and Paul has actually issued a violation on this. The barn that you know he needed to bring this fill in for, Chairman Schech stated it is gone that was the one he was going to access. Rich stated he tore it down without a demolition permit and he intended to put it up with a three bay garage and an apartment over the top and they were getting ready to pour the footings when Paul went out there and stopped him. He is back in to renew his permit but the plans that he submitted are,

Board Member Rogan stated sketchy.

Chairman Schech stated this is the guy who wanted to con us the last time right.

Board Member Pierro stated no.

Rich Williams stated I wouldn't go that far.

Board Member Pierro stated this is the guy that brought the dirt in from Mamaroneck or from the boat yard.

The Secretary replied no that is the guy from Putnam Lake, Drago.

Board Member Pierro asked okay there is a violation issued.

Rich Williams replied and he wants to renew his permit so he can keep bringing new material in.

Board Member DiSalvo asked what is the violation for taking the barn down.

Rich Williams replied bringing fill in without a permit, bringing fill in with concrete I am not exactly sure what Paul issued it for.

Board Member DiSalvo asked so what is he going to do sift the concrete out of the fill.

Rich Williams replied I don't know we haven't gotten that far. Paul told him to get the concrete out he said it is gone I haven't been back out to take a look at it. The other issue is he didn't have a demolition permit.

Board Member DiSalvo asked how big of a building was it.

Rich Williams replied not that big.

Chairman Schech stated so no fill permit.

Rich Williams stated well that is up to you.

Chairman Schech stated no permit forget it, this guy was conning us from the get go.

Board Member DiSalvo asked can he get the violations rectified before the meeting.

Board Member Montesano stated let him worry about it.

Rich Williams stated if I could make a suggestion before you just say no you might want to take a walk out there and see what he has done either ask for more information because he really hasn't given you a lot.

The Board agreed to do a site walk.

Rich Williams stated the reality is this time of year you really don't want people bringing in fill because they are never going to get it really good and stable.

#### **7) LABOR OF LOVE TATOO PARLOR SIGN APPLICATION**

Rich Williams stated he had submitted an initial sign application, pulled it back and resubmitted.

(TAPE ENDED)

Rich Williams stated but he left the original picture in so I don't believe that is what he is putting up anymore. He is putting up two signs on either side.

Ted Kozlowski asked where is this.

Chairman Schech replied Put Lake.

Chairman Schech stated okay we will ask him what he is doing.

#### **8) T & T ASSOCIATES SITE PLAN**

Rich Williams stated we are close to being done. I talked to Gene about it and Gene and I have a couple issues about the drainage analysis that they did we don't believe that they actually showed the full contributing area for the stormwater practice but the design and I have some serious reservations about the design of the stormwater practice and its ability to adequately remove pollutants. Something that has come to light I mean I have been aware of it for awhile but it is really starting to come out now is this project takes on a whole new light is that the Town of Patterson is going to have to try to figure out ways to get a

thirty-eight percent reduction in the existing phosphorous so we are going to have to start looking at retrofitting every piece of impervious surface, every developed area, so this is now starting to tie in with T & T.

Board Member Pierro asked as part of the, Rich stated the MS-4 Program.

Chairman Schech stated yes but there was no problem with the grades going into the new section of road right.

Rich Williams replied when they actually showed us a grading plan they moved things around they have got three parking spaces on the other side of the road but they do now have a grading plan that works on the site we just need to clean up the drainage.

Board Member Pierro asked so we are talking about retrofitting the collection basins and the ponds.

Board Member Rogan stated you would not be retrofitting because you have not built it yet.

Board Member Rogan asked Rich can't we just kick this to you and Gene why does it even have to come in front of this Board.

Rich Williams replied you can give them a conditional approval.

Board Member Rogan stated well what I mean is we don't even have to have them on the agenda I wasn't even thinking that I was thinking why put them on the agenda if it is just engineering.

Rich Williams stated you haven't granted them an approval yet.

Board Member Rogan stated I realize that but what I am saying is why not it appears to me that you and Gene basically have work left on this we don't for all intense purposes we are done.

Board Member Pierro asked we haven't approved the sign on this have we.

Rich Williams replied you haven't approved anything.

Board Member Pierro replied right but we haven't even reviewed a sign yet they have that existing sign that was in violation.

Rich Williams stated yes and what we have done is we identified that it was not located on their property we now have them showing being located on their property, we do have a picture of it on the plan for your review as to what it is going to look like. Now, having said all that subsequently this week they threw up another sign at the intersection that is lit.

Board Member Pierro asked at the intersection of.

Rich Williams replied the common driveway.

Board Member Pierro stated yes I saw that when I was in there the other day picking up some stuff and I said what is that. He said it is our sign it has got two sheetrock screws holding up we will tear it down, we threw it up for sh@!@ and giggles we will pull it down as soon as you guys tell us to get it out of there.

Rich Williams stated it seems like a lot of trouble to run electricity out to it.

Rich Williams stated listen if you guys want a resolution Shawn I,

Board Member Rogan stated no you missed the whole point that I was trying to say. What I am saying is why is it even coming before the Board, let the engineering deal with and then when you guys say okay we have resolved these issues you can approve it.

Rich Williams stated sometimes you guys act as arbitrators about Gene and I want to go left they want to go right you decide whether we are going to left or right.

Chairman Schech stated so we grant them a conditional approval.

Board Member Rogan stated really stormwater is something that we don't do that on, the actual design specification and that we don't.

Rich Williams stated there is no requirement within our Code, there is no requirement anywhere for them to deal with stormwater so this is above and beyond everything else and then me saying to them you know your current design does not provide the proper pollutant pathways it is not going to get the forty, eighty percent pollutant removals that we need to achieve you have to do that, that is way over the line. That is way over and above our regulatory requirements now the Board has to decide whether it is important or not and that is where it is important to have you involved in the process so you can understand whether I am being to restrictive or they are not being.

Board Member Pierro asked how difficult is it to come up to the new threshold.

Rich Williams replied it is a cost but it is not a significant cost. My opinion they could put a bio-filtration area in at the end of this grass swale discharging out, they have to take a look at how they are going to deal with the higher volume storms and we are good to go.

Board Member Pierro stated as long as they are aware of what we are talking about then.

Rich Williams stated well I made the suggestion at the last go round with them and they just blew it right off so I am back now just putting a little bit bigger hammer to them.

Board Member Pierro asked with this conditional approval we can speak to Theresa in this regard say what about the new MS-4 regulations.

Rich Williams replied well again there is no MS regulations imposed on them it is just Board Member Pierro stated it is imposed on the Town. Rich stated we have to figure out how were are going to do it and one of the ways we are going to do it is by providing retrofits like this now either we are going to do this now or two years from now we are going to be doing it at our expense.

Board Member Pierro stated one thing that Theresa had said they are talking about we had talked about at the site the tenant asked about utilizing that apartment space the one they are losing. They are losing that illegal apartment and they are talking about utilizing that space and Theresa alluded to that fact that it may become retail as part of the store.

Rich Williams stated on the plans it lays out the percentages.

Board Member Pierro asked we are okay with those percentages.

Rich Williams replied I believe we are okay with them.

Board Member Pierro stated because I don't want to approve something that is going to come back to haunt us later on.

Rich Williams stated no we have got specific percentages, the areas of the building that are going to be used, the apartment is going to be a split level, we have got the number of bedrooms, we are still waiting for Health Department approval on this. The Health Department has not weighed in on this. The other issue is once that apartment is gone then technically that second septic system is going to be eliminated correct.

Rich Williams stated yes.

Board Member Pierro asked there does not have to be anything physically done, are we going to want them to,

Rich Williams replied they are going to have to break the connections. I don't think we are going to make them go on to somebody else's property and tear it out but they are going to have to,

Board Member Pierro stated but break the connection on their property and they are aware of that as part of this plan that they have to break that connection.

Board Member Montesano stated they should be I think we explained that.

Rich Williams stated they should be. There is nothing on the plan right now. (Too many talking at the same time unable to transcribe). What it says we are going to abandon the septic system.

Board Member DiSalvo asked yes but what does that mean abandon.

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

Board Member Pierro stated if you leave it there will be a toilet on it eventually.

Rich Williams stated we will just make sure it gets out.

**9) BUDAKOWSKI SUBDIVISION**

Ted Kozlowski stated the plans that John Karrell does not have the wetlands on it. I just looked at the plans; I know there is wetlands on this property.

Chairman Schech stated we are also waiting for the surveyors plan right.

Rich Williams replied yes but this is like any other application they never submit one hundred percent of all the details.

Chairman Schech stated site walk for Budakowski.

Rich Williams stated there are a number of issues; let's start off with the road. They have actually come in and shown a 110 foot driveway, drive to elevated standards. They are putting down eight inches of Item-4. I made some suggestions on how they are going to do that but that is the road standard. They are also putting down the road standard for the binder course but not doing the top course which I believe is what everybody wanted. They do extend it back to the intersection of the crossings. Everybody okay with that.

Chairman Schech stated except we want the road located on the line right, on the property line.

Rich Williams replied no we want the road located, yes I am sorry. We want it running down where it is right now which their property line should be in the center of the road.

Chairman Schech asked of the proposed road in other words we want their road; this is the property line we want their piece to be on this side.

Board Member Rogan stated they are only showing the right of way that they are offering, the twenty-five foot. I see here they are showing fifty but they can't construct something on the other side of the road.

Rich Williams stated yes they can because they have an easement to do that.

Board Member Rogan asked on O'Hara's property.

Rich Williams replied they have an easement going down the old St. John's right of way so they can improve the road so it goes down the center now it is only twelve feet so it is going to be skewed over to try and keep it going where the road should be going ultimately.

Board Member Rogan stated that is fine we are getting the twenty-five foot the whole length of the property line that is what we were.

Rich Williams stated what I really need is a subdivision plat to see it all laid out and they didn't give us that and I did make that note in my review that we need the subdivision plat, we need to see the whole St. John's right of way.

Board Member Pierro asked they are starting from 311.

Rich Williams replied yes.

Board Member Pierro asked they are doing the total.

Rich Williams replied well it is one of the things that Jack, Jack left his original note on the plan which I am trying to think what it was it was going to a nineteen foot wide road up by 311 something like that. I don't know why he is doing that because the requirement was twelve.

Board Member Rogan stated it shows fifteen on page 2.

Rich Williams stated all right fifteen I knew it was different than 12.

Board Member Pierro stated I think we originally asked for that.

Board Member Rogan stated it says on his note it says 130 lineal foot to be paved 20 foot wide with 8 inches of Item-4, 3 inches of Binder Course Asphalt.

Rich Williams asked why would we do that.

Board Member Pierro replied I think we did because of the intersection of 311 we wanted a larger.

Rich Williams stated maybe years ago I don't remember. Is that what you still want or do you want to hold her to the twelve foot wide standard.

Board Member DiSalvo stated I think it needs to be wider.

Board Member Pierro stated I don't think it has to be a 130 feet long but I think up front at 311 it should be wider than 12 feet. I don't think it needs to be that far in. Do you know what I am saying at least maybe the first hundred feet just for turning purposes, safety purposes.

Chairman Schech stated let's take a site walk on it and see.

#### **10) NEW ENGLAND EQUINE SITE PLAN**

Rich Williams stated they are back in neither Gene or I have had an opportunity to go through the plans yet. I do know they are back in looking for a SEQRA determination because DEC and DEP will not continue the review without the SEQRA determination so we do need to take care of that so we can keep this moving on.

#### **11) PADDOCK VIEW ESTATES SUBDIVISION**

Rich Williams stated Gene has done a review on that, he has taken a look at it, the latest and greatest plans do show the,

Chairman Schech asked they moved the road a little bit.

Rich Williams replied yes the road works now overall we are in pretty good shape. I have got to check we may be in a position to make a SEQRA determination.

Board Member Pierro asked Rich are we going to talk about I would rather talk sooner than later on the fire protection on this maybe while we are talking about Burdick Farms we can come up with a reasonable number for this as well because I think he was a little excessive.

Board Member DiSalvo asked isn't there a formula that they are using.

Rich Williams stated here is the thing; there is three standards being kicked around here. Paul's standards, ISO standards which one is 30,000 gallons within a 1,000 feet of each residential structure. Now the things going on with the fire department is if they can meet the ISO standards our insurance rates are going to go down a little bit. Are they going to go down what it will cost us to meet the standards not even close but the fire department has it in their mind that we all need to meet the ISO standards. Then there is a third standard, NFPA 1142 for rural fire fighting purposes which sets up a whole formula about how to come up with a gallons of water that is needed to fight a fire in a residential structure and it is a very complicated methodology to go through on how to determine whether you have got water resources within a given area based on your ability to haul water and the available water sources and the distance to them and travel speeds and yada, yada,.

Rich Williams stated here is my issue I think that is where we should be going is at least try to achieve 1142 based on what we would do to fight fires but frankly I don't have the time to sit down and calculate every one of these things out and these guys are not interested in doing that.

Board Member Pierro asked what do they need from us, Paddock View just a continued review.

Rich Williams replied I think we are in a position that you might want to set a public hearing.

Board Member DiSalvo asked we are still at the same number of lots right.

Board Member Pierro replied right ten.

## 12) **BRI CAR SITE PLAN**

Chairman Schech stated Bri Car is continued review.

Rich Williams stated neither Gene nor I have had an opportunity to go through it at this point.

## 13) **DUNNING SUBDIVISION**

Rich Williams stated neither Gene nor I have had an opportunity to go through it at this point.

Board Member Pierro stated we asked Dunning to do a couple of things what was that.

Board Member DiSalvo stated the trees and stuff.

#### 14) BEAR HILL SUBDIVISION

Rich Williams stated Bear Hill is back in with a subdivision concept they are down from eight lots down to five.

Board Member Pierro asked there were some problems with some of the property lot lines along Bear Hill some of the existing houses.

Rich Williams replied they have cleaned up a lot of him there is still one or two. One of them is Morrissey, they are actually giving Morrissey some land at this point to get rid of that little triangular piece which his driveway goes across. I am wondering if the Board doesn't want to consider trying to get Joe Morrissey to do a little horse trading because there is still a corner of Joe Morrissey's property that would extend into what otherwise would be the fifty foot wide right of way.

Board Member Pierro asked how do we approach Morrissey the Town has to do that.

Rich Williams replied yes I imagine the Town would have to do that. I don't know that the Developer would be interested I mean we could ask him.

Chairman Schech asked why would we want to get involved in that let them ask him.

Board Member Pierro stated because the property line to the property is in the middle of the road or right of way.

Chairman Schech stated yes but we shouldn't get involved with that.

Rich Williams stated because the issue with this corner has nothing to do with the, Board Member Pierro stated the Developer. Rich stated and it is something that the Town would be interested in doing.

Chairman Schech stated so Bear Hill the Town wants to get involved to see if we can get some property.

Board Member Pierro asked did everybody catch that.

Board Member Rogan replied no.

Board Member Pierro stated Morrissey's property, the problem with this project right along has been a lot of the former subdivision the road is on people's land. One of these lots in particular is going to get straightened out by the Developer but a corner of his property is part of the right of way.

Board Member Rogan stated got it.

Board Member Pierro stated so why we are doing it we want to fix it.

Rich Williams stated while you have the plan open Shawn and Dave one of the issues is and I don't know where Rob Cameron came up with this.

Board Member Rogan stated lot lines are all over the place.

Rich Williams stated I think Lot 3 and 4 are sub-standard lots and he somehow thinks that the Town said it was okay to do that and I am not sure where.

Board Member Montesano stated the Town should have never maintained the road the way they did since they have been going through private property every time he turns around.

Rich Williams pointed out on the plans the two lots.

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

Rich Williams stated you have the road that creates this parcel here and he is breaking this parcel into two and together they are a little bit over four acres which meets the zoning.

Board Member Pierro asked what doesn't it meet.

Rich Williams replied it meets the zoning all the way through when you break it in half now you have two sub-standard lots and I am not sure why he is doing that. I had a conversation with him and he was saying we went to the Town Board and they said where the road created a parcel they were pre-existing, non-conforming we can do what we want and everything on the plat is okay and it is all legal. I opened it up and I looked at it and said that is true with Lot 5 the one all the way down in the corner the road creates a parcel and that is fine.

Board Member Montesano stated but the other one he is creating two.

**Edie Keasbey** asked do you have the minutes of that conversation.

Rich Williams replied the Town Board Meeting March 26, 2003. There is not much there.

Board Member Pierro stated maybe this guy is misinterpreting what he is getting for Lot 5.

Rich Williams stated I don't know where he is coming from I am sure he will explain it.

Board Member Pierro stated I think four is just ridiculous.

Rich Williams asked back to my original question how many people here have not walked this site.

Board Member Rogan replied it would just be Maria because we all did when I was first on the Board.

Rich Williams asked because I didn't know if you guys wanted to do another site walk.

Board Member Pierro stated yes let's do it again.

Chairman Schech stated okay site walk. We are going to have to get out there on these site walks because it is going to snow soon.

Rich Williams asked do we want to go out and walk it before the wetlands are flagged.

Chairman Schech replied I thought that he said they were all flagged.

Ted Kozlowski replied no.

Rich Williams stated I don't think they have a clear idea I don't think the Town has a clear idea about where the wetlands are on the site and we need to get that done.

The Board agreed get the wetlands flagged first.

### 15) CHESTNUT RIDGE DEVELOPERS

Chairman Schech stated this one is all staked and ready to go.

Rich Williams stated Chestnut Ridge is the old Wimbledon Subdivision. It was a subdivision that was proposed in the late eighties and early nineties as twenty-two lots.

Ted Kozlowski stated a big wetland.

Board Member Pierro stated large many streams.

Rich Williams stated anyway they never finished it through the process and it went away, a new person has bought it and is looking to do a subdivision.

Rich Williams stated it is a long linear piece of property, it is actually rectangular it has got a one is a 2.5 ratio not that means anything to anybody.

Board Member DiSalvo asked access through the cul-de-sac there.

Chairman Schech stated there is a lot of different ways to go on this thing.

Rich Williams stated the issue is and let me just sum up what I put in the memo for you guys real quick, adjacent to this property was the old Fairview Subdivision, Manor Road and Kings Grant now as part of that whole subdivision the Planning Board had the time the requirement was a maximum cul-de-sac of 2000 feet. The Planning Board shot this one all to hell and the cul-de-sac going to the end of Kings Grant was about 2,300 linear feet and they did that because they wanted to get the road to the Wimbledon site because Wimbledon was coming in and the roads were going to connect.

Board Member Pierro stated but there is a wetland in between the Wimbledon property and the end of the cul-de-sac.

Rich Williams stated exactly so here we sit today now with this situation either we are going to make this road connection still which means going through a wetland or, Chairman Schech stated which technically has been gone through already.

Ted Kozlowski stated I haven't seen this yet so I will reserve.

Rich stated or we are going to extend Kings Way because the property owner has substantial right to have a reasonable use of the property and doing the subdivision would be considered a reasonable use of the property in which case we are now creating a very long more than twice what our Code allows closed end road.

**Edie Keasbey** stated that is okay.

Rich Williams stated or we say to them it is what it is and you can have one single lot in the back on this huge parcel or we simply say it is already too long to begin with you are not getting any development back there so those are your options.

Rich Williams stated they came in and sat with Herb and I and said this is our concept and we took one look at it and said the Board really needs to get out there really early on and take a look at this, take a look at the wetland and see whether you are going to say to them we are going to consider the original design where we are going to create this connected road to keep the traffic the circulation pattern in the Town going or we are going to say you are not going through the wetland.

Chairman Schech stated it is tough.

Board Member Pierro stated I know this property intimately, Patterson Sportsman has got this posted by the way and I see a horrible intersection there coming out on to Mooney Hill Road. There is a lot of watercourses running through this correct.

Ted Kozlowski stated this has viable wetlands.

Chairman Schech stated it has a huge wetland in it.

Ted Kozlowski stated again I am going to say no precedence guys.

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

Ted Kozlowski asked will the Applicants be here for the next meeting.

Rich Williams replied yes.

Chairman Schech stated okay site walk.

Ted Kozlowski asked Rich are the wetlands flagged there.

(Unable to transcribe too many talking at the same time).

## 16) **POPPY'S PLACE SITE PLAN**

Rich Williams stated he is coming in to store gravel, mulch and dirt.

Chairman Schech stated no.

Rich Williams stated okay well I am just saying he submitted an application.

Chairman Schech stated I don't care what he submitted no.

Board Member Pierro stated they did a backyard Sunday morning pipe over the stream and it is collapsing now.

Rich Williams stated he had Insite Engineering do a letter certifying the adequacy of that crossing and it can't be a stream because they did not get a wetlands permit and never got a violation so it can't be a stream.

Ted Kozlowski stated excuse me they did get a wetlands permit, Poppy's Place got a wetlands permit.

Rich Williams asked did they really.

Ted Kozlowski replied yes they did.

Rich Williams replied I apologize.

(TAPE ENDED)

#### 17) **FRYER MACHINE SYSTEMS SITE PLAN**

Rich Williams stated Fryer Machine is a commercial building all the way at the top of the road in Robin Hill Corporate Park. They want to do and I am guessing here a 2,500 square addition on to their building. The building is a u-shaped building and they want in fill a little bit of the u.

Board Member Montesano asked this is the one, Rich stated the old Dyeables building.

Board Member Montesano stated the Governor came in with the helicopter and the whole bit.

Rich Williams stated that is the one.

Chairman Schech stated so we have no problem with Fryer.

Board Member DiSalvo asked what kind of machine shop is it.

Rich Williams stated they make tape for cash registers the rolls of tape I believe it is either that or masking tape I never get it straight. I know from Halloween that one of them up there makes cash register tape.

**18) PATTERSON OUTDOOR STORAGE SITE PLAN**

Chairman Schech asked who is Patterson Outdoor Storage.

Rich Williams stated Patterson Outdoor Storage is a new application coming in they are building down at the end of Commerce Drive.

Ted Kozlowski asked where they are all dirt biking.

Rich Williams stated the site before that the old Patterson Materials site.

Board Member Pierro asked Liotta.

Rich Williams replied no across the street and up the road.

The Secretary stated next to Centerline.

Rich Williams stated they are proposing a fairly large building. It is going to be a two tiered building in order to do it they are going to have to raise the grade on one side by 14 feet. They want to put in what appears to be a mechanic shop, public garage on the lower level and a woodworking shop and door manufacturer on the upper level. The Board needs to take a look at this. I flagged some issues regarding traffic circulation, getting tractor-trailers in and out of the site. A couple of the big issues here; drainage, right now the drainage off of the site goes by sheet flow. It just kind of gradually finds its way down across other sites and God only knows where it goes of course when they are doing this amount of impervious surface it is now going to be changed to a channelized flow and there is no channel in which to safely discharge the water. They haven't shown any. Right to the rear of this site is 84 and it appears that (too many talking at the same time unable to transcribe). There is some issues with the proximity of this site to 84 the drainage of this site, having a stormwater pond in the proximity of 84 also Jack submitted a site plan showing just one building. He had Architects and Landscape Architects also submit plans, the Landscape Architect and the Architect submitted plans for the site showing two buildings. If that is the plan for the ultimate build out of this site by only looking at half of it you may be segmenting a review which under certain circumstances is okay and other circumstances it is not so that is something that you gentlemen are going to have to weigh about how serious is the proposal for two buildings, do we want to take a look at it.

Board Member DiSalvo asked this is an existing business somewhere else right, they have an address in Pawling.

Rich Williams replied I have no idea.

Board Member Montesano stated that is their storage facility up there I think.

Board Member DiSalvo asked where is it.

Board Member Montesano replied right next to the Beer Distributor I think.

Rich Williams asked the self storage.

Board Member Montesano replied yes.

Rich Williams stated no.

Board Member DiSalvo asked so then where would this be.

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

**19) OTHER BUSINESS**

**a. Site Walks**

Chairman Schech stated we have a lot of site walks when do we want to do them.

Board Member Pierro stated I am going away this weekend.

The Board will try to do site walks on Saturday.

Rich Williams stated if you are going to get paid for every one of these site walks that you are doing and the old policy was a maximum of three per day we are going to blow these budgets way out because we are not accounting for going out and doing site walks two or three times, and looking at signs and looking at fill permits. The question is do you really want to do these site walks, do you want to do them for free, I mean you do three, you get paid for three and then if you want to throw the fill permits and the signs in on top of it for free.

Board Member Pierro asked has there been any response or any requests from the front office.

Rich Williams replied not yet.

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

**b. Kect Construction Bond**

Rich Williams stated Kect is a bond reduction they are working on.

**c. 2005 Meeting Schedule**

Rich Williams stated the Board should take a look at that and make sure you are okay with it.

Board Member Pierro made a motion to adjourn the meeting. Board Member DiSalvo seconded the motion. All in favor and meeting adjourned at 9:10 p.m.