

APPROVED  
2/15/04 MAB

**TOWN OF PATTERSON**

**PLANNING BOARD MEETING**

**December 4, 2003**

**AGENDA & MINUTES**

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a. 2004 Meeting Schedule	36	Board approved the meeting schedule
b. Schech Lot Line Adjustment	36	The Board appointed Board Member Pierro to sign the final plat for the Chairman.
17) Minutes	37	Board approved October 30, 2003 minutes

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Herbert Schech

*Secretary*  
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*Town Planner*  
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## December 4, 2003 Meeting Minutes

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

APPROVED  
2/5/04 MRB

Present were: Board Member Mike Montesano, Board Member Dave Pierro, Board Member Rogan, Rich Williams, Town Planner, Anthony Mole, Town Attorney and Ted Kozlowski, ECI.

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

Vice Chairman Montesano took the seat of the Chairman in his absence.

### 1) **FUCA SUBDIVISION – Request for an extension**

Board Member Pierro made a motion in the matter of Fuca Subdivision that the Planning Board grants a 90 day extension. Board Member Rogan seconded the motion.

Vice Chairman Montesano asked all in favor:

Board Member Pierro	-	yes
Board Member Rogan	-	yes
Vice Chairman Montesano	-	yes

All in favor and motion carried by a vote of 3 to 0.

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

Board Member Pierro stated for the audience Carpet Design was in before us last month and they received a variance for the sign as expected and in that regard;

Board Member Pierro made a motion in the matter Carpet Design that the Planning Board grants the sign application as submitted. Board Member Rogan seconded the motion.

Vice Chairman Montesano asked all in favor:

Board Member Pierro	-	yes
Board Member Rogan	-	yes
Vice Chairman Montesano	-	yes

All in favor and motion carried by a vote of 3 to 0.

### 3) DRAGO FILL PERMIT

Vice Chairman Montesano asked is Mr. Drago here.

Mr. Drago was not present.

Board Member Pierro stated for the record we reviewed engineering reports on the soil that is being brought in from White Plains, New York and Mamaroneck, New York and based on the results of that report we would like to have another independent sample and another test done on that soil and at this point we want no additional soil brought into the area.

Board Member Rogan stated the other option it seems like of the 200 yards that they are requesting to fill 100 yards is going to be obtained by the City of White Plains that is different than the sample in question, isn't it.

Rich Williams replied yes.

Board Member Rogan stated I would also offer that at the price that they are getting it at that they just get the full 200 yards from the City of White Plains.

Rich Williams stated it is on the site.

Board Member Rogan asked all of it.

Rich Williams replied yes.

Board Member Rogan stated so the questionable fill is on site.

Board Member Pierro stated so we have no way of knowing if the questionable fill came from White Plains or Mamaroneck.

Rich Williams stated well no the test results we got were from the fill from Mamaroneck not from White Plains.

Board Member Pierro asked but was the White Plains soil tested as well.

Rich Williams replied I don't recall but at this point it is on the site so if we are going to go out we are just going to grab samples from the site.

Board Member Rogan stated so what we are left with Rich is we have got fill on site that we are looking for a permit for we don't know if it is safe basically or if it is clean. So, what we need then is a series of samples from the soils so we know what we are dealing with we are talking about lead right now so let's know what we are dealing with and if it is not appropriate then we will have it all removed. They put the cart before the horse.

Board Member Pierro stated there is no permit and asked is there a Stop Work Order required in order to prevent any further soil being brought in.

Rich Williams replied it would probably be the more prudent course to take. There is not a Stop Work Order issued at this time.

Board Member Pierro asked can we do that on a recommendation.

Rich Williams replied if the Board would like to make a recommendation then,

Board Member Pierro made a motion in the matter of Michael Drago Fill Permit that the Planning Board has the Building Department issue a Stop Work Order for any fill, Board Member Rogan stated until we get the sample results. Board Member Rogan seconded the motion.

Vice Chairman Montesano asked all in favor:

Board Member Pierro	-	yes
Board Member Rogan	-	yes
Vice Chairman Montesano	-	yes

All in favor and motion carried by a vote of 3 to 0.

Vice Chairman Montesano stated it should also be noted that make sure he understands no other fill is going to be brought in. If he brings in another truck load he can take it back out.

**4) EMPIRE POWER TOOL - Sign Application**

There was no one present representing the application.

**5) EASTERN JUNGLE GYM**

There was no one present representing the application.

**6) NOBLET SUBDIVISION**

Mr. Noblet stated he was here but he was waiting for his Engineer.

Vice Chairman Montesano stated we will come back to it then.

**7) MARSDEN/BAUMAN LOT LINE ADJUSTMENT**

Mr. & Mrs. Marsden were present.

Board Member Rogan stated I just have a question, it is a real small lot line adjustment what is the purpose of the need for the adjustment.

Mr. Marsden stated the property in question, you can see here (referring to the survey map) the swing set is already on here, we have been using this and the current owner has been using that property for probably forty years and we went to put this pool in, we never really realized how close this property line really was. We went for a variance for the pool and you just can't clear that. The pool is right on the property line so we approached the Bauman's about the lot line adjustment, Board Member Rogan stated and they were receptive.

Vice Chairman Montesano asked is there any other questions on this.

Board Member Pierro replied Mr. Chairman I have no other questions on it. I think it is pretty straight forward.

Vice Chairman Montesano asked for a motion.

Board Member Pierro made a motion in the matter of the Marsden/Bauman Lot Line Adjustment application that the Planning Board grants the application.

Board Member Rogan stated SEQRA first.

Board Member Rogan made a motion in the matter of the Marsden Lot Line Adjustment that the Planning Board grants a negative determination of SEQRA. Board Member Pierro seconded the motion.

Vice Chairman Montesano asked all in favor:

Board Member Pierro	-	yes
Board Member Rogan	-	yes
Vice Chairman Montesano	-	yes

All in favor and motion carried by a vote of 3 to 0.

Board Member Rogan made a motion in the matter of Marsden Lot Line Adjustment application that the Planning Board grants the application with the four conditions contained in the November 25, 2003 memo. Board Member Pierro seconded the motion.

Vice Chairman Montesano asked all in favor:

Board Member Pierro	-	yes
Board Member Rogan	-	yes
Vice Chairman Montesano	-	yes

All in favor and motion carried by a vote of 3 to 0.

Mr. Marsden thanked the Board.

#### 8) HAMILTON LOT LINE ADJUSTMENT

Mr. Hunter Pollock was present representing the application.

Board Member Rogan asked Hunter are you here for Putnam Land Trust.

Mr. Pollock replied I am also representing the Hamilton's.

Mr. Pollock stated back in 1997, the Putnam County Land Trust acquired what we call the Sterling Preserve from Edie Keasbey and Tom Keasbey and that is on Couch Road and that is over on this side and then the beginning of last year we did a lot line adjustment with your Board on the Luschinsky parcel and that ended up being, it was supposed to be attached I guess it wasn't completely attached or was not on the plat, Rich was saying but the concept was we did a lot line adjustment on this piece which is Luschinsky and that was to be absorbed into the Sterling Farm Preserve because this is an irregular lot, it is land locked and it was the only way that it would really work. So, we are here tonight to talk about the Hamilton piece, this is the Hamilton property as it exists now and again, I am representing Bill and Sheila Hamilton and they have an interest in doing a lot line adjustment on their parcel. The total acreage is 51.43 acres, they want to divide off their residence in this small piece here which is 7.64 acres, and then this part would become owned by the Putnam County Land Trust and would merge with Luschinsky and also the Sterling Farm Preserve.

Board Member Rogan asked the idea being you are trying to get a contiguous piece of property for the Putnam County Land Trust.

Mr. Pollock replied yes building on preserves we already own at this time. It has been a long term goal to acquire this as a matter of fact when we were working on Sterling back in the mid-nineties we were also working on Hamilton and then things changed and now it has come back and we have the opportunity to do this at this time. That is the concept, they would retain this piece here, and the Land Trust would retain the rest of it which is approximately 43.8 acres that would then be absorbed into Luschinsky and Sterling.

Board Member Rogan asked so when we are all said and done here the 43 acres that we are subdividing off or dividing off by lot line adjustment will be combined and will have one tax i.d. for this new parcel that will be part of Sterling or will it be it's own lot.

Mr. Pollock replied it would all be one lot.

Board Member Rogan asked but that is not before us tonight to actually combine them all together just the breaking apart from one to two.

Rich Williams stated the proposal tonight is a lot line adjustment as part of that I did flag in the memo and there is a note on the plat that this would be merged in with the other parcels but at this point because the other parcels have not been merged I am suggesting at this time they all get merged together.

Board Member Rogan asked does that get done by Putnam County, George.

Rich Williams replied either Putnam County, George should have picked it up when the plat went through or we can have our Assessor's do it downstairs.

Mr. Pollock asked Rich a question regarding street frontage, (unable to hear his question).

Rich Williams replied that might have to be adjusted it should be a condition of the plat.

Mr. Pollock stated the street frontage is a little short as well. We have two hundred and it should be two hundred and twenty-five so what would happen is this line here would be extended out to twenty-five.

Board Member Rogan made a motion in the matter of William and Sheila Hamilton and Putnam Land Trust that the Planning Board grants a negative determination of significance of SEQRA and grants the Lot Line Adjustment as set forth to include the three comments in the Planning Board's December 4, 2003 memo and adjusting the road frontage on the plat to meet the Code.

Board Member Pierro asked do we need wording in there, do we satisfy the requirements of combining all the lot lines in that section three in your memo, Rich.

Rich Williams replied we will make sure they get combined as part of filing of this plat.

Board Member Pierro seconded the motion.

Vice Chairman Montesano asked all in favor:

Board Member Pierro	-	yes
Board Member Rogan	-	yes
Vice Chairman Montesano	-	yes

All in favor and motion carried by a vote of 3 to 0.

Mr. Pollock thanked the Board.

9) **NOBLET SUBDIVISION**

Mr. Steve Miller, Engineer with Badey & Watson and Mr. Noblet were present.

Mr. Miller stated we were here last month with an initial submission for a two lot subdivision. The Wetlands Inspector had made a site walk, I would like to go on the record and apologize to the Wetlands Inspector for incorrectly spelling his name on my letter to the Town.

Ted Kozlowski replied shame on you.

Mr. Miller stated some of the outstanding issues were the wetlands which I believe we have addressed but maybe my only concern was that your letter you had some comments that said you had put some signs up.

Ted Kozlowski replied yes.

Mr. Miller asked what do the signs look like because I think we might have missed them.

Ted Kozlowski replied very, small, yellow square signs not loud.

Mr. Miller asked how far apart.

Ted Kozlowski replied they are fairly close maybe a hundred feet apart.

Mr. Miller stated my only concern was we had flagged this little piece down in here and you had said it was slightly larger than what we had flagged.

Ted Kozlowski stated actually on the other side of the fence on the Burdick side.

Mr. Miller stated my only concern is what we have here is representative of what is there.

Ted Kozlowski replied yes my whole point is that you have to acknowledge that it is regulated wetlands.

Mr. Miller replied and I believe we have unless you believe the wetland boundary to be larger.

Ted Kozlowski stated the other issue well it is not an issue with you just yet but that wetland is connected to Wetland 3 of the Burdick Farm, Mr. Miller replied I understand. Ted Kozlowski stated and it appears that it is much larger than 12.4 acres in total size and I understand that DEC is going to be revising their maps next year, I spoke with them last week in Patterson specifically they are going to upgrade their wetlands maps and this may be now a new State wetland just understand that. It is also regulated by the Town no matter what the DEC does it is still regulated by the Town.

Mr. Miller stated and I think,

Ted Kozlowski stated the other thing is that whoever flagged your wetland was kind of generous and we are actually saying that some of that wetland that you flagged is not wetland. This is a first.

Mr. Miller stated the other issue which we haven't resolved at all and we understand that the Planning Board did not get a chance to walk it that was mostly because they were not notified in time was the reservation for area of 25 feet from the centerline of McManus Road. Mr. Williams indicated I am sorry the subdivision regulations indicate that the Town requires a 25 foot strip. I read my copy of the subdivision regulations and if you will allow me; reservations and easements number "c", realignment for widening of existing streets, where a subdivision borders an existing town, state, or county road and that road boundary is less than fifty feet or the road alignment is such that there does not exist a distance of 25 feet between the centerline of the road or traveled way and that the highway boundary or where the town, county or state has a plan for realignment widening of the road that would require reservation of some land of the subdivision the Planning Board may require that such areas be shown and marked on the plat and reserved for street alignment or widening purposes. It does not appear that it is a requirement. It does not appear that the Town is obligated to require the Applicant.

Rich Williams stated it has typically been the practice for the past fifteen years.

Mr. Miller stated I understand that.

Rich Williams stated that we do that in every instance and it is as you correctly noted in the language it is at the discretion of the Planning Board.

Mr. Miller stated if I may, the drafter of the subdivision regulations I believe put the word may in there such that for the reason that the Planning Board could look at individual submission and decide.

Rich Williams stated I was the last drafter of the subdivision regulations, it is in there because it gives the Planning Board discretionary authority.

Mr. Miller replied okay so that being the case Mr. Noblet would like not to have to offer that area. It is at the Planning Board's discretion.

Vice Chairman Montesano stated we will save you a lot of time and trouble we have a 25 foot statement that we have done for the last fifteen years how does anybody feel about that.

Rich Williams stated well I think Mike, it might be advisable just to leave it where we left at the last time, Vice Chairman Montesano stated we will go out and do the site walk. Rich Williams stated we are going to do the site walk and take a look at it.

Board Member Pierro stated and hopefully we can get out there before we have a blizzard.

Mr. Miller stated we took some pictures so you can see, Mr. Noblet's concern is there is some stonewalls that are currently marked in the boundary line through this area here.

Board Member Pierro stated we did cross those stonewalls we are all familiar with them.

Mr. Miller stated if you see some of the pictures, some of the stonewalls are six feet tall. Another thing is, this property dates back to the early nineteenth century, the concerns is that this is a historic area that we would prefer not to give up with the idea that possibly some day the Town is going to come through, widen the road, remove the wall and remove the historic structures that are in here.

Mr. Noblet stated and the trees.

Board Member Rogan stated I think that the likelihood is that the Town is not going to need that area for widening of the road that would require, if you notice your pictures show that the other side of the road the person across the street has a beautiful wall that is even closer to the road and I am sure that they would not want their wall removed either and I think especially with the historical nature of the house they would, I think there is enough room that they would not have to touch that but I am not willing to say that in the event of future need that we can't do it.

Mr. Miller stated this is a sketch that we did, this heavy line here is the existing highway boundary along the stonewall, this line back here is the line 25 feet from the centerline of McManus Road, I have also mapped the highway, the existing highway boundary along the opposite side and a line 25 feet from center just to give you some idea of what the width is there. Now, the road for the most part the existing right of way is 30 feet wide for the most part, here it crams down to about 23 feet, here it is about 24 feet, the Town in the last from what Mr. Noblet tells me the Highway Department came out about three years ago and re-paved McManus Road to a width in some places almost 20 feet,

Board Member Rogan stated paved it for the first time not re-paved.

Mr. Miller stated and I think when you go out there you will see, I think the concern might be that the road needs to be widened in order to have traffic pass through it, I think when you get out there and see it you will see that there is quite a bit of room of pavement for truck travel, car travel and that the likelihood of the Highway Superintendent deciding to widen this is probably pretty slim. I would be willing to defer to the Highway Superintendent and ask his opinion about it. Our concern is if the Town truly wants to preserve these historic features that we don't need, Mr. Noblet does not need to provide a widening strip and that we would prefer not to.

Board Member Rogan asked where does your stonewall, run something along.

Mr. Miller pointed out the stonewalls on the plan for the Board.

Mr. Noblet stated something with regards to Black Walnut trees and deciduous trees on the property (unable to hear) the fact that the house is from 1815 and I am trying to maintain the character of this property and I don't want to give up,

Mr. Miller stated another point is if we offer for dedication a line 25 feet from center it forces this house to be in violation of the zoning setback and the sheds to be in violation of the zoning setbacks. I don't know what affect that has by doing this the Town may create a violation for Mr. Noblet, does he have any relief of the problems.

Rich Williams stated the Town would create a non-conforming situation for the lots similar if the Town came in and did a taking but because it is a Town action, and Anthony you may want to jump in here at any point but because it is a Town action, it is a government action then it is not a violation but it does create a non-conforming situation.

Mr. Miller stated I have a question and this is to the Town Attorney, in these cases where people offer for dedication these areas to the Town and it has been my experience in the twenty years that I have been doing this that I have never seen a Town come in and actually I am sure that they have but I have never seen it.

In the instance where they would come in and exercise their right to take this strip what is the compensation to Mr. Noblet. What is his compensation.

Mr. Mole replied I am not sure I would have to research that.

Board Member Rogan stated he gets a better road to travel, a safer road and so does everybody else.

Mr. Miller stated then if that is the case then the Town is denying Mr. Noblet his due process under the U.S. Constitution which says that the municipality can't come in and take land without just compensation. This offer of dedication is not necessary for the successful completion of this subdivision. It is not like a fifty lot subdivision where you are going to provide open town roads up to fifty feet wide. This is existing. It is not going to make any difference to this subdivision so I won't take any more of your time.

Vice Chairman Montesano stated let's go out and look at it and then we will come to a decision on that.

Board Member Rogan asked the house location and the proposed, Mr. Miller stated all the proposed improvements have been staked yes.

Board Member Pierro stated I hate to beat a dead horse but Mr. Noblet had come in before the meeting started and spoke of a pipe,

Mr. Noblet stated as you can see where it slopes here and you have a little running water going to the stream which is here coming from the Burdick Farms and now they are putting drains and one of the drains I think is near the property line so I was just concerned because of all of this is water going to come on these slopes and the erosion is going to be even worse.

Rich Williams stated they can't just discharge water on to your property so we are going to have to take a look at it so, like I said I have not been out in the field I don't know what it looks like I am going to have to go take a walk.

Mr. Noblet stated right now it is not (unable to hear the rest of his statement).

Board Member Pierro asked Ted did you observe this when you were out there.

Ted Kozlowski replied no I didn't see it.

Rich Williams stated this is all brand new.

Board Member Rogan stated this is a couple days old.

Mr. Noblet stated Lots 29, 30, 31, 32 there is huge gravel stocked.

Rich Williams asked Steve, if possible is it possible to get a couple of the larger scale maps.

Mr. Miller replied absolutely.

Rich Williams stated just so when we go out in the field it might help to look at the conditions.

Mr. Miller thanked the Board.

## 10) THOMAS SUBDIVISION

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

Ms. Ryan stated based on the engineering comments from the Board last time,

Board Member Rogan stated I think it looks great. I noticed that the comments state that the entrance to 164 was going to be as far east as we could possibly go and it looks like it has been moved as far east.

Ms. Ryan replied yes.

Board Member Rogan stated I thought that was where it was originally shown there is not much really else you can do with that.

Ms. Ryan stated it was just actually you can barely see it on the plan. She showed the Board the original entrance on the plan. We didn't move it very far.

Board Member Rogan stated but as much as you can get it will help plus it is more aligned with the cross street. I am fine with it.

Ms. Ryan stated it is a bad turn. It is tough to get in from this direction the way it is now.

Board Member Pierro asked has D.O.T. approved that.

Ms. Ryan replied yes because when we meet with them we meet the local engineer and eventually it will have to go to Poughkeepsie for a permit.

Board Member Pierro asked Rich, can you refresh my memory we had some discussions about if we approve this subdivision could there be any further subdivision of the large lot in the rear, Lot #1.

Rich Williams stated right now the way things are laid out yes there could be but again, one of the things I believe that we talked about was the fact that this is within the open development overlay zone and maybe some discussion the Board needs to have as far as why this isn't a cluster subdivision and how we can address that issue and what the future potential of subdividing that last parcel out there might be.

Board Member Pierro asked would a town road be required later on.

Rich Williams replied it raises an interesting question about what you are going to do with this road. Whether you are going to make them do it to town road standards, whether you are going to consider it a road and have them break it out as a separate parcel and just down size the standards or whether you are going to allow them to do it by an easement.

Board Member Rogan stated I guess if we knew what the future build out was we could better ascertain what would be needed for the road. Are we looking at one more lot, two more lots.

Ms. Ryan asked Mr. Thomas.

Board Member Rogan stated I guess what we are concerned with is not what you are planning now but if there is ability to put one or two more lots we want to design for it now that is all. We are not opposed to you necessarily wanting to do that we just would like to gear it towards not making a mistake now and limiting it based on the abilities of the road.

Mr. Thomas stated I don't plan on building it but,

Rich Williams stated Theresa, you may want to talk it over with your client about whether he has any intention of keeping the development rights open or if not if he wants to deed restrict the lots to prevent further development. That may dictate the course that the Planning Board takes as far as road design and some of the other amenities that may be necessary. You don't have to make a decision right this minute.

Board Member Pierro stated the septic on Lot 2 says there is no intrusion into that lower level.

Board Member Rogan stated that was originally proposed to be the septic for Lot 3 if I remember.

Ms. Ryan stated that is right it was the Lot 3 septic.

Board Member Rogan stated and this lot line has changed now because this flat area down in here was originally the septic so we moved it and that makes sense.

Board Member Pierro stated I am happy with the way it has evolved thank you.

Board Member Rogan stated I have no problem with it.

Ms. Ryan thanked the Board for their input.

Ms. Ryan asked could we start SEQRA.

Rich Williams replied no we cannot.

Ms. Ryan asked could we get sketch approval.

Rich Williams replied no we don't do sketch approval. What we can do is declare it a major subdivision because of the issue with the road and the access and then Theresa, if you want to submit preliminary subdivision plat then we can get going on this.

Board Member Rogan made a motion in the matter of Thomas Subdivision that the Planning Board declares this application a major subdivision. Board Member Pierro seconded the motion.

Vice Chairman Montesano asked all in favor:

Board Member Pierro	-	yes
Board Member Rogan	-	yes
Vice Chairman Montesano	-	yes

All in favor and motion carried by a vote of 3 to 0.

**11) PUTNAM COUNTY NATIONAL BANK SITE PLAN- Front Street**

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

Board Member Rogan asked Theresa, the paperwork says that the first floor is going to be retail any idea what that would be because,

Ms. Ryan replied not really.

Board Member Rogan stated not knowing what that would be I would be hard pressed to waive having a loading area in the back of the place. I guess if I knew what the space was going to be, if it was all office space for instance or say it was going to be a bank you could say well maybe they don't need a loading area but to say it is going to be retail and not know I think they need a loading area. I would hate to see all those trucks pulled out on Front Street with no place to go.

Ms. Ryan stated we would have to sacrifice parking spaces in order to do that and we are already asking for a waiver for that but that is your call.

Board Member Rogan stated maybe they could give us a better idea of what they want to do.

Ms. Ryan stated because this is pretty much a spec building we don't really know what it is going to accommodate at this point.

Board Member Rogan stated I guess the flip side of that is without the loading do we have any control to limit what goes in.

Rich Williams stated the flip side is you plan today for what you are doing but tomorrow may be different so you have to plan for tomorrow also so simply because the uses in there today may not require loading the uses tomorrow may.

Board Member Rogan asked if you approve a building with no loading you would think that a person that was interested in renting that space would look to say hey we need loading area and that is not a good building for us.

Board Member Rogan stated I hate the idea of businesses all unloading out on Front Street like they do on any Main Street in a town. It blocks traffic all over the place because there is no place to load. I don't think Rich liked the design architecturally speaking or have you guys spoken about that.

Rich Williams stated very briefly. I did put it in the memo.

Ms. Ryan stated which I just got I did not get to read the whole thing but I am sure it is in there.

Ms. Ryan stated keep in mind too that the scale of the building, these were taken by photograph and this was a 2-D sketch that we were trying to fit in and try to make it look like the doors and the first floor match that but when we did that other things are a little bit out of proportion. It just gives you a general picture but it is not necessarily the way the building is going to look. It is kind of hard to represent when you are using two different types of views but it is just to give you a general idea of what the building is going to look like.

Board Member Rogan stated generally speaking I think it looks fine.

Ms. Ryan stated and as far as the loading, I don't think it would be large trucks it would probably be box type trucks deliveries and we do have a loading space here in front of the dumpster.

Vice Chairman Montesano asked did you ever see one of those trucks when you order something and it just comes in one of those forty foot long boxes and they sort of park covering everything in sight for six hours.

Ms. Ryan stated that is never going to make it back there.

Vice Chairman Montesano stated that is what I mean.

Rich Williams stated Shawn, if this is a genuine concern and it sounds like it is perhaps we could draft some sort of note that would be placed on the plat which might further limit the uses that otherwise would be permitted at this site because it is in a General Business District to uses which would minimize the requirements for having loading spaces.

Board Member Rogan stated I would be fine with that.

Board Member Pierro stated I would be fine with that and I also would be happy with even the possibility of an agreement between the adjoining property owner who has access from the adjoining street to the rear of his building.

Board Member Rogan asked behind Jimmy's.

Board Member Pierro replied behind Jimmy's where the pop-up is occasionally stored, it is only there three, four months of the year but if you think long term there may be some advantage if Jimmy may decide to modify his building in some way in the future and he may require an easement around the back in utilizing that driveway on the southerly side of this building and that may be an answer to that loading problem. It is only a suggestion.

Ms. Ryan stated we do have to limit it because we are not going to get like a WB-40, you are not going to get anything like that so we can put some notes on limiting the type of vehicle that we would use for loading.

Ms. Ryan stated in our response to Rich's previous memo we indicated that we had ten foot wide sidewalks it was suppose to say six foot wide which is reflected on the plan. The only place that it is ten foot wide is where the openings to get to the building are. We have also asked for waivers for the topography, two foot contours.

Board Member Rogan stated I think that is fine it is flat as a pancake.

Board Member Rogan asked there was one other wasn't there.

Ms. Ryan replied the loading, the parking, (TAPE ENDED).

Rich Williams stated before we go too much further it might be good to understand a little bit more about the drainage before waive the requirement of topography. It may be necessary to know where the drainage is going unless you think you can somehow design without it or that we can understand your design without it. Considering the site I don't think there would be a problem using assume datum.

Ms. Ryan asked is okay if we just give enough information instead of topo-ing the whole site.

Gene Richards stated first of all understand our office has not reviewed the project yet. You are showing the building and paving pretty much through out the lot we don't know what is happening with drainage and Rich raises a valid point. It is not a large lot that if you were to have to get topographic information it would not be a big hit financially and I really think that you would need that. The toughest parcel to design with grading is a flat parcel and this is fairly flat. You want to make sure that you do not impact the adjoining properties so my recommendation would be yes you would want to see topo's so that when she does the drainage design we can know that it is not going to impact any of the surrounding properties.

Board Member Rogan asked what does topo look like on a lot if it doesn't have a difference of elevation change of two feet from one side to the other.

Ms. Ryan replied spot shots which is what we were proposing to.

Gene Richards replied for one foot contours whatever it would take in order to show enough information that you can do the grading properly.

Rich Williams stated this isn't Kentucky where everything goes in the ground.

Board Member Rogan stated the parking we had spoken about a couple months ago because there is no way they could provide the parking but there is also parking available because of the railroad station I don't remember that as well it was a few months ago that we spoke about that maybe more.

Rich Williams stated yes as I recall you had a concern about the trade-off between the parking in the back and the ones that we were losing on the street. The issue of parking out on Front Street is one where we have as part of the construction of the Metro-North parking lot and turning that parking lot over to them the Town has entered into a lease agreement to utilize twenty spaces down at this end. It is a limited duration, it is as long as the parking lot does not fill up. It is a hundred and forty spaces so maybe it is going to go quick like Brewster North rather maybe it will not. We have use of it until there is such a demand for parking that they are going to take it back.

Board Member Rogan asked Theresa, with this design, with this kind of jog in the property line are we losing these spots, can we keep them.

Ms. Ryan replied I guess that is a question for the Attorney.

Ms. Ryan explained the plan to the Town Attorney and stated the property comes out into Front Street and also covers the entire sidewalk. That was a question that Rich raised that it was an issue.

Board Member Rogan stated because I would love to see something done with that that we can keep those spaces even if it means doing a lot line adjustment, if it is a matter of liability. I don't know what the issue is. It is five spots.

(Unable to hear Mr. Mole's response – no microphone).

Rich Williams stated it may be something that your office needs to take a look at.

Mr. Mole replied yes. I would imagine that those spots would be counted as parking.

Rich Williams asked do we need any sort of cross easements to put them in.

Mr. Mole replied I would think so.

Board Member Rogan stated you are obviously not going to provide 28 parking spaces on this site.

Board Member Pierro stated I think we have to be a little creative.

Board Member Rogan stated this one is for Rich, as we are looking at the plan back, right side of the building I want to make sure that with that drive area that it does not turn into a Dunkin Donuts corner because that looks pretty close to that turning radius. There is a corner of Dunkin Donuts which is incredibly close to the turning radius for large trucks because it kind of over hangs into the drive aisle and not that this building is proposed that way but I want to make sure that it is not proposed that way.

Rich Williams stated we are going to have to get more detailed architectural plans.

Board Member Rogan stated I thought that I would throw it out there at the early stage.

Rich Williams stated and I appreciate that but I think inter-departmentally we now realize that things need to be built as they are approved.

Board Member Rogan stated so it sounds like and I am speaking for the Board I will stick my neck out that we can probably clear up the loading issues, we are going to find out legally about the parking spots and I think we talked about the waiver of the parking spaces, I think we all want to maximize parking spaces but I think we can probably deal with that and the other one was what, the topographic contours I think you lost on.

Ms. Ryan stated there was also a question of buffering the rear property and there again we are very limited with space and we are proposing a six foot high wood fence the type to be determined but vegetation is going to be tough to establish there, trees or anything because of the limited space.

Board Member Rogan stated you know when they look at parking spots I saw once in a book somewhere that they could do diamond shaped plantings in the center of a parking lot. It doesn't reduce any of the parking area and I am wondering if that holds true for parallel parking. Do you know what I mean in a large

parking area if you are going to put in planting areas they said you could run them on a diagonal, diamond and you don't lose any spaces basically.

Rich Williams stated right the planting and stall spaces are designed slightly different so that they are not true rectangles. That diamond is very limited though as to area what you can plant in it but certainly you can, I don't know that we can do it out here.

Board Member Rogan stated no we can't.

Board Member Rogan asked here is a question, would the neighbors behind be willing to allow planting on their property if the Applicant provides the screening. That is something I think you should ask. If we can get greenery planted maybe they want that and the fence but I think that would be worthwhile.

Ms. Ryan stated that would be preferable to a fence because even the fence is going to be tough to maintain there, people are going to back into it. You have to have a certain distance for that too.

Board Member Rogan stated of course then the argument comes up if we do a living fence, a living fence grows and gets larger, and we don't have the room for it to get larger right. People will pull the cars in and in three years they are going to be scratching them into shrubs so that does not work either.

Ms. Ryan stated it depends on what you are planting too, vertical.

Ms. Ryan asked so what is our next step.

Board Member Rogan replied get some answers on some of these questions.

Rich Williams replied yes give us some more detail about what you are going to do, you might at this juncture want to talk to some of the neighbors and so on, get us topography. We need a little bit more detail before we can really get into the procedural aspects of the project.

Ms. Ryan asked based on everything else though you are good with the position of the building, the size.

Board Member Pierro replied at this point yes.

## 12) RYDER ROUTE 311 SITE PLAN

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

Board Member Pierro asked have they fixed the gutters on this place yet.

Ms. Ryan stated it is part of our application. We are going to connect them all and discharge to the channel. He has to get an approval first.

Board Member Rogan asked where are we at with this Ted.

Ms. Ryan stated basically we are as you know we already received a permit to create a channel here which seems to be equalizing the water on the other side of the pipe and keeping most of it off the parking lot so

the proposal is to resurface this parking lot. The Applicant has not been able to lease this space (referring to the lower level) because of the condition in the back and he would like to make the improvements, put the gutters up, put the roof drains in, and resurface this area. There is also an encroachment of his pavement on to Patterson Commons property and he would like remove that. That is the limit of the work that he is proposing at this time.

Board Member Rogan asked how is the pavement that is proposed where is that all going to be pitched to, I mean it is,

Ms. Ryan asked the gravel.

Board Member Rogan asked the pavement that he proposes.

Ms. Ryan stated there is no pavement.

Board Member Rogan asked it is going to be gravel.

Ms. Ryan replied it is gravel now, he is just proposing to pitch it back towards this channel.

Vice Chairman Montesano stated he is going to put just strictly gravel in there, we don't want blacktop because blacktop on there is just going to cause a major problem.

Board Member Rogan stated they are not proposing blacktop.

Vice Chairman Montesano stated I am not worried about what they are proposing what I am looking at is the reason why I don't ask for it. I would assume right Ted if we put blacktop on there it is going to create more of a problem.

Ted Kozlowski replied well if it is wet I don't know if blacktop is going to take freezing and thawing. It is a high water table there. Theresa, refresh my memory did this Applicant pay an application, I know he filed on our insistence a wetlands application when he did the experiment with the trench out there, did they pay a fee because what is happening now is, we tried this now we are going to do that. It is like a wetlands permit in piece meal, next month you will come to me for what next.

Ms. Ryan stated he paid it with this application, 425.00.

Ted Kozlowski stated but that was for the swale now this is, Ms. Ryan replied no that is for this, let me see if he paid on the other one.

Rich Williams stated if I could just clarify both the site plan and wetlands application were filed on this latest submission.

Ms. Ryan stated yes and we paid both fees.

Ted Kozlowski asked but Theresa is this it or is there another phase to this.

Ms. Ryan replied depending on the tenant if they get somebody in there that requires parking there will probably be additional work proposed. We have to provide parking spaces.

Ted Kozlowski stated from a wetlands standpoint I mean we are you know last fall we were looking at the trench to improve the drainage and now we are looking at putting the gravel in which is not a big issue for me but you know what is next, where does it stop. When does the Applicant say okay I have taken this as far as I am going to go.

Ms. Ryan replied well like I said if he finds a tenant in here that is going to require parking then we are going to have to provide that or get a waiver. If we don't get a waiver then we would have to provide parking somewhere in the back here and as you know the wetland is right up to the edge of the existing parking. This is all wetland ground.

Ted Kozlowski stated the parking lot is in the wetland basically. That gravel area is in the wetland. Where did they park before when he leased to the woodworking guy.

Ms. Ryan replied they parked in here but it was mostly trucks and loading spaces. There is three, two overhead doors in the back.

Vice Chairman Montesano stated I thought there was three.

Board Member Rogan stated I don't remember.

Ms. Ryan stated two or three.

Ms. Ryan stated and we may have to put parking in here.

Ted Kozlowski stated just understand this current application just reflects this gravel so next month if you come in for the parking it is a whole new wetlands application.

Ms. Ryan replied yes that is right a new fee and everything.

Vice Chairman Montesano asked Ted, he wants to remove that infringement, the parking is that, Ted Kozlowski asked do you mean the asphalt. Vice Chairman Montesano replied yes should that be done.

Ted Kozlowski replied I have no objection to that.

Vice Chairman Montesano stated I just want to make sure it is not going to create a bigger problem.

Ted Kozlowski asked how does he propose to do that.

Vice Chairman Montesano stated that is the question.

Ted Kozlowski asked are a few laborers going to come in and pull it out by hand.

Ms. Ryan stated it is a little piece they can saw cut it.

Ted Kozlowski asked are you sure about that. Is that Theresa speaking or is that the Applicant speaking. I don't know we have been burned before.

Ms. Ryan replied but not on this one. We did what we were supposed to do.

Ted Kozlowski stated yes you did and you did a good job but I would rather see gravel there than asphalt because I don't think asphalt is going to hold and it is impervious surface but I mean if you don't get the gravel he is not going to put the gutters up is that the deal.

Rich Williams asked Theresa, it is obvious that one of the problems with the rear area is the amount of water that is going through there and has anybody given any serious consideration to looking at managing the stormwater before it gets to that point.

Ms. Ryan replied it is really not that big of a drainage area.

Rich Williams replied it is obviously big enough so it is creating a problem in the back.

Ms. Ryan stated one of the other problems which I think is a bigger problem is that the adjoining property has a pipe that is too high and I was going to ask that question anyway; how is the Town.

Rich Williams stated I would beg to differ with you when the water in the channel that you improved is lower than the water that is sitting on the surface of the parking lot that begs that there is another issue going on out there.

Ms. Ryan stated well actually the finished floor of the basement is higher than that pipe on the adjoining property and there is still water in this channel. If there is water on the other side of this pipe this channel is at that water elevation and what happened was on the adjoining property the pipe got put in and it was too high and it really should have been about one and a quarter lower which would help this situation greatly if that pipe got lowered to the design elevations.

Rich Williams stated the Town is currently evaluating the bonds because there are several; looking at the wetland vegetation making sure it was all planted, Ted Kozlowski stated it was planted but survived. Rich Williams stated and some of the other issues out there and as part of that we are also looking at the pipe and we do recognize that there is a discrepancy in what was placed on the design plans and what actually got constructed and that is going to have to be addressed before we release any bonds. We actually haven't done anything yet in contacting Benderson about that because we are trying to get everything looked at as far as where we are with the bonds and what the outstanding issues are.

Ms. Ryan stated Rich also mentioned that there is a section of the Code that says this possibly may not need a site plan and you could possibly waive the site plan requirement.

Vice Chairman Montesano stated waive the site plan I think we will hold off until the next meeting.

Rich Williams stated the only other thing that I was going to add on that if you were of a mind to waive the site plan most of the issues on the site revolve around the wetlands permit and they would still have to address these issues through that mechanism.

Board Member Rogan asked what do you think David I don't remember what the other two felt at the work session meeting, Herb and Russ.

Board Member Pierro stated we all agreed that there should be some sort of stormwater plan for the gutters in the front so that they don't feed water around to the back of the building and make the problem worse.

Ms. Ryan stated there really is no place else to take it.

Rich Williams stated but there are different ways to do it and make sure that it does not create a problem or make a problem worse and I think we need more detail on how that is going to be done.

Board Member Pierro stated there is some area to the west side of the building there where the dumpster is located that I think we discussed maybe an area where it could contain some water.

Ms. Ryan asked subsurface.

Board Member Pierro stated we hadn't looked at it but we, Rich Williams stated that is where the septic system is I don't know how. Board Member Pierro stated is that where it is okay.

Ms. Ryan stated and the further down the hill you go the wetter it is and I don't know that we would be able to infiltrate closer to that wetland.

Rich Williams stated when I talk about managing it infiltration is not really an option on this site. I am looking more at directing and controlling I mean even grass swales are going to have water ponding in them.

Board Member Rogan stated so what we are saying is get the water into the gutters, get the gutters into the system, get the water out of the site more or less.

Rich Williams stated yes.

Ms. Ryan stated this plan is to connect all the roof drains in a channel that is not acceptable.

Rich Williams stated I didn't say that wasn't acceptable all I said was I needed more detail.

Board Member Rogan asked is there an original site plan for this building.

Rich Williams replied yes and no there was an original site plan done but it was done so long ago we can't find it.

Board Member Pierro asked did it include those bays in the lower level.

Rich Williams stated what we do have is architectural drawings which yes show those bays. I have no idea what they were used for whether they were intended to be storage for the upstairs tenants or whether they were to be a separate rentable, leasable space. I have no idea. I mean I think this was done in mid to early seventies.

Board Member Pierro stated 1973 was the date we dug up.

Ms. Ryan stated there was a question about the use in the back too, light manufacturing versus light industrial.

Rich Williams stated yes to both.

Ms. Ryan stated the previous use was a light manufacturing type of use.

Rich Williams stated yes but I am not exactly sure what the last legal use was there.

Board Member Pierro asked what does our Code provide for.

Rich Williams replied it is in a C-1 District if you are going to have light manufacturing in a C-1 District you need a Special Use Permit. There are a number of other uses that they may want to look at to rent the place as I flagged in the memo light industrial is not a use. It is just a generic term.

Ms. Ryan stated because of the way the place is laid out in the back it is not very suitable for retail or office so I guess we would have to go with a Special Use.

Rich Williams asked but do you know whose going to occupy, it may be premature on your part to go and at this juncture leave it as one of the permitted uses and improve the property and then once you get somebody that is more site specific and it is light manufacturing then you cross that bridge when we get there.

Ms. Ryan stated okay.

Board Member Rogan stated I would rather not waive a site plan with two people missing.

Ms. Ryan asked Ted do you need anything else.

Ted Kozlowski replied actually Rich had mentioned in his memo that the site plan does not have the wetlands identified.

Ms. Ryan replied right can I work with you on that.

Ted Kozlowski replied yes.

Ms. Ryan thanked the Board.

### 13) BURDICK SITE PLAN

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

Board Member Rogan asked Gene, if we could put you on the spot on this one it sounds like from what I remember mostly engineering comments.

Gene Richards replied yes there are a number of comments in our memo and they all can be addressed by Harry it just takes a little more effort on the plans and the stormwater and it should be fine.

Mr. Nichols stated there is a 435.9 and a 436, you can't put the same elevation in the program you have to fool the program for the elevation.

Gene Richards stated I just put that in the response.

Mr. Nichols stated the actual elevation for the one year storm is actually (unable to hear the rest of his statement). It is just a quirk in the program.

Gene Richards stated that is a minor point in the overall thing.

Mr. Nichols stated as far as access goes we will show a way of accessing the oil separator as well as the ponds.

Gene Richards stated again, Harry I don't think any of these comments are too significant where it would take a great effort.

Mr. Nichols stated the only other thing that I would like to note (unable to hear) if you look at the summary sheet in here we are reducing the flow from each design storm by approximately ninety percent. Even if we increased our time of concentration for the existing we are still going to have a reduction in the flows.

Gene Richards stated okay that is fair.

Gene Richards stated what you can do again is if you want to prepare a written response to this item by item because a lot of this the Board really isn't tuned into. It is crunching of numbers and then we will just look at that and sign off on it.

Mr. Nichols stated I would like to sit down with you and go through all these items so we don't have to come back and stand here,

Gene Richards stated if you want to give me a call and we will setup an appointment.

Gene Richards stated Harry, one thing that I am not quite clear on that you mentioned in your letter that there will be additional construction details and they will be provided in the future.

Mr. Nichols stated I think that got left on from the last review where you had asked for certain items and we had said we would provide them. I don't know of any other details.

Gene Richards replied okay when we sit down we will go over it and see if there are.

Board Member Rogan asked can we set a public hearing for the next meeting.

Mr. Nichols asked can I request a waiver of the public hearing.

Board Member Rogan replied you can.

Board Member Rogan asked when do you want to set the public hearing for next month.

Rich Williams stated set it for the first meeting in January and include the wetlands permit.

Board Member Rogan made a motion in the matter of Burdick Site Plan that the Planning Board schedules a public hearing for wetlands permit and the site plan for January 7, 2004. Board Member Pierro seconded the motion.

Vice Chairman Montesano asked all in favor:

Board Member Pierro	-	yes
Board Member Rogan	-	yes
Vice Chairman Montesano	-	yes

All in favor and motion carried by a vote of 3 to 0.

#### 14) HAZEL DRIVE SUBDIVISION

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

The Board reviewed the materials for a few minutes.

(TAPE ENDED)

Mr. Nichols stated the other half of the site is on a second sheet it extends out that way. We are proposing to limited our development on this site to this area a total of 32 acres. They purchased this existing parcel with a residence on it on Hazel Drive and this is to provide the access. They were originally going to come in through here but there was a problem, there is a wetland area back here.

Board Member Pierro asked where was that house.

Mr. Nichols pointed out the existing house on the plan.

Board Member Pierro asked they purchased it.

Mr. Nichols replied yes.

Board Member Pierro stated okay if you say so.

Mr. Nichols stated or are in the process.

Mr. Nichols stated the idea is to provide the access through there, keep the access road totally out of the wetlands and the buffer. This is in the R-2 Zone with the exception of the piece that is fronting on Hazel Drive which I think is in the Putnam Lake 10.

Board Member Pierro stated RPL-10.

Mr. Nichols stated the overlay district ends here at the property line, the cluster overlay district. What we are requesting is the right to proceed under that cluster zoning since we do apply to it and apply the lots to this area which we can readily reach without impacting any wetlands or controlled areas.

Board Member Pierro stated my question is to Rich, why was the overlay zone limited to that line any particular reason.

Rich Williams stated I don't think there was any particular reason.

Vice Chairman Montesano stated I have a question for you Harry, my favorite subject here you are going to put a road in, and it is going to be a private road why.

Mr. Nichols replied to reduce the impacts. We are proposing an eighteen foot wide road as opposed to a town standard, twenty-four foot wide.

Vice Chairman Montesano asked whose impacts are you worried about the developer or us.

Mr. Nichols replied actually both.

Vice Chairman Montesano stated my problem is right now is you have an eighteen foot road going in here to five houses I don't like that. I would rather see you develop something with a standard sized road going in to five house.

Mr. Nichols stated even though Hazel Drive is probably less than eighteen feet wide.

Vice Chairman Montesano stated what one mistake was does not mean you have to compound it does it.

Mr. Nichols stated I don't believe it was a mistake that was standard back then.

Vice Chairman Montesano stated well that was back then. Back then you could build on five lots now you can't. I would like to see a standard sized town road in there. I would like to see what the plan would look like with a twenty-four foot wide road.

Board Member Pierro asked does the open development.

Mr. Nichols stated this would require open development since this is an R-2 Zone.

Board Member Pierro asked if you get a 280a variance does that allow our Code beyond the fifteen hundred foot parameter.

Rich Williams stated the issue of the drive being longer than fifteen hundred feet is an issue of the Planning Board that you could waive if you felt there were mitigating circumstances. The issue about providing access to these lots by an easement instead of a right of way would require a 280a Open Development Area to be issued by the Town Board. The third issue is he is looking to do this pursuant to the cluster provisions of State Law Section 278 which because it is not part of that area that is the overlay zone within the Town it is not mandatory and therefore it is optional and therefore it would need permission or the Planning Board would need permission to consider it so there are three separate issues.

Mr. Nichols stated there is one existing house and we are adding five lots.

Vice Chairman Montesano stated I still don't like this private road nonsense. That is my big problem because if you put the road in you are going to end up with easements all over the place. I don't like it.

Mr. Nichols stated it becomes a homeowners association.

Vice Chairman Montesano stated I don't like the concept of a homeowners association.

Board Member Rogan stated Harry, Lot 3 is terrible. It doesn't allow the homeowner in that lot to do anything with the property that does not end up encroaching into the wetland buffer. It is ten pounds in a five pound bag. It borders the edge of the proposed septic. Have you tested that area.

Mr. Nichols replied these have all been tested with DEP and the Health Department.

Board Member Rogan asked fill on that lot.

Mr. Nichols replied no there is no fill on that lot.

Board Member Rogan stated I am just curious whether or not the envelope includes grading.

Mr. Nichols stated there is no fill on that lot.

Board Member Pierro stated the well on Lot 2 as Rich states in the note is also in the wetlands buffer. Is there anyway that could be corrected.

Mr. Nichols replied we can try to move it out there. There is a problem with separation distances. I think if you walk out here and look at this even though this has been flagged as a wetland area this is a very marginal wetland area if you go there in the dry time of the year it wouldn't look like a wetland area at all.

Board Member Rogan asked the Board do we want to setup a site walk for this.

Board Member Pierro replied absolutely.

Board Member Rogan stated stake the center of house, center of septic, Board Member Pierro stated we need the end of the road, 1565 feet.

Mr. Nichols stated no the road is not, Board Member Rogan stated it is from the nearest intersection.

Mr. Nichols stated that is the case in many roads in this town. If you are going to do any development at all you have already exceeded the fifteen hundred feet.

Vice Chairman Montesano stated okay bye Harry.

Board Member Rogan stated let's take a look at it.

Rich Williams stated if I might before we schedule a site walk, Harry based on what you have heard here tonight, and the comments that you have received are you comfortable with moving forward with this design.

Mr. Nichols replied yes.

Board Member Rogan stated when we met at the work session and we looked at this the Board as a whole felt that it looked like we were starting off wishing for five houses and hoping that maybe we could get three or four. It seems tight.

Mr. Nichols stated actually we had seven in here.

Board Member Rogan asked you had seven.

Mr. Nichols stated we also had a concept plan that would require a wetlands permit to cross to get to this large area over there which would be a very beautiful, Board Member Rogan stated but you didn't want to wait ten years. Mr. Nichols stated no we didn't want to wait ten years.

Board Member Rogan stated I am willing to go look at it but I just think it is a little bit jammed in. I don't like the idea of building houses where people then are forced to go on to wetland buffers to use their property because realistically if you take off the wetland buffer areas you are dealing with, it is beautiful, it sounds like you have got thirty some odd acres you are dealing with, what is the area it looks like less than ten acres.

Vice Chairman Montesano stated if we get another conceptual view with a standard twenty-four foot road shouldn't we wait to see what that looks like when we go out there.

Board Member Rogan stated well we are only going to have centerline of the road to look at so that does not make a difference.

Board Member Pierro stated we can figure out the difference between eighteen and twenty-four while we are walking.

Board Member Pierro stated there is no guarantee that this can be walked anytime soon Harry.

Ms. Nichols stated it is easily accessible. It is pretty open wooded through here there is not a lot of underbrush at all.

Mr. Nichols stated we will get it staked.

Board Member Pierro stated let us know when you get it staked and we will get out there.

#### **15) NEW ENGLAND EQUINE PRACTICE – Site Plan**

Mr. Joe Buschynski, Engineer with Bibbo Associates, Dr. Bradley and Dr. Cook, Applicants were present.

Mr. Buschynski stated we have submitted to the Board an application for a concept review site plan for New England Equine Practice and the project team is here tonight I would like to introduce; Doctors Bradley and Cook who are the operators of New England Equine Practice, Harold Lepler, Louis Bishop from Prudential Covington assisting in the site plan process and I am Joe Buschynski with Bibbo Associates. The site you all are probably quite familiar with there are a lot of issues to discuss with respect to the existing features on the site but I thought at first it may be helpful if Doctors Bradley and Cook can kind of fill you in with what the operation is and what they do on a daily basis. Certainly, I should point out they have a facility on Peach Lake Road in Brewster and they are busting at the seams and need more space.

Bill Bradley introduced himself to the Board and stated I have been in the area for twenty-seven years, our first clinic was in Ridgefield, a very small clinic, and then we have been in this other one almost twenty years. It is really not that we have out grown the property so much as we have out grown the physical plant, when we priced buildings it seemed like we would never get what we wanted if we added on and it was going to be fairly expensive to do that and we were going to over build our existing property. There are three full-time veterinarians all of us, two board in surgery, all of us did surgical residencies, we started an internship program this year so that is a rotating veterinarian that veterinarian changes every year and we have a fifth veterinarian he works for us part-time. We have I would say eight technicians it depends on the time of the year and that sort of thing. They are there depending on the work load we get in a day, the time of the year there may be as many as four technicians there at any one time, and usually there are four people in the office during the working hours five days a week. It is a twenty-four hour facility. About half of our work is ambulatory and about half our work is in-clinic. We have a referral practice so we get clients from all over the Hudson Valley, New Jersey, Connecticut and this building would allow us to have our offices, stabling, diagnostic areas all under one roof, all on one floor and just allow us to work so much more conveniently. Mostly what we have outgrown in the other building are spaces for diagnostic equipment and spaces to work. So, if you have questions I would make a couple of comments; the small house that they are talking about moving I understand there is zoning problems with that but the reason that the house is there is for the interns that house will house that veterinarian who comes in on a yearly basis. The reason we have asked for a gravel surfacing is because it is better for the horses asphalt gets wet and gets slippery and we will lose one every once in awhile with that. It is not the best for us. Those would be my comments, Gabe do you have any.

Gabe Cook stated just a couple of things, Dr. Bradley mentioned that half of what we do is within the hospital facility but half is on the road meaning ambulatory that means that primarily three of the doctors there may be days where we are no where near the facility. We might not even come into the facility on a given day and we will just drive from farm to farm. The things that we do in the facility is as Dr. Bradley said we are primarily surgeons, we all have been trained in special training in surgery but we look at medical cases as well, limb evaluations so horses will trot for us and we will figure out why they are limping, if they are sick from pneumonia to bad infections to wounds. We do orthopedics, we do soft tissue surgery and the cases that would be coming into the facility will either come in as an out patient meaning that they will be in for the afternoon and just leave or they will be dropped off so a trailer would come into the facility, drop off the horse, the trailer would leave and the horse would stay at the hospital. I think it is important to note is that we are not a farm. We are not a farm, we are not a training facility, and we are not looking for expensive turn out. There won't be horses for the most part out of the building very often at all if they are they are not there to run they are there to be in a confined area so the horses for the most part will stay in the stall, they will get better and they will go home.

Dr. Bradley stated everybody is always concerned about how we handle waste materials and how we handle manure. The manure is carted. It is all held in large dumpsters and carted off the premises and as for waste material we are held to the same standards as hospitals are. All of the tissues that are collected and sharps and tubes and blood that have been in contact with blood all of those are handled in medical waste containers and disposed of by a medical waste corporation someone who specifically handles medical waste.

Board Member Pierro asked what happens in that unfortunate situation when an animal dies. It cannot get buried on site.

Dr. Bradley replied no we store them out back and call there is a man from New Jersey who comes and picks them up and they are dispose of them there.

Board Member Pierro asked you say you store them out back.

Dr. Bradley replied overnight. I have had those guys come on Christmas. They are very, very good about handling that situation.

Mr. Lepler stated I have known Dr. Bradley and his staff for twenty years. I have my own farm, I have horses at home for all these years, and then some and they have provided the care for these horses over that period. There are two other places you would go for major colic surgery or orthopedic surgery right now and it has been that way for a long time one is Cornell which is a trip and the other one is New Bolton, University of Pennsylvania. That is from within a whole region and they refer their difficult surgical cases to New England Equine because of their competency and their track record. I have been to their facility, it's a surgical e.r. It is like sometimes non-stop. I know Bill will do his seventy, eighty hours a week and everyone else is falling down. I have talked to him where he has done five surgeries in a day and he still comes to the barn if you have a problem afterwards. In all that time I don't know of one violation or one complaint every lodged at his existing facility based on any of the proper practices for manure, stormwater or anything like that and they are right across from Peach Lake. Thank you for your time.

Ted Kozlowski stated I have a question for you gentlemen, I don't know if you know the history of the property but there was a proposal for a golf driving range there at one time, it was actually approved that since has lapsed. There is a significant wetland on this parcel, is there any proposal on your part to use that portion of the wetland which is basically outside that green colored area that you have on the plans.

Mr. Buschynski stated the wetland shown on this plan was taken from those former golf driving range plans. It was a boundary defined then by Dr. Bridges and we have asked him to re-flag as part of this proposal and the new flags are up. The mapping by the surveyor has not yet been complete.

Ted Kozlowski stated don't survey it until we verify the wetland flagging. Don't go by previous wetland flagging that is ten years ago.

Mr. Buschynski stated no this was last month.

Ted Kozlowski replied I know but the previous Applicant is over ten years now. There was a lot of dispute on this property with regards to what was going to go on there. Don't spend the money on a survey of those wetland flagging until we verify it okay because there may be a dispute or not. You don't want to waste your money having a new survey.

Mr. Buschynski stated in other words, you may make an adjustments to Dr. Bridges, Ted Kozlowski stated yes, I want to check the wetlands.

Mr. Buschynski stated I asked him in our efforts to bring this plan to you I wanted to know from him would we see significant changes in the vicinity of the building and he said no.

Ted Kozlowski stated Dr. Bridges does not work for the Town of Patterson that is my whole point.

Mr. Buschynski stated he is flagging on the basis of the Corp's definition so it should be close but we understand what you are saying.

Ted Kozlowski stated please there has been discrepancies before and I just want to avoid that. It is not just this Applicant I tell this to everybody do not survey until the Town has agreed with it or we resolve any issues and you may be very right it may be perfectly fine.

Mr. Buschynski asked any idea of your schedule.

Ted Kozlowski replied I will try to get out there as soon as possible but if we get snow cover forget it. Now, having said that,

Dr. Bradley stated no the answer would be no.

Ted Kozlowski stated and having said that this is far much better than a golf driving range and I really like this idea and I am not opposed to it from what I have seen or heard tonight. I am just telling you let's just make sure we got the wetlands squared away but what you want to do there is low impact and not in the wetlands.

Dr. Bradley stated we are going to do the right thing.

Board Member Pierro asked the existing parking lot that is out there that has tractor-trailers in it now that basically is not supposed to be there. There is no site plan for that correct, Rich.

Rich Williams replied that is correct.

Mr. Buschynski replied that won't continue.

Dr. Cook stated when we talk about trailers they will never stay there. They will drop the horse off and leave.

Board Member Pierro stated well never say never.

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

Board Member Pierro stated well Buffy hurts her horse and then wants to go to Great Barrington for the weekend is going to drop them off on the way, sometimes you might have a trailer there so never say never.

Rich Williams stated if we can clarify, I don't think the issue is whether you are going to park vehicles there on an on going basis or not. The issue is the disturbance into the buffer and how it affects the functional values of that buffer. In this case, there is an encroachment that was never permitted by the Board.

Board Member Pierro stated that has to be taken out.

Rich Williams stated they need to take a look at it may be that it is already a done deal and everything is fine and it may be that some sort of mitigation needs to be made and it may be that the Board says it has to come out and be restored. It is just an issue that we need to discuss as we are going through the process at this point and the issue isn't really again whether you park vehicles on that on an on going basis.

Dr. Bradley stated part of our deal with the seller's is that they remove the parts that are not supposed to be there.

Ted Kozlowski stated which also includes clean up and debris. The last time I was on the site there was a lot of stuff. You don't want to get stuck with that.

Mr. Lepler stated as part of that contract it is not just the debris that you see but it is the equipment that is on the other side of the stream parallel that you raise which is in your residential zone where Dr. Bradley and Dr. Cook did not know that I did it but that has to be cleaned, restored, mitigated as per site plan and as per the contract.

Board Member Pierro stated we had also discussed at our work session about the driveway and the turn around, some of the Members felt that gravel placed in a roadway surface will sometimes get disbursed and pushed to the side and maybe blacktop might be better I sort of prefer gravel but I would prefer some sort of containment to keep that gravel in a roadway area.

Mr. Lepler stated I can volunteer, in reading the comments from Mr. Williams if you use fabric and washed stone, or ¾ inch stone and you use a Belgium Block curbing you contain that gravel from spreading (unable to hear the rest of his statement),

Board Member Pierro stated but Belgium Block curbing sometimes gets to be seventy, eighty cents a foot.

Mr. Lepler stated like the Uni-Lock product it is hard to tell the difference but it is a manufactured product.

Dr. Bradley stated for two thousand feet, sixteen hundred dollars we can live with that.

Rich Williams asked the next question is does that work for the horses.

Dr. Bradley replied the gravel yes.

Mr. Buschynski stated obviously the gravel is also good for the water quality issue.

Rich Williams stated I agree but often we see gravel spec'd out and Item-4 going in and it is not the same.

Mr. Buschynski stated in terms of it becoming impervious I don't disagree but in terms of what the manuals allow for values pre and post phosphorous, impervious versus gravel it is considered pervious.

Board Member Rogan stated Joe, the other thing in looking at the plan and hearing what the Doctor said about the limits of where the horses are going one consideration and I am not opposed to the gravel but I am throwing this out there is that the main drive, the main parking and to the right of the building as you are looking at the plan could be paved and the un-loading area for the trailers and the loop road up and around to the building could be gravel where the horses would be un-loading. I understand the concern of the horses slipping on the pavement. You may be able to look at a possibility of both.

Rich Williams stated well the front half is already paved.

Board Member Rogan replied okay and the area then that goes up and to the right side of the building.

Mr. Buschynski pointed out on the plan the existing gravel and the proposed gravel.

Board Member Rogan stated then I guess that all I would say is the parking next to the office that side of the building could also be paved and you could end the gravel up on the top right corner. Something along those lines but I am not opposed to the gravel either.

Rich Williams stated they may have to because they are going to have to deal with the ADA requirements and the ADA is going to require pavement.

Mr. Buschynski stated we will provide our handicap spaces on pavement in the front.

Rich Williams stated the ADA requirements says you have to use the parking spaces closest to the building to the main entrance and I am not sure whether you can access all of the building from the rear.

Mr. Buschynski pointed out the main entrance of the building on the plan.

Rich Williams stated it is something that we just need to flush out as we are going through this.

Board Member Rogan asked Joe, the area that looks like a trail system I will say, crossing the stream and going up in there and there are some buildings up in the upper area is that proposed to be used at all as it exists for walking of the horses or anything.

Mr. Buschynski replied no again, they, Board Member Rogan stated so that line really is a, Mr. Buschynski stated the outside the path area there are very small twenty by twenty areas to get fresh air. There are no plans to provide any facilities in the back. This trail exists there is somewhat of a bridge crossing.

Board Member Pierro asked how much of that building is going to be used for clinical, operating rooms and things and how much is going to be used for an interior riding area.

Mr. Buschynski stated this back portion is a exercise area to get them up and about.

Mr. Buschynski stated I have a floor plan.

Board Member Rogan stated that would be great.

Dr. Bradley stated I think it is about sixty by eighty somewhere in that range. That indoor area that you are asking about is five thousand square feet or six thousand square feet like that.

Board Member Pierro asked and during the inclement weather that we expect to get in the next few weeks would you mind a site walk at your location down in your current location so we can take a look and see what kind of facility.

Dr. Bradley replied sure.

Dr. Cook went over the floor plan in details with the Board.

Mr. Lepler asked is the flooring concrete.

Dr. Cook replied we are talking about it. We are all very interested in concrete flooring.

Mr. Bradley stated the stalls will probably be rubber mats over clay and then the work area is all gone to be brushed concrete. The surgery area those suites will be epoxy with concrete.

Board Member Pierro asked what kind of building are we talking about, what kind of exterior surfaces.

Mr. Lepler stated before answering just for one second because I know equally important the issue of wash down of an animal, or wash stall they can address the amount of water that they use but all that water is collected, goes into the sanitary system. There is no wash water from this facility that goes outside that is not treated.

Dr. Cook stated the stalls themselves will be like a stone dust type of material with rubber mats over it.

Mr. Lepler stated the stones are impervious with rubber I am doing something now it is a bathtub it is all with shavings and sawdust so that collects everything. It is clean and it is done.

Someone from the audience asked the sawdust is on top of concrete.

Mr. Bradley replied no Sir, we won't put concrete in the stalls.

Mr. Lepler stated they use a process that is brought in. It is impervious. It does not have the concussion on the animal as concrete has. (Too many talking at once unable to transcribe).

Vice Chairman Montesano stated excuse me, Board Member Pierro stated state your name and take the mic please. Vice Chairman Montesano stated I appreciate it but it is not a public hearing and the questions you are asking is fine.

Dr. Bradley stated the bedding is quite absorbent and can I tell you that none of that stuff ever went down to the ground no I can't say that a little bit would go through asphalt but I think it is relatively inconsequential I believe that because if you pull the mats up, you can pull the mats up on an area where the floors are relatively high it is not all that wet underneath. It is certainly not muddy.

Board Member Pierro asked what type of building are we talking about. What type of construction.

Mr. Lepler stated the frame of the building is structural steel and if you are opposed to this, we showed you, this building above the doors, above the windows would all be masonry, an architectural block, or stucco brick the entire building, three sides, the fourth side in the back because the doors are slightly lower but it is still a masonry. It would be no different than the office or some of the flex space buildings that have been done. Insulated panel with no exposed fasteners, standing seamed roof with a pitch. It is a class building.

Board Member Pierro stated well it is certainly much better than what is there now and we would welcome the improvement.

Dr. Bradley stated it will come up that we treat infectious disease in a couple of those stalls and like Mr. Lepler said those areas are setup so you can hose them out to a common sewer and treat them right there. That water is not going to get flushed out into common areas of the building. The other thing that you will see is we use sintography, sintography is type of radiation therapy, I hesitate I didn't want to bring it up because the word radiation frightens people but the radiation dosages that we use are about the same dosage that people get in chest x-rays. The isotope is decayed on the site. It means that the isotope stays with us until it loses its radioactive potency. That isotope only takes it has a six hour life and it only takes sixty hours to decay. It is the same degree of radiation that you get from standing in the sun and all of that happens under lab and the building is off in the corner and I have been doing sintography for about eight years now and I have never and we are badged when we do it. In a pregnant radiation you can receive five hundred milligrams a year and my total exposure has been eight hundred over all those years. We are not talking about enough radiation to be of any danger. I don't want you to see it on the plans and then say why did they hide that from us.

Rich Williams stated and then it is disposed of off site.

Dr. Bradley replied the same company that provides with the isotope but understand that when they come and get it, it is decayed so it is no longer radioactive. (unable to hear the rest of his statement).

Dr. Bradley stated the stalls are handled in such a way that we don't clean the stalls for sixty hours and then we take a Geiger counter and asses the radiation counts, the radiation counts are always background by sixty hours then they can handle it in a regular way. I was a little reluctant to bring it up but I don't want there to be any doubt about it and it is perfectly safe.

Vice Chairman Montesano asked Joe, is there any other place that house can be located.

Board Member Rogan stated we like the looks of the big building.

Mr. Buschynski replied keep in mind the house would undergo extensive renovation.

Board Member Rogan asked would it be too much to ask Joe, you provided us such beautiful,  
(TAPE ENDED).

Dr. Bradley stated gentlemen, the reality is that old house is going to get destroyed and we are going to put a new house in there. There is not enough left of that house to be worth saving.

Board Member Rogan asked so relocate it really just means we are knocking down the old one and propose a new house in that location.

Dr. Bradley replied yes.

Board Member Pierro asked is the septic system that is on site for the restaurant going to be adequate enough for this use.

Mr. Buschynski replied we believe it would be because the flow, the daily flow from the facility is somewhere in the neighborhood of a thousand gallons a day and the restaurant was for over fifty seats. The restaurant flow would have significantly higher.

The Secretary advised the Board that they do have their zoning application in for December 15<sup>th</sup> on the residence issue.

Vice Chairman Montesano asked Joe, can we get shrubs or something in front of that building.

Mr. Buschynski replied absolutely, we owe you a landscape plan.

Board Member Rogan stated before we even get to that though, Joe if we could get, I don't want you to do the extent of what have done in that lower picture but if we could get some kind of an idea from a road perspective looking from 22 at this project seeing that in the background and seeing the house up front with however you are going to finish it off without spending a lot of money because I don't want you to waste money that I think would be beneficial.

Vice Chairman Montesano asked are we going to see the back of the house or the front of the house facing the road.

Board Member Rogan stated that is another question I hope we are going to see the front.

Mr. Buschynski replied you will see the front.

Board Member Rogan stated right now I would prefer it face the road quite honestly, the new location. The only areas then that we are looking at impacting in the wetland buffer are the existing gravel lot that is currently being parked on by trucks and the detention or stormwater quality basin and beyond that once that is done and we certainly could contain the existing gravel area in other words contain it in a sense whether it be plantings or something so that we don't overflow into it, we don't walk horses out into the wetlands. You don't have control over the people that are dropping these horses off that is what I am thinking.

Mr. Buschynski stated it could be fenced, shrubs.

Board Member Rogan stated we can work on that.

Dr. Bradley stated it is going to be fenced to the extent that, you are not going to want to have a situation where one gets loose and runs on the highway. We are going to have to work on that so the fencing keeps everything,

Board Member Pierro stated my only other concern is that I have seen some pretty hairy turns into that parking lot by some of the tractor-trailers, 22 gets busy on a Sunday sometimes these guys get a little crazy I would hate to see that happen with a horse trailer so I want to make sure that the driveway entrance is safe enough and that may require some attention.

Dr. Cook stated well when you see our place now the driveway, that access is so much nicer than what we have right now.

Vice Chairman Montesano stated you are talking about a different breed of people, this is their horse that they are bringing in, and they pay attention to a hell of a lot more than most truck drivers.

Ted Kozlowski asked Joe, so you will be coming in with a wetlands application.

Mr. Buschynski replied yes. I believe the wetland is State regulated but I can't say a hundred percent that it is. It is part of the red maple community associated with the Great Swamp.

Ted Kozlowski stated ten years ago DEC did not say they regulated it and we don't care at this point because we regulate it but I will say this is a heck of a lot better. I like it, quite frankly I like the idea of looking at something other than a warehouse.

Board Member Rogan stated I think we all think it is a great concept.

Mr. Buschynski stated we selected this area for the water quality basins because it is nice low spot to catch everything plus it is in lawn and the only way to create, you can't excavate or we would be below swamp we would have to berm up this side and then justification for it is going to have to be landscaping now it is lawn we can bring it back to wetland buffer that would be part of the landscaping plan.

Ted Kozlowski stated it looks good.

Mr. Cook stated if you want to stop by we would be happy to have you.

Board Member Pierro stated we will let you know when.

Board Member Rogan thanked them.

## 16) OTHER BUSINESS

### a. 2004 Meeting Schedule

Board Member Pierro made a motion to accept the 2004 Planning Board Meeting Schedule. Board Member Rogan seconded the motion. All in favor and motion carried by a vote of 3 to 0.

### b. Schech Lot Line Adjustment

Rich Williams stated we need the Board to pass a motion to allow someone to sign the plat.

Board Member Pierro stated Shawn make the motion I will sign the plat.

Board Member Rogan made a motion in the matter of the Schech Lot Line Adjustment that the Planning Board allows someone other than the Chairman to sign the plat, Board Member

Pierro to sign the plat. Vice Chairman Montesano seconded the motion. All in favor and motion carried by a vote of 3 to 0.

**17) MINUTES**

Board Member Pierro made a motion to approve the October 30, 2003 minutes. Board Member Rogan seconded the motion. All in favor and motion carried by a vote of 3 to 0.

Vice Chairman Montesano stated the November 6<sup>th</sup> minutes have to be held over because Board Member Rogan cannot vote on them he was absent for that meeting.

Board Member Rogan made a motion to adjourn the meeting. Board Member Pierro seconded the motion. All in favor and meeting adjourned at 9:50 p.m.