

**TOWN OF PATTERSON
PLANNING BOARD MEETING
December 8, 2005**

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

**Planning Board
December 8, 2005 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 Shawn Rogan, Rich Williams, Town Planner, Gene Richards, Representative from Town Engineer's Office, Dufresne-Henry, Anthony Molè, Attorney with Curtiss, Leibell & Shilling and Kozlowski, ECI was present.

Meeting called to order at 7:32 p.m.

There were approximately 16 audience members.

1) WYNDHAM HOMES LOT 28 WETLAND WATERCOURSE PERMIT - Public Hearing

No one present to represent the application.

Chairman Schech stated we have to re-notice Wyndham Homes.

Board Member Rogan made a motion in the matter of Wyndham Homes Lot 28 Wetland Watercourse Permit that the Planning Board schedules the public hearing for the January 6, 2006 meeting. Board Member Pierro seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 4 to 0.

2) KEASBEY SUBDIVISION – Public Hearing

The Secretary read the legal notice for the public hearing.

Ms. Edie Keasbey was present.

Chairman Schech asked Edie do you want to give us a quick rundown on this.

Ms. Keasbey stated Hi, my name is Edie Keasbey. I live at 180 Couch Road here in the Town. This is our property at the moment. It is part of the old Couch Farm. We are dividing this one lot in half. We are retaining 4.8 acres and we are donating 5.2 acres to the Putnam County Land Trust. This will provide access to this entire huge property of 291 acres to the new State owned preserve. We are going to provide a small parking area and eventually a trail will go through this property so you can get over here. It is a cross the street from the Sterling Preserve which we gave a few years ago. Any questions.

Chairman Schech asked any questions from the audience. There were no comments from the audience.

Board Member Pierro asked have you received the variance required from the ZBA.

Ms. Keasbey replied yes, the ZBA no.

The Secretary stated the Town Board.

Ms. Keasbey stated the Town Board.

Board Member Pierro stated I am sorry. I stand corrected. You have not received that.

Rich Williams stated no the public hearing is next week.

Ms. Keasbey stated it is next week that is right. I knew I had it down and it wasn't ZBA.

Chairman Schech asked anything else we have on it.

Board Member Pierro asked is the design completed for the parking area.

Rich Williams stated the Designer did a very good job.

Chairman Schech asked do we have a highway opening permit.

Ms. Keasbey replied not necessary until it gets around to it and it will probably be done by the Land Trust.

Board Member Rogan stated I am very happy with this.

Board Member Pierro made a motion to close the public hearing in the matter of Keasbey Subdivision.
Board Member Montesano seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 4 to 0.

Ms. Keasbey thanked the Board.

Ms. Keasbey asked the Health Department waiver I was told you do it then I was told I do it.

Rich Williams replied no the procedure from here on out is next week we will have a public hearing with the Town Board on the variance request assuming that no objection is received and no substantial comments are received it is likely that the Town Board will issue that variance. From that point then you need to either get everybody's signature including the Health Department on the plat, the final plat.

Ms. Keasbey asked whose everybody, the Town Board.

Rich Williams replied no your signature has to go on there and the Health Department that is it for the moment.

Ms. Keasbey asked but do I take the plat to them or do you send it.

Rich Williams replied no generally you will take it over but typically most people do that after they have got a conditional approval from this Board. That would be one of the conditions.

Ms. Keasbey asked anything else I have to do aside wait for the next batch of surveys.

Rich Williams replied assuming that all of the previous comments that have been issued by this Board and myself have been addressed.

Chairman Schech stated we will probably come up with something else to annoy you with.

Ms. Keasbey replied no you won't it is Christmas time, Herbie.

Ms. Keasbey thanked the Board.

3) FOX RUN SITE PLAN

Mr. Donald Capellino, Applicant's Attorney was present.

Board Member Rogan asked we are just doing the reso to deny on this correct.

Rich Williams replied right. When you do the reso make sure you that you say it was received by Special Counsel. (Hard to hear his statement).

Board Member Rogan made a motion in the matter of Fox Run Condos Phase II, Bullet Hole Road having had this proposal reviewed by Special Counsel from Bank, Sheer & Seymour I probably butchered that name, I make a motion that the Planning Board denies Site Plan Approval based on the Planning Board's resolution of Final Site Plan Approval and the eight conditions contained therein dated November, I am sorry it does not have a date on it, can we date it today.

Rich Williams replied yes.

Board Member Rogan stated December 8, 2005. Board Member Pierro seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 4 to 0.

Mr. Cappelino asked are you going to provide me with a copy of your Counsel's opinion on this matter.

Chairman Schech stated I believe, Rich Williams stated all I can say is it is Mr. Seymour's opinion that it is work product and it should not be provided.

Mr. Cappelino asked are you going to reimburse my client for paying for Mr. Seymour's advice if you won't give us a copy of that.

Rich Williams stated I suggest you draft a letter to the Town Board. I understand your frustration. I share your frustration.

Board Member Rogan stated we do also.

Chairman Schech stated I would get in touch,

Mr. Cappelino stated I don't think you share the frustration as much as I do.

Chairman Schech stated I would get in touch with Seymour directly and the Town Board.

Mr. Cappelino stated I am sure my client will be in touch. Thank you.

Board Member Rogan thanked Mr. Cappelino.

4) KISCO ENTERPRISES SIGN APPLICATION

Mr. Ronan Brown

Chairman Schech asked this is the stone building in Put Lake.

Mr. Ronan Brown replied yes.

Board Member Rogan asked what does this sign, I would not even be able to pronounce it.

Mr. Brown replied (unable hear)

Board Member Rogan asked how do you say it.

Mr. Brown replied the Poitin.

Board Member Rogan stated the Poitín Still.

Mr. Brown replied it is an Irish whiskey.

Board Member Rogan stated the spelling on that is P-o-i-t-i with a hyphen -n.

Mr. Brown stated gives you something to talk about.

Mr. Brown stated it is short for distillery.

Board Member Pierro stated I think you ought to speak directly to Mike Risnik from the Journal News you will get a lot of free advertising on discussing the correct spelling.

Chairman Schech asked is it an Irish whiskey or a Scotch.

Mr. Brown replied it is a moonshine.

Chairman Schech stated the size is okay.

Board Member Rogan stated from what I remember the size is okay, the lighting is existing.

Rich Williams stated there was only a question concerning the lighting that it is not shielded well.

Board Member Rogan stated I guess the concern is that the lighting would cause some,

Board Member Pierro stated glare.

Board Member Rogan stated glare on drivers.

Mr. Brown asked okay what do I need to do on that.

Rich Williams stated you should condition in the reso that they be shielded and or adequately screened.

Chairman Schech stated from blinding the drivers coming down the road.

Rich Williams stated generally what it is when I was out there the spotlights were exposed. They do make simple shields that you can put on which are directional shields.

Board Member Pierro stated or you can plant some evergreen type bushes in front of them, put a little garden in front of it.

Mr. Brown stated direct glare.

Board Member Pierro stated right.

Board Member Montesano stated there is one in Town where the sign is just about a foot higher than the light so as you driving through the light hits you coming and going.

Board Member Rogan made a motion in the matter of Kisco Enterprises Sign Application that the Planning Board grants a negative determination of significance of SEQRA and approves the proposed sign application for the 4 by 5 foot, 20 square foot sign for the establishment conditioned upon the existing lighting be screened appropriately. Board Member Montesano seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 4 to 0.

Board Member Rogan stated lots of luck.

Mr. Brown stated I am sorry can I ask a question.

Chairman Schech replied sure.

Mr. Brown stated we were going to put the words Fáilte over the canopy it just said something here to explain. That just means welcome also.

Board Member Rogan stated no we just didn't know what it meant that is all.

Rich Williams stated no it wasn't so much that I raised the question about how that was going to be placed on the canopy.

Mr. Brown stated it is going to be written (unable to hear).

Rich Williams stated somebody is going to actually come and paint it on.

Mr. Brown stated yes.

Board Member Rogan stated that will be fine.

Board Member Rogan asked when are you proposing opening.

Mr. Brown replied it is a long story. The guy with the liquor license was arrested for falsifying liquor licenses.

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

Board Member Rogan asked are you talking about the fellow at the State who issues the licenses.

Mr. Brown replied no he was an ex-liquor authority guy, my Attorney recommended him,

Board Member Pierro stated I heard about this.

Mr. Brown stated in Yonkers.

Board Member Rogan stated you are not the only one affected by him there are other establishments that have the same problem.

Mr. Brown stated we will get there eventually.

Board Member Pierro stated they thought they were dealing with a Rep from SLA who was not.

5) ENDICO SIGN APPLICATION

Ms. Debbie Guerra, a representative of Endico was present.

Board Member Rogan asked what facility is this, where is this located.

Board Member Pierro replied the corner of 22 and Haviland Hollow Road.

Chairman Schech asked do you have a location of exactly where you are going to place this sign.

Ms. Guerra replied I have a picture. She handed the Board the picture.

Board Member Rogan stated the front left corner of the first building to the north.

Board Member Rogan stated the sign said will build to suit and I was thinking that meant any furniture, will build furniture to suit, custom furniture because that is kind of the nature of the store but I am assuming that is for the property, the property is for sale.

Chairman Schech stated it is going in by the antique shop just passed it okay.

Board Member Rogan stated so it is considered more like a real estate sign.

Ms. Guerra stated right.

Board Member Rogan stated and I know we had spoken about approving this for one year.

Rich Williams stated that is what the Code says assuming that it is a real estate sign.

Board Member Rogan asked the intention is to sell the property or to knock down the current buildings.

Ms. Guerra replied I believe what they are going to do is knock down what is there and erect like a strip mall type of thing.

Board Member Rogan asked that is individual sewer there right.

Rich Williams stated yes.

Board Member Rogan stated because of the, is it an easement, because of the easement that runs between,

Rich Williams stated it is actually the old State 22 right of way.

Board Member Pierro stated it is the Route 22 easement in the back of the property I am sure the owners are made aware of that.

Ms. Guerra stated I am sure they are.

Chairman Schech stated okay it will be for one year and in case it does not move in a year's time then you have to come before us again.

Board Member Rogan made a motion in the matter of Endico, Route 22 that the Planning Board grants a negative determination of significance of SEQRA and approves the proposed sign application not to be larger than six feet by four feet for a total of twenty-four square feet for a duration of one year from today. Board Member Montesano second the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 4 to 0.

Ms. Guerra thanked the Board.

6) JCM GRANITE SIGN APPLICATION

Ms. Anne Acker, a representative of JCM Granite was present.

Chairman Schech stated we had a question as to where.

Board Member Pierro stated I believe some new information came in, a new map on it.

Ms. Acker stated yes I have it actually.

The Board reviewed the plan for a few minutes.

Board Member Pierro stated there is a pre-existing,

Ms. Acker stated pole there is a sign post there. We were there for about ten years in Patterson. You know where the Patterson Food Center is we were in there.

Board Member Pierro stated we are well aware where you were.

Chairman Schech asked this is going to be on the front by the,

Ms. Acker stated where that new bodega is.

Chairman Schech asked right in front of that.

Ms. Acker replied yes.

Chairman Schech asked they don't mind.

Chairman Schech stated as long as the grocery store does not mind.

Ms. Acker stated I guess there was a question on the color also right.

Board Member Rogan stated the color is the main thing because of the Hamlet.

Ms. Acker stated it is white with black writing.

Board Member Rogan stated and that does not conform to the Town's.

Ms. Acker asked the black writing.

Board Member Rogan replied right the white and black. We have blue, green or red.

Ms. Acker asked for the actual writing itself.

Board Member Rogan replied no for the actual background. You can use a combination of those colors but generally, what we see is someone picks a background of either the colonial blue, the green, or the red with a gold leaf lettering.

Ms. Acker stated all right I will let them know.

Board Member Rogan stated and that kind of gives an identity to the Hamlet that we were shooting for.

Ms. Acker stated okay because the old one was a white sign.

Board Member Rogan stated the old one was before we established that.

Ms. Acker stated I need to write down those colors.

Rich Williams stated we can give you a couple of good examples; Petersen's Nursery and also the Presbyterian Church right down the road.

The Secretary stated the Town Hall sign also.

Board Member Pierro made a motion in the matter of JCM Granite Sign application that the Planning Board issues a negative determination of SEQRA and approves a 10.5 square foot sign for 5 Center Street to be constructed in the Hamlet colors as required by Town Code.

Rich Williams stated two signs Dave. Two, building mounted signs that total 10.5 square feet,

Ms. Acker stated and one is like a doctor's sign on the side.

Rich Williams stated one was three square feet and then a freestanding sign.

Board Member Pierro stated I will back up, amend the motion let the following signs be permitted, 2.5 by 3 foot building mounted sign not to exceed 7.5 square feet, sign "b" is a one by two building mounted sign not to exceed three square feet and sign "3" is a two by four or eight square foot sign to be mounted in the front and side of the building.

Board Member Rogan stated and all should conform to the Hamlet colors.

Board Member Rogan seconded the motion.

Rich Williams asked do you want somebody to review that before it gets put up.

Board Member Rogan stated absolutely.

Board Member Pierro stated yes.

Board Member Rogan stated make that a condition of the approval.

Board Member Pierro asked Missy can you add that in.

Ms. Acker asked who do we get to do that.

Board Member Rogan replied Mr. Williams.

Ms. Acker asked so once we get them we bring them in here.

Board Member Pierro stated I would review the colors before you have the signs constructed, bring the colors in.

The Secretary stated the sign company usually sends something in.

Ms. Acker stated Design a Sign that is what they sent us is right here not in color obviously.

The Secretary stated that is what we need.

Chairman Schech stated they have to color them in and send them in.

Chairman Schech asked do we have a second on the motion.

Board Member Rogan stated I seconded it.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 4 to 0.

Ms. Acker thanked the Board.

7) THE PADDOCK SIGN APPLICATION

Chairman Schech asked The Paddock.

Board Member Rogan asked The Paddock Restaurant, 22 Roadside Grill.

The Secretary stated I don't see him.

Board Member Pierro stated we have some issues with the lighting on this sign as well so I make a motion that we postpone this until the Applicant comes in.

Board Member Rogan stated I agree. I second the motion.

8) DIPASQUALE WETLANDS WATERCOURSE APPLICATION

Mr. Sam DiPasquale was present.

Mr. DiPasquale stated my name is Sam DiPasquale. I put an application in for a pool.

Board Member Rogan asked is this up on,

Ted Kozlowski stated this was Laura Parker's,

Mr. DiPasquale stated White Hawk Trail.

Ted Kozlowski stated we spoke about this last week or two weeks ago.

Board Member Rogan stated this is the situation of a pool where we think there are areas behind the house that would work.

Ted Kozlowski asked Sam do you have the plan.

Mr. DiPasquale replied yes.

Ted Kozlowski put the plan on the board.

Board Member Pierro stated Mr. DiPasquale, our issue with this was that we most of the time we would rather have pools in the rear area, rear yards of the houses and we think there is adequate room even at the larger dimensions with the paving block area, we think there is adequate room behind the rear of the house in between the house and the expansion area for the septic system.

Mr. DiPasquale stated well the first time I came here to apply for a permit and I had it in the back and they told me that was too close to the septic.

Board Member Rogan asked how far were you showing it.

Mr. DiPasquale stated I just sent my wife to get a pool permit and,

Board Member Pierro stated well that may have been the problem I don't want to get hit from the room but you sent your wife maybe you should have come in from the get go.

(A lot of ooh's from the audience)

Mr. DiPasquale stated this is the way,

Ted Kozlowski stated Sam, again I guess to reiterate what the Board is saying when a wetland application like this comes in we really prefer this kind of a project even though I am sure you can get this project done we would rather it be out of the buffer of the wetlands to avoid any kind of possible future or current problems. You and I have met with Rich Williams out there, you indicated where you believed the septic was and the expansion area and all that. You made a very good case as to why it wouldn't work out and why we should consider going into the buffer, which is basically lawn. After a second review and a little more research on Richie's part, we feel that you can put the pool where you originally wanted it which is directly behind the house, which is more private.

Mr. DiPasquale stated yes that is what I wanted at first and was told no.

Ted Kozlowski stated and you are completely out of the buffer, you are completely out of the wetland and you don't need this permit.

Board Member Rogan stated so the good news is that you wouldn't,

Chairman Schech stated that is where you are going to get it where you wanted it.

Mr. DiPasquale stated okay as long as I get a permit.

Ted Kozlowski stated you get a building permit for the pool and the C.O. for that and I am sure that Rich will talk to the Building Inspector and let him know that,

Rich Williams stated if I could make a recommendation why don't you table this application until next meeting because once you deny it, I mean you have to take an action to deny it or not and I will talk to Paul tomorrow. I will show him the plans and explain it and then if you want to get in contact with Paul.

Mr. DiPasquale stated okay I will talk to Paul.

Ted Kozlowski stated and by the way, that location is well off that fifteen foot envelope that you need around the house so. That is where I would want the pool.

Board Member Pierro made a motion in the matter of Sam DiPasquale, 11 White Hawk Trail that the Planning Board table the wetland watercourse permit application until the January meeting. Board Member Rogan seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 4 to 0.

Chairman Schech stated technically, there is plenty of room between the expansion.

Ted Kozlowski stated it is all lawn. It is a perfect spot.

Mr. DiPasquale stated twelve acres.

Mr. DiPasquale thanked the Board.

9) BURDICK FARMS SUBDIVISION

The Secretary stated I don't see Kristina.

Rich Williams stated no she wasn't coming tonight because we had taken care of everything at the work session.

Board Member Rogan stated I am trying to think, Rich could you do a synopsis of Burdick Farms from the work session.

Rich Williams stated sure the question came up with Burdick Farms about which one of the three different road improvement plans for off site road improvements we were going to pursue. We had two plans that were done by Peder Scott that were part of the original DEIS that showed considerable changes to the

vertical grade of the road, which required retaining walls. In between Gene and I just before the work session Gene and I had met with Kristina Burbank and John Kellard out on the site and actually walked the entire length of the off site road and came up with an agreement I think pretty much on what the road improvements should be. There is going to be some changes to vertical geometry right in the immediate area of where the road is accessing on to Bullet Hole Road, the new proposed subdivision road. They are going to do some site line clearing at the intersection of McManus Road South and Bullet Hole Road. We are going to do a little bit of clearing down near the intersection of Ice Pond. The Ice Pond, Bullet Hole Road intersection still has yet to be resolved pending how it works out with the adjacent property owners and the last area that I think we talked about was down below the Burdick Family house where he was going to offer additional land so the Town could go in and widen that section of the road, take out some of the horizontal geometry problems that we have there. Is that about it.

Board Member Pierro stated that is about it.

Board Member Rogan asked Rich I noticed that we got a letter from the DEP with some issues also that need to be resolved. They seem minor but at this point Joe Ziminsky is saying that they still believe the application to be incomplete because of those issues.

Rich Williams stated yes that is just (unable to hear).

10) FRANTELL SITE PLAN

Chairman Schech asked is Theresa here.

The Secretary replied there is someone else.

Ms. Michelle Micoli, Insite Engineering was present representing the Applicant.

Ms. Micoli stated we received Rich's and Gene's letters today and they seem they are minor comments. Evans Associates is in the process preparing a planting plan for the stormwater. Once that is complete, we will forward a copy to Rich and the DEP for their review. Once it is done, they are going to do a pre-application meeting with the DEC for the wetland permit. We received minor comments from the DEP and we are currently waiting on comments from the Health Department. Today was their deadline for determination so we should be getting comments any day. We would just like you to consider conditional final approval.

Board Member Rogan stated we don't have a,

Board Member Pierro stated we don't have a reso on it and there are still some other issues.

Chairman Schech stated yes, there are a couple more issues. Did Ted go out and look at the flagging.

Rich Williams replied yes. We are all squared away on that.

Board Member Pierro stated we will start off the year right with this project but we are almost there.

Rich Williams stated we also need bond calcs.

Ms. Micoli stated I think we have done that.

Chairman Schech stated they are training you well you tried.

Ms. Micoli thanked the Board.

Board Member Pierro stated I expect you to tell Theresa we were absolutely horrible to you so she comes in here panicked.

Board Member Rogan stated what I would tell her is they were ready to approve but they didn't see you there so, (the Board laughed).

11) KESSMAN SUBDIVISION

Chairman Schech stated Kessman is off the agenda.

Board Member Pierro asked has anything been resolved with that since we received this letter.

Rich Williams replied they are still negotiating how they are going to resolve the lot line.

12) JUST 4 JUST KIDS DAYCARE SITE PLAN

Mr. Michael Liguori, Attorney with Hogan & Rossi, Michael & Jude Reiger, Applicants were present.

Mr. Liguori stated Jude Reiger owns the Just 4 Kids Daycare. I am here tonight to request a waiver of the site plan process for the relocation of Just 4 Kids from its current location on Route 22 to the Patterson Park Office Building, which is owned by Kojax Construction, a fellow by the name of Joe Briodi who is unfortunately not here tonight. I was hoping he was going to be here to,

Mr. Reiger stated Mike he is here.

Mr. Liguori stated I am sorry, hi Joe. The proposal is to do some interior renovation inside the building to accommodate the Just 4 Kids site, a daycare center, a permitted use in the C-1 District. The thing that triggered the site plan review was two things; the proposal of a fence for an outdoor area which is required in connection with the daycare. Here is a picture of the proposal for the outdoor area and that would kind of just connect right on to the side of the building. The daycare would operate in this area over here. Mr. Briodi would cut a hole in the wall of the building and build a concrete pad that you would step out on to which is a requirement for ingress, egress on a building to just step out on to concrete. Then there would be a four foot grass path with a fenced area, which is located in this area over here with the dimension of 27 by 90 by 40 by 90 so it is kind of a rectangle, but one end is just a bit smaller than the other, which would be in this area. There would be no crossing of any parking lot so they would be able to enter and exit without any harm from any of the other tenants or vehicles that would be on the property.

Chairman Schech asked in other words the fence would be secure so the kids can't run around.

Mr. Liguori replied it would have gates but it would be secure. There is a requirement to have a gate at every specific amount of feet so we proposed the three gates that would be required, four actually.

Chairman Schech stated okay I don't see any problems with this.

Board Member Rogan stated fine with me.

Board Member Pierro stated fine with me.

Rich Williams asked Mike, any grade change, any significant grade change.

Mr. Ligouri asked between the building and the grass.

Rich Williams replied to what you are proposing to do. Are you going to go in there and have to reduce the grade or increase the grade.

Mr. Ligouri asked Joe.

Mr. Briodi replied no.

Rich Williams asked are you going to strip the topsoil off and put a play surface down.

Mr. Reiger stated actually the State requires chips so I am not going to strip it I am just going to put wood chips.

Rich Williams asked over the top of the existing grade.

Mr. Reiger replied yes that is what she has now.

Rich Williams stated okay I am done.

Board Member Pierro made a motion in the matter of Just 4 Kids that the Planning Board waives the site plan approval for the new location at 2050 Route 22, Patterson, NY.

Board Member Rogan seconded the motion.

Rich Williams asked what are you waiving.

Board Member Pierro stated site plan approval.

Rich Williams stated for a play area and walkway to it.

Board Member Pierro asked can you include that in there Missy.

Board Member Rogan seconded the motion.

Mr. Ligouri asked there does not need to be any discussion on the use on the interior Rich.

Rich Williams replied no but your next step is you will need to go see the Building Inspector.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 4 to 0.

Mr. Ligouri thanked the Board.

13) FOREST VIEW APARTMENTS SITE PLAN

Mr. Harry Nichols, Engineer was present and Mr. Ligouri, Hogan & Rossi were present.

Mr. Nichols asked the Board can I borrow one of your plans I grabbed the wrong set.

Board Member Montesano handed Harry a plan.

Board Member Rogan stated Harry I heard a rumor that your stormwater plan had made great strides as of late.

Mr. Nichols stated yes we had a meeting with Rich and Gene and we modified the ponds at their suggestion. It was a good suggestion and were able to eliminate the third, separate fore bay pond and the fore bay becomes part of the first of a filter pond. The control instead of being a ware with an overflow will be a manhole with pipes coming out at different elevations and we were able to satisfy the requirements. We were also able to eliminate the need for the rock cut. We were able to by shrinking the pond area we are able to hold a three on one slope on the up hill side before we were proposing a rock slope in the middle. We know we have rock here but the question was just how deep is the rock. We have retained Beth Evans Associates to flag the wetlands on the rear side they have yet to go out there an flag it. Their work load has been such they have not been able to get out there so that will be forthcoming. We submitted this time a retaining wall design for the rear of building number three, actually building number four. That design was based upon assuming there is no rock there because we don't know exactly what the extent of the rock is. As they excavate the embankment there will have to be modifications made to the plan. We can establish rock elevations and those modifications will be made. It will result in a reduction in the length of the wall but what we show on our plan is the maximum.

Chairman Schech asked did we get the site under the rails squared away where the water goes.

Gene Richards asked can we go back to the wall for a minute.

Chairman Schech stated sure.

Gene Richards stated Harry, what I am hearing you say is that and I totally agree today you don't know what the extent of the rock is. Your plan is showing an area defined as ledge rock so we know that there is rock there and part of the retaining wall lies over that so we are pretty assured that you are going to encounter it. It is a question of to what extent.

Mr. Nichols stated that is correct and rather than guess, we show the wall at its maximum and as we encounter rock in the field we can reduce the extent of the wall.

Gene Richards stated that is the problem that I have because what you are saying then is we are going to make modifications during construction and then that has to go through its own review process and that is something from the Town's perspective, inspection fees were not really designed for. There is always a chance of encountering field conditions that are going to differ or were not expected so you have to make modifications. This is something that is somewhat substantial. I mean it does require an engineer design and I don't know if you are doing that or if you are going to have Ready Rock do that for you, which I think they do.

Mr. Nichols stated Ready Rock is going to provide the calculations.

Gene Richards stated it just becomes a question of how that gets handled during construction because we are pretty much saying at this point there will be changes to what you are seeing on the plan.

Board Member Rogan stated designing for a lot of unknown's.

Mr. Nichols stated well we designed for the maximum, we are showing the maximum. What will happen is the wall will become less in area specifically in this corner over here, rock is exposed whether it is substantial sound rock until we cut into it you are not going to know but I would gather that would eliminate probably the return on this corner.

Gene Richards asked and what happens to drainage back there and that was part of it too in our review. We have talked a couple of months now about the grass swale going through that area.

Mr. Nichols stated right we didn't re-draw the grass swale. It should be re-drawn in an area that is not rock. It should be in this location here referring to the plan.

Gene Richards stated assuming the extent of the ledge rock you are showing on the plan is in fact where it ends.

Mr. Nichols stated it does not show rock exposed so we should be able to put an earth ditch in there and the idea is just to cut off the flow that is going to come down and go over the rock.

Gene Richards stated I totally agree with what you are doing I just didn't agree with putting that grass swale through an area of ledge because you are never going to maintain that. I think it is better to address as much of this as we can at this level rather than having to make adjustments in the field later on and kind of design where we know we are going to have to do that. Those things do happen but we try not to design it so it definitely will happen.

Mr. Nichols stated without going out there and doing significant bull rings just to find out how sound the rock is the only way to go out there and remove the over burden and expose the rock so we can determine whether it is sound or not sound.

Gene Richards stated I guess one way would be get some agreement or maybe if you ultimately do approve the project put something in the resolution that during construction if that wall under goes any major redesign they have to come back to the Board to get an amended approval. Then that would require a review.

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

Board Member Pierro asked Rich do you have a problem with that.

Rich Williams stated no.

Board Member Pierro stated as long as we acknowledge that it is going to happen.

Rich Williams stated the only thing that we are going to be very clear about is the fact that it may delay construction for an extended period of time while it is reviewed. You have to understand that. I mean the Board meets once a month so if you all of sudden encounter this condition while you are under construction everything has got to stop at least in that area.

Mr. Nichols stated well while we are under construction and excavating for the building itself we can expose that rock and make that determination so that we can get in early on with a re-design.

Board Member Pierro stated if that is going to be done in the first phase of construction.

Rich Williams stated that is fine if you take that approach don't expect to come in and say you have got to get this done right of way because you are holding us up.

Mr. Ligouri asked maybe we can put that in kind of a sequence type note on the resolution.

Rich Williams stated it will be put in the resolution.

Mr. Liguori stated because that makes the most sense. I mean clearly go right there once you get the approval to start construction to get that area out and get it looked at.

Rich Williams stated no I don't have a problem doing it that way but I just want to be very clear don't hold the Town responsible for any construction delays.

Ted Kozlowski asked Harry, the plans as it stands are you going to have to come before the Board for a wetlands permit for this project.

Rich Williams stated yes.

Mr. Nichols stated we have some very minor, we do have pipes that discharge so there is going to have to be.

Ted Kozlowski stated okay in your permit application just so because it has come up in the past just make sure that Beth is going out there to do the flagging make sure she takes the time to do a functional assessment on that wetland which is a requirement of our Code.

Chairman Schech stated and don't wait too long with the wetlands permit.

Rich Williams asked we have a wetlands permit pending don't we.

Mr. Nichols stated I thought we sent one in.

Rich Williams stated it has to be modified.

Mr. Nichols stated we have reduced some of the items that before were going into the control area.

Rich Williams asked how soon do you think you will get the wetland issues resolved.

Mr. Nichols asked the flagging.

Rich Williams replied the flagging, the functional analysis.

Mr. Nichols replied I will make a call tomorrow and I will advise you as to what the status of that is. I don't know when that is going to happen with the snowfall whether that is going to inhibit her.

Ted Kozlowski stated this is not a good time of the year to be doing this.

Rich Williams stated it is just that we are at that point where we could be holding a public hearing on the site plan to try to move this forward a little bit but we usually hold the public hearing on the site plan concurrent with the wetlands permit and we don't have a complete permit, we don't have the information it is almost pointless.

Mr. Nichols stated but that area that you are talking about in the rear is area that we are not going to be doing any work in.

Rich Williams stated you have to make him happy referring to Ted Kozlowski.

Mr. Nichols stated I understand. We have to do it but the thing is we are not doing any work on that side.

Rich Williams stated that is what I am saying the Board might want to consider setting the public hearing if we had, assurances that all that information was going to be in to Ted condition that on getting that information if we don't get it then we just cancel the public hearing.

Mr. Nichols asked is that significant enough to hold up the public hearing.

Ted Kozlowski stated well let's step back for a second. How long has this been before the Board. How long have you had a wetlands application in.

Mr. Nichols stated the requirement to flag the backside of the wetland was made known to us I think at the last meeting we were here.

Ted Kozlowski stated no that is not my question. My question is you submitted a wetlands application that was incomplete a long time ago and for some reason that has not been completed and now we are in January looking at a public hearing for both of these issues it is not this Board's problem that you have not done that, met those requirements. We can't have that public hearing because that is not met then we can't

have it until it is met. I don't know how you are going to do a functional analysis and wetland flagging with eight inches of snow on the ground.

Chairman Schech stated it is too late to worry about that. Harry, we are just trying to tell you my agenda is getting to be two pages now so we are trying to get rid of you. In other words, we want you off the agenda so let's move it along.

Mr. Nichols asked if we have the wetland flagging in and the wetland permit corrected the next meeting is, The Secretary stated January.

Board Member Rogan stated it is only three weeks from now.

The Secretary stated January 5th.

Board Member Rogan stated you better shoot for February.

Board Member Pierro stated I don't see Beth Evans doing a functional analysis, Board Member Montesano stated in the middle of the winter.

Ted Kozlowski stated I can't speak for Beth, I know Beth, I have known her for many years and I don't see it happening. I just don't.

Board Member Pierro stated I think we are really pushing the envelope. I would love to schedule a public hearing but.

Ted Kozlowski stated maybe there is information already existing out there I don't know.

Board Member Montesano stated I see no reason to even consider a public hearing.

Chairman Schech stated no. You are not going to have it for awhile but let's get everything set up for it. Ted Kozlowski stated and this goes back to March 2004. That is over a year or two .

14) D'OTTAVIO SITE PLAN

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

Chairman Schech asked do you have Dufresne-Henry's comments there.

Mr. Nichols replied yes I do.

Mr. Nichols stated this plan reflects both again a modified design for the detention basins based on our meeting with Rich and Gene. We are getting down to two ponds with the fore bay being in front of a filter pond. Different pipes coming out at different elevations to control the flows from the direction they go in. We have added in order to accommodate this we have added a very low, it would be a four foot maximum height retaining wall. It will be on the down side of the access drive to get in there. This was required based on the differential elevations that are now require by the different pond concept. We could not make the grade change by going straight down at a three on one. We modified that. I believe that still holds, if we

keep it four feet or less and just to give you a section of what the wall looks we do not have to do engineering for the Town.

Gene Richards stated that is correct Harry. You still do need and I don't recall if you had the detail or not but you need a construction detail on the plans for that.

Chairman Schech asked are we making progress on this.

Gene Richards replied yes and no. There is definite progress as far as the layout of the ponds and all that. The area where we are still struggling is the quality control on the plans and Harry that is something you have got to get straightened out.

Mr. Nichols stated we received our modified revised landscape plan. It just came in and it was kind of late to submit it. We just got that from our Consultant. We obviously had to give them the layout page first and then they performed their work on it so there is a change. That change also includes supplemental planting along the banks in the areas that will not be disturbed just to beef them up a little bit. We have comments relative to Ted's concerns and Rich's concerns as part of the package, again they will be submitted for the next meeting.

Chairman Schech stated okay Harry, let's move it.

15) KING WETLAND WATERCOURSE APPLICATION

Joe Buschynski, Bibbo Associates and Mr. King were present.

Mr. Buschynski stated our major revision since our last session was to try a driveway off the existing driveway and it has worked quite well in terms of grade, in terms of a small reduction amount of additional impervious.

Chairman Schech asked did we run this past the Building Inspector yet.

Rich Williams asked for. At the point where we recommended this, I don't think that we were aware of the position that he was going to take but it is an existing driveway.

Board Member Rogan asked what do you think is going to happen.

Rich Williams stated my opinion, I am not a Code Enforcement Officer, I have not been to the training, if you read the regulations, and the regulations say fire access lanes except for one and two family homes. Clearly, two, single family homes should be exempt.

Anthony Molé stated I looked at the regulations as well and my interpretation is the same as Rich is if it is two, single family homes there is an exception to the rule.

(TAPE ENDED)

Chairman Schech asked this is not one of the things that is on his discretion.

Anthony Molé stated it does not seem that way to me. I looked at the Code there is a regulation and then there is an exception to the regulation. The exception is that if it is two, single family homes off a common drive that is not a requirement for the Fire Code.

Chairman Schech stated okay we go with that.

Board Member Pierro stated so be it.

Board Member Montesano stated I will go along with that.

The Secretary stated Rich I thought though the problem is when they go to pull the building permit these guys can say okay to it but when they go to pull the building permit and he says twenty foot wide.

Board Member Montesano stated and then the problem comes up who goes to court first.

Rich Williams stated I have not heard from the Town Board the Planning Board had requested a meeting on this issue with a different subdivision and also on perhaps talking about the fire tank issue and how we are going to do that. I haven't heard back from the Town Board yet so perhaps we can press on with the Town Board again.

Board Member Montesano stated they are coming up hot and heavy we have got to have a decision.

Chairman Schech stated sorry to side track you please continue.

Mr. Buschynski stated this is now where we are. We agree that this is a workable solution and recommend that it be built that way.

Board Member Rogan asked Ted do you want to talk about the erosion control. You had issues with this as I remember just in terms of some erosion control.

Ted Kozlowski stated I don't really have an issue with the stream in itself. My feeling was on the site walk was that it is a rather steep hill. That hill is held by all those trees, we put a driveway in and the associated disturbance with it we are going to affect trees and tree roots and I would like to minimize that as much as possible for the integrity of the hillside. It won't really affect the stream but it really would be an erosion issue if we were to lose that hillside of trees. I think maximum care has to be made. I think the trees that are designated to stay should be protected by all means with construction fencing and stuff like that. Those were the issues that I have. They weren't really one of a wetland issue.

Board Member Pierro asked has the line of the driveway been staked all the way through so that we know which trees are going to be disturbed and where.

Ted Kozlowski stated Joe can do that but Joe also knows that when you are in a forest setting like that the roots extend way out and they are intermingling and also you can designate the trees but you have got to also try to look at the root systems of those trees that you want to save and see how much of that is going to get compromised.

Board Member Rogan stated you know there is very little of this site though that is not getting disturbed other than the front portion to the left of the driveway.

Mr. Buschynski stated yes.

Board Member Rogan stated other than that just a little bit above the septic system and they show a stockpile area so you are not saving any trees between the driveway and the house or anything. That is all graded. It is all up through the septic.

Mr. Buschynski stated Shawn is correct.

Board Member Rogan stated so we are only really looking at the area above the well and maybe up along the back here and possibly along the property line.

Ted Kozlowski stated if you are going to do that you really have got to address the erosion control because that will be an issue.

Chairman Schech stated all right so make sure you get the erosion control located on there.

Rich Williams stated let's be clear about that,

Board Member Rogan stated you are talking permanent erosion controls.

Rich Williams stated yes it requires a permit and I have reviewed it for the permit. There is a couple of minor issues with the erosion control plan to ensure that sediment is not going to travel off the site but for the most part they have addressed all the previous issues. They are controlling stormwater on the site. I think they are in pretty good shape with the erosion.

Chairman Schech asked do we have to set a public hearing for the wetlands permit.

Rich Williams replied unfortunately they do need a wetlands permit and we do have to go through the procedure so yes you should set a public hearing for the next meeting.

Board Member Pierro asked do they have a completed wetlands application.

Rich Williams replied I don't know.

Board Member Pierro asked have you reviewed the application for the wetlands permit.

Ted Kozlowski replied it is pretty much complete. I will check it again. Like I said, there is really not an a wetlands issue here. It happens to be within a hundred feet of an intermittent stream corridor. All the disturbance is flowing away from that stream. There really isn't an impact other than the forest itself.

Board Member Montesano made a motion in the matter of Donald King Wetlands Watercourse Application to schedule a public hearing for January 6, 2006. Board Member Pierro seconded the motion.

Chairman Schech asked all in favor:

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

Motion carried by a vote of 4 to 0.

Mr. Buschynski thanked the Board.

16) WHITE BIRCH REALTY SITE PLAN (a.k.a. Yonkers Realty).

Mr. Buschynski, Engineer with Bibbo Associates was present.

Board Member Rogan asked is this,

The Secretary stated Yonkers Realty.

Board Member Rogan asked they just switched the name of it or.

Mr. Buschynski replied change of ownership.

Chairman Schech stated okay so the new driveway in the back is a no, no.

Mr. Buschynski stated the driveway referenced in Rich Williams' memorandum that is within the buffer is the proposed driveway is this section here, the owner was hoping to get access to the front of the building for a warehouse section. Rich's recommendation is fairly strongly opposed to this pavement in this area. There is a possibility I haven't conferred with the owner yet but there is a possibility of a door on the side of the building for loading, off loading.

Chairman Schech stated yes it seems like that would probably be more feasible.

Board Member Rogan stated not an off loading area. It is not wide enough.

Chairman Schech stated I don't think you would be doing an un-loading there but you could probably get an entrance to the building.

Mr. Buschynski stated a truck would have to,

Board Member Rogan stated parallel park.

Mr. Buschynski stated park there parallel for the unloading to take place.

Chairman Schech stated I don't know if there is enough room for that.

Rich Williams stated I just don't see this site as working for something like that. I really don't.

Mr. Buschynski stated depending on whether it is, it is certainly not going to be a truck backing to the building, only a smaller single axle truck could back in on this proposed entrance but over here if it was a fork lift coming out to drop loads and bringing it back in temporary parking.

Rich Williams stated I understand what you are saying but that is the access drive that you are now trying to turn into a loading zone simply because you want to break the building up in a way that is not conducive with the layout of the driveway and parking area.

Mr. Buschynski stated okay we will address the issue with the owner, take it back to him that it is an item opposed by the Board.

Mr. Buschynski stated there are a couple of other issues that Rich brought up in his memo that impact the site that we should discuss. Our proposal was to use this pond, which is a fairly deep and a large volume of water available for fire protection by bringing out a dry hydrant to the main drive and making one available on the site. The pond would as Rich indicated have to be pretty much drained in order to install the dry hydrant piping and pedestal that it sits on. There is fish in the pond. We certainly would not want to have it go completely dry. The other issue is we would like to bring stormwater from the roof to the pond. The comment was raised what would be the impact of that additional stormwater. I don't think the amount of water is an issue it is probably the potential for warming. There is a certain amount of roof that gets there now but it is not the entire roof. Those three issues are in need of working out with the Planning Board because it impacts the plan and how we proceed.

Chairman Schech asked Ted do you have something to say about the pond.

Ted Kozlowski stated Joe, we need that area flagged it really was never flagged or delineated and approved by the Town. You are looking to use the pond you need a functional analysis. You are going to need a full fledged wetland watercourse application absolutely. You need to do that.

Mr. Buschynski stated as a resource for fire protection it is a fairly inactive activity after installation of the pipe.

Ted Kozlowski stated I just think it is a pretty active activity to drain the pond. You don't know what is in there.

Board Member Pierro stated we don't know what kind of damage draining that pond into the stream will cause.

Ted Kozlowski stated when you release that water of the pond where is it going to go, what is it going to affect down stream, there is potential impacts it has got to be addressed.

Chairman Schech asked was this pond there all the time or was this there because the building is there.

Ted Kozlowski replied I have no idea Herb.

Chairman Schech asked does anyone know.

Ted Kozlowski stated I don't know. I know there is a ton of beavers around there.

Rich Williams stated it was shown as an existing pond on the original site plan but I don't know if it was put in as part of the road construction or not.

Ted Kozlowski stated I have no idea. That area has been altered obviously it is Commerce Drive. I don't know what happened before my time. That is why we do these analysis.

Gene Richards asked Joe, are you proposing the work in the pond in lieu of putting in a tank for fire protection.

Mr. Buschynski replied sure. It is 380,000 gallons.

Ted Kozlowski stated right and before you release that downstream what does that do to the downstream neighbors. What does that do to the downstream wetlands and or pond. It has got to be addressed.

Board Member Pierro stated it is going to make a lake out of Real Life's.

Mr. Buschynski stated I don't think you would release it as a dam breaking. You would pump it out.

Ted Kozlowski stated right again Joe it has to be (unable to hear too many talking at the same time).

Ted Kozlowski stated the project is within the buffer it is affecting the regulated area directly. You need a wetlands permit.

Rich Williams stated if you are going to drain the pond you are going to drain it slowly. You are not going to increase the peak flows for a pre-defined volume, draw it down over time so you are not going to do any damage to the stream. The concern as raised correctly is what damage are you going to do to the pond by draining it down. What damage are you going to do to the pond by putting stormwater in the pond basically.

Ted Kozlowski stated that is pretty much another consideration but it all has to be down on paper and put into the package.

Chairman Schech stated we will need a wetlands permit on that.

Board Member Pierro stated most importantly we need the analysis so we know whether or not putting the stormwater from the roof into that pond is going to make it any worse.

Ted Kozlowski stated I am not in favor of using any kind of natural, native pond or anything like that for a detention basin for stormwater. It is kind of contrary to why we have this law in affect.

Chairman Schech stated we also have to find out where the floor drains from the interior building are going to, into the pond.

Rich Williams stated right.

Ted Kozlowski stated it is a big parking lot to be draining into there.

Chairman Schech stated we have no idea where they are going.

Rich Williams stated they are not going to the pond.

Ted Kozlowski stated that is the thing I don't know what goes to that pond. There is a lot of uses there, there is a lot of stuff going on. No one has really looked at it. That is why they have these permits.

Board Member Pierro stated let's get an analysis done.

Chairman Schech stated all right so we got some more work to do on this one.

Mr. Buschynski stated with the respect to the lighting we will address those issues. I think those were the major issues.

Rich Williams stated there was one thing I did want to suggest one of the things Joe that you have been proposing is the outfall of the storm drain system into the stream, the plan calls for cutting it back and putting a riprap slope going down into the stream.

Mr. Buschynski stated this location referring to the plan.

Rich Williams replied yes. If I could suggest I have a picture of it some place, rather than doing that (unable to hear) but something like that referring to the photo he handed Joe. The problem is when you make the cut down into the stream on a two and one slope like that you are going to be doing a significant widening into that stream channel and that might be a better way to go.

Mr. Buschynski stated after reading your comment I thought that maybe we need to add a drain manhole at that pipe, enter it, water drop down and be carried into the stream on a flat slope.

Rich Williams stated that will work too. That certainly would work also but the old farmer's they knew how to make grade changes in streams work but it is up to you either way. I don't recommend cutting back the slope because once you start cutting that two on one slope down in you have got to widen it out right at the stream channel.

Mr. Buschynski stated if we did bring a pipe to it (unable to hear).

Chairman Schech asked you got the project review on this.

Mr. Buschynski replied yes.

Chairman Schech stated okay it gives you a couple minutes worth of work on it.

Mr. Buschynski stated I will change the colors next time.

Mr. Buschynski thanked the Board.

17) DUNNING SUBDIVISION

Mr. Rob Cameron, Putnam Engineering was present representing the Applicant.

Mr. Cameron stated this application has been before the Board previously most recently we have revised the plans to address some of the stormwater issues. The issues were related to the desire of the Applicant to relocate the driveway and then by the Town's comments to try and preserve as much of the tree buffer area on the corner of Harmony and 292.

Chairman Schech stated I think that was our biggest problem.

Mr. Cameron stated yes. Since we have revised the plans it indicates that we do have an infiltration area located below the septic system. There are some comments that the Town Engineer and the Town Planner had on this, which I think we can satisfactorily address. The Town Engineer had a comment regarding he requested us to try and split this area. I think the complication with that is that to put another sediment trap up in this vicinity we are trying to not disturb, there is a heavy tree buffer along here and wanted to preserve as much as that as possible and that is why we were trying to put most of the infiltration and sediment traps down in that area and keep it away from any place up there. Actually, this is almost forming a natural cleansing area all by itself just by how this topography is shaped because there is a low depression there.

Gene Richards stated Rob, let's stop for a second. What you are saying sounds great but then the question always becomes what happens with the individual lot construction. I don't know how the water is getting from the lot on top is that Lot 2, Lot 3.

Mr. Cameron replied Lot 2.

Gene Richards stated from Lot 2 to Lot 3 through to that silt trap. Number two, what happens if Lot 3 is built first and now Lot 2 goes under construction how does sediment stormwater from Lot 2 get to Lot 3.

Mr. Cameron stated you brought up that point we will address that in the sequence of construction. We will have to require that those improvements are made in the particular sequence.

Gene Richards stated I think that was more specific to that swale up hill of the construction and that is an issue you can certainly address but this would be a similar issue. I just looking at the plan I did not see one area being able to serve both lots. It just did not seem to work. I appreciate what you are trying to do by and I am sure the Board wanted that area preserved but it has got to be logical too and it has to work. That is why I think something individual has got to be the answer.

Mr. Cameron stated we can investigate that and see how we can achieve that goal but from the time of receiving your memo until I am here tonight that was our initial thoughts in it. We can look at that further and see if we can do something in respect to that.

Rich Williams stated if I can just echo that I would also prefer to see them split. I took a quick look at your sizing calculations for the sediment trap. It seemed that it was somewhat under sized for what you got there and if you enlarge it to what the design requirements are it is going to grow considerably and disturb a buffer that the Board is trying to preserve. I would agree with Gene that perhaps you should take a harder look at somehow trying to split it maybe split it in the sequence of construction using an area that, a portion of the driveway or something like that I don't know.

Mr. Cameron stated the only area would be left up here. We are also constrained by the septic locations as well unfortunately but like you said we can look at that now that we are aware of your concerns on that.

Rich Williams stated you know a berm instead of excavating next to the septic system something like that.

Gene Richards stated that does not look like a lot of disturbance on Lot 2. You might be able to do something to control the sediment above the septic system as Rich said along the driveway perhaps. It may

just be enough to have the silt fence for the septic area itself. I think the bottom Lot, Lot 3 has the greater disturbance. That may need something more formal than you are showing.

Mr. Cameron stated the other comments that you had I think we can easily address. Most of them were some technical things that we just had to address. I think those can be accommodated but the major issue is trying to work on this plan to get a new sediment trap location.

Gene Richards asked do you have a surveyor involved to do the actual plat. That was one question we raised.

Rich Williams stated we have had a plat in here before.

Mr. Cameron stated off hand I don't remember who it is but I am sure we do and if we don't we will find one.

Chairman Schech asked do we need a waiver on this project also.

Rich Williams asked a waiver for.

Chairman Schech replied time.

Rich Williams stated I believe we addressed that at the last meeting.

Mr. Cameron stated I think I said I would not have a problem granting a waiver.

Board Member Pierro stated we granted the waiver at the last meeting.

Mr. Cameron stated I think because we already had the public hearing on this I think the concern was the 62 days.

Mr. Cameron stated if I have not said it I will say it now we will grant an extension.

Chairman Schech asked anything else guys.

Board Member Pierro asked Rob were you made aware of Rich's comment regarding the conservation easement, possible conservation easement to protect that buffer area in the future once the property is conveyed to a new owner.

Mr. Cameron stated I can look at that I had a lot to do before I got here tonight and quite honestly I did not have a chance to review.

Chairman Schech stated just on the corner that should not be any big problem.

Board Member Rogan stated we go through all this to save that buffer and then the person moves in and,

Mr. Cameron stated he actually really wanted to keep that buffer and that became the whole issue with the driveway and all like that, why we relocated the driveway, and why we had to come back here again with the change on the plans.

Board Member Pierro stated yes but once he conveys the property to someone else then all bets are off.

Mr. Cameron stated right I understand.

18) BEAR HILL ESTATES WETLAND WATERCOURSE APPLICATION

Mr. Rob Cameron, Putnam Engineering was present representing the Applicant.

Mr. Cameron stated I also have here with me tonight Steve Marino of Tim Miller Associates and also the owner, applicant is also here tonight as well.

Chairman Schech asked okay are you guys going to put on gloves and go into your corners.

Ted Kozlowski stated I have said all I said in my memo.

Mr. Marino asked is there a memo I have not seen a memo.

Rich Williams asked do we have a memo.

The Secretary stated I don't remember seeing it.

Board Member Rogan stated here I will give you my copy. It is dated the 22nd of November.

Mr. Marino stated we haven't seen the memo.

Ted Kozlowski stated I will go over it.

Board Member Pierro stated I think you ought to go over it Ted.

Mr. Cameron asked do I need to explain the history on this or can we just.

Chairman Schech stated no.

Board Member Rogan stated no let's move forward.

Ted Kozlowski stated Rob on the plans where are the wells. I could not find them for those two lots.

Mr. Cameron looked at the plan and replied they might not be indicated. I think the well for this one was supposed to be over here and this one was over in this location. I can meet the hundred feet separation.

Ted Kozlowski stated the flagging is still not addressed down here. You are showing flags that I put up as opposed to your Applicant's flagging, I made the argument that the flagging should be extended. It is a minor detail but that should have been addressed it wasn't.

Mr. Cameron stated yes those lines were, Mr. Marino stated this one we connected here. Mr. Cameron stated this is measured off of that point.

Ted Kozlowski stated I know but we need to clean that up one way or the other. On Lot 6 the septic area in the functional analysis said that the expansion area is affected not the septic, on those plans I am not clear where the expansion area is as opposed to the septic itself.

Mr. Cameron stated actually on this lot I have not laid out the septic. I just basically laid out a box where I could layout the fields then we could see exactly how it is impacted.

Ted Kozlowski stated it is unclear to me how that is addressed. The assessment does discuss amphibian use and so on and I will get to that in second. As I pointed out to the Board, this is all developed here, it is all developed here, here and here this clearly is a east, west area that isn't developed. There is a wetland, a vernal pond here, there is a wetland, open space here, and this is a big huge area containing forest, hillside, upland, and wetland. The functional analysis does not give any kind of address to this east, west wildlife corridor whether it is a function, whether it is a factor in this system or not. As I said, this represents a green belt through connecting this large parcel to this large parcel, which is undeveloped. It is not really addressed. In this wetland here on Lot 6 there is also open water and given times of the year it could be vernal in nature it is not addressed. It is possible that the Applicant's Consultant when he was out there it was during a dry period maybe even dried up. It is really not mentioned in the thing.

Mr. Cameron asked this area over here is typically wet right.

Ted Kozlowski replied it is a wetland but there is open water in here in the early spring. This particular vernal pool I have had through people that live in the neighborhood who have asked me to go up there on previous Planning Board actions I have been to that vernal pool over the last ten years. I do believe with all due respect to the Applicant's Consultant he was retained at a later period, the National Weather Service and the Putnam County Weather Measuring Stations in April was a very dry month, three inches in deficit, May, June, and July was a very dry period. It was not until October and many ponds in the Town of Patterson dried up. We got many calls on ponds that never dried up before and dried up. This wetland did. This vernal pool did dry up prematurely. I was out there in February, I was out there in March, and I was out there in April. I documented spotted salamanders; being that as it may, our Wetlands Code does not regulate based on productivity. It is regulated on whether it is a vernal pool or not. It is a vernal pool. It is regulated. Lot 3 pretty much everything on that lot is within the buffer itself. The wetland assessment and does not address and I am being very critical here not because of Steve or Tim Miller Associates but based on experience in the Town that is just showing a house and a driveway. It is expecting somebody to live there. It does not show a deck, it does not show a shed, it doesn't show a pool, doesn't show lawns most of that living area is in the buffer. It is a major impact to the natural vegetation surrounding that vernal pool. We go through this all the time in subdivisions it is entirely in the buffer. It is going to be a major impact to that area. The same thing with Lot 6 house. It is showing the house forty feet from the property line, are we assuming that the owner is not going to have a deck because now he is going to have to get a variance because he is forty feet off the line. There is no sheds, no pools. You are probably going to have to pull that house even closer to the buffer. We have got built in problems based on that plan. I think it needs to be looked at a second time.

Mr. Cameron stated on this lot we can do a little bit about moving the house and we will still be outside the buffer.

Ted Kozlowski stated Lot 6 does not trouble me as much as Lot 3 obviously we have gone around on this time and time again.

Mr. Cameron stated on Lot 3 I didn't propose a lot of lawn area or anything like that because I wanted to get here tonight to discuss how we could mitigate those issues. The mitigation could be I mean we could put a fence or some type of area make it a conservation area, do other measures, put a planting buffer something to maintain the distance, or put some type of deed restriction to stop anybody from going over here. We have this whole other section of Lot 3 that we are not proposing any development on and by having the house on this side all this drainage on this side is really undisturbed. It will be able to flow down to recharge this area here. Again, the only disturbance we are proposing this side and most of the slope is actually there is a little section, which is actually draining towards the pond, but most of this slopes is sloping towards this side and towards the back so our drainage paths are actually going towards the rear. We will do what we can. We are trying as you know to do something with this lot just because of the shape as we discussed before. We originally had this lot coming around here and kind of a funny shape. When the Applicant originally bought this property and this was before the moratorium came into effect and the zoning he bought this as a what a twelve lot subdivision.

The Applicant stated yes one acre zoning.

Mr. Cameron stated we are trying to do this as best as we can and still maintain as much environmental.

Ted Kozlowski stated I completely understand what you are saying. I hear what you are saying unfortunately you are not the guy moving into that house. We just had tremendous problems house after house that is built within buffer zones of regulated areas. I don't think that I have had one that complies. Once the families are in that becomes lawn, playground, and dumping ground. I have got my hands filled at Apple Hill. I have got my hands full in Wyndham Homes. I really want to avoid this absolutely. You could put up all the fencing you want. You can put all the deed restrictions you want but the fact remains that when somebody moves in they are not in tune to what we are trying to protect in the Town. It becomes bedlam. I am for completely staying out of the buffer zones. If you can prove that out fine. Lot 6 I think is doable in that respect. Lot 3 I don't see it happening. That is my opinion. We have gone around on this many times.

Board Member Rogan stated at least if you did away with the improvements on Lot 3 and kept it one Lot you would not be looking at a waiver from the bulk requirements for four acre zoning. You would be five acres for Lot 4, correct because that is a proposed line shown between Morrissey and whatever the other house is.

Mr. Cameron stated yes there is a line there someplace I am having hard time seeing it. I think it is a very light line on there.

Board Member Rogan stated this is difficult property.

Board Member Pierro stated if it wasn't difficult it would have been subdivided and built on many years ago.

Ted Kozlowski stated I am not looking to redo the functional analysis and all that, Tim Miller did spell out a lot of stuff. There is my opinion and there is their opinion. The bottom line is that Lot 3 is a very difficult challenged Lot in my estimation no matter how you package that.

Board Member Rogan stated it is a difficult area. We have established a wetlands area that we are all agreeable on, we have established a buffer that we are all agreeable on in terms of delineation at least I thought we were, boy, if we could just stay out of those buffers and you know do the best we can with what

is left. I see Lot 6 as challenging just for the reasons you were talking about. The person has nothing behind the house within their property that they can use. There is some steep slopes on the useable property. It is a difficult lot.

Ted Kozlowski stated everybody wants a backyard. They want a deck, they want a place to entertain. We all want that but we are squeezing these lots.

Board Member Rogan stated there is ten foot of grade change from top corner of the house to the bottom corner of the house, opposite corners so there is some significant cut into the top. The house is going to stick way out of the ground on the low corner then you have a drive in garage so you have got a lot fill that needs to be brought in there. That is going to extend and that may push that septic system down hill.

Mr. Cameron stated actually what I would do with that house is I would bring it farther back towards the corner and probably turn it at a slight diagonal then I could get it to work much better.

Board Member Rogan stated so that the back of the house would be up into the hill I agree with that. That might also help them with their backyard issues.

Board Member Pierro stated I was walking in that area.

Mr. Cameron asked which area.

Board Member Pierro replied in the area in front of Widow Bauman house before the November meeting when we had that two or three days of heavy rain and I maintain that the wet area that ponded up in Lot 6 is much larger than it is depicted on these maps. That was inundated with water.

Ted Kozlowski stated well Dave it can fool you when you have a major storm like that wetlands will overflow into upland areas.

Board Member Pierro stated and it did. I thought it was well into where the driveway was supposed to be.

Ted Kozlowski stated it very well could be but I think the flagging is pretty accurate at this point. We have gone around and they have gotten it down pretty good.

Mr. Marino stated if I could just point out too it raises that same issue, Steve Marino, Tim Miller Associates for the record, before Bear Hill Road was put in this wetland was all connected down through here. We have the soil maps to show that was all Sunloam through there. It wasn't culverted typically when you are going to cross a wetland like that you have a culvert to maintain the hydrology from one side to the other. That does not seem to have happened. If it did it is buried. There probably is a subsurface connection there so even when it fills up after a storm then they fill up and overflow its banks for the time being and by going underground back into the old stream channel it probably drains back down to what we flagged ultimately as the regulated wetland on that side of the street. So, there was a connection there at one point. The vernal pool issue whether it would still be a vernal pool if that culvert had been put in there and if it was created by the damming of the road I don't know I wasn't here that is a possibility too.

Ted Kozlowski stated it is probably very true.

Mr. Cameron stated the only other thing to talk about on Lot 3, the only other option I have on Lot 3 is you can see where this hundred foot buffer is to put the house up here but unfortunately I still have to keep some method of getting down to their septic system.

Ted Kozlowski stated Rob it is just again, sometimes it is just not doable okay. I don't know what else to tell you.

Mr. Marino stated as far as the functional assessment goes we looked at it as this is probably the best place to put the house if you were going to put a house on this lot, configure it the way it is. This would be the best place to put it. We made some adjustments to the driveway to get most of the driveway out of the buffer to the extent we could, we flipped the house, the garage is now on the other side of the house so that is now out of the buffer although the main body of the house remains in the buffer. Try to squeeze something into a relatively tight spot we concede that. We are trying to work with the wetland that is there and what we can do to come up with something.

Board Member Pierro stated I think your best bet is to lose Lot 3, combine it.

Mr. Marino stated with a long term there is lawns, and decks that does happen. There are Town Ordinances that are supposed to prevent that.

Board Member Montesano stated unfortunately human nature is human nature and until we can control that. We are trying to make four out of three, you are trying to make three out of five and get as much as you can out of it. It is human nature but unfortunately we have already run into situations where if you put a house on that lot and it was allowed the guy that buys it is going to say this is my kingdom and I am going to do what and if gets caught well I never knew and by that time he is flipping his wig. He spent all this money and this is where the problem starts. We are trying to avoid the problem.

Ted Kozlowski stated almost every wetland application is this kind of challenge. I think this Board made a pretty strong statement awhile ago keep it out of the buffer and if you can't do that then the Lot, how is somebody reasonably going to use that lot in this day and age in this economic climate. How are they going to use that lot and conform with the rules and regs. How is that going to work.

Chairman Schech stated the whole place is a challenged place. The entire subdivision is bad. I mean they just went in here and did whatever they pleased.

Mr. Marino stated the lot lines (unable to hear).

Ted Kozlowski stated Lot 6 you have got some room to move there, Lot 3 just doesn't work out.

Board Member Montesano stated if you go by the way that road was put in there you just wonder what were the people thinking when they just put it in.

Chairman Schech stated the road isn't even where it was supposed to be.

Board Member Rogan stated I honestly think if we could like you said if we could make some adjustments to Lot 6, get over this whole business of this Lot 3 and trying to cram this in and just make it a just under five acre lot we would move forward a lot quicker and we would get to the point where these people could start selling some of these lots, building some of these lots whatever but that seems to be the big sticking point and I have said many times on record these problems that we are dealing with today we have because

we didn't have the rules that we have when these subdivisions were approved say fifteen years ago. I have been the one to say that we have to allow some things to encroach on wetlands from those old subdivisions because we didn't have the rules in affect. Now we have the rules in the affect and we know better and to go ahead and do something like this is counterproductive to everything that we are trying to improve with the Town Wetlands Code with proper use of the property. The owner didn't create this situation and I didn't create it but it is difficult property and I think if we can make the best of Lot 6 and have a Lot #4 that conforms to the bulk requirements. Even Lot 4 the way it is laid out is certainly a challenged area. It is not an easy area to build on. It certainly has its slope issues. That would be my recommendation.

Chairman Schech stated I say give it some more thought and dump 3, combine it with 4.

Board Member Rogan stated no one wants to lose a,

Chairman Schech stated you are not losing a lot because today, (too many speaking at the same time unable to transcribe).

Board Member Rogan stated here is the way to put it if you can make it work and it is outside the buffer than we have no reason to deny it other than the fact that we don't see a reasonable use of the property. Someone was in here tonight with a twelve acre parcel looking for a wetlands permit for a pool. It turns out that now they have the ability to move that pool so it is not in the buffer. The guy has twelve acres he is probably sitting there saying he has got twelve acres. The reality is he doesn't have twelve acres. He has twelve bulk acres but he has a lot less useable area and that is a problem. That is a problem for us as a Board to approve something like this knowing that the person will be back in, with good reason two years from now requesting waivers and requesting variances that you can't help but feel bad for these people. They are going to have a house that ultimately they are going to spend seven hundred thousand or more for and they are not going to be able to put a shed in their backyard, a 12 by 16 shed for their lawnmower. People buy these lots blindly they don't know. They think they own the whole mountain side. I know buyer beware it is a difficult position for us and the Zoning Board to sit in when these people come before us.

Mr. Marino stated we are in a situation too though that when this property was purchased it was one acre and then the moratorium hit and things started to kind of change at that time.

Board Member Rogan stated I understand but at one acre, maybe you would have had more up where Lot 1 is maybe you would have gotten two lots up there, certainly that I could see but beyond that show me on this property where you would have gotten more houses in. It is just not, I mean being realistic and reasonable.

Chairman Schech stated it is not going to work.

Board Member Rogan stated one acre zoning works well on flat land or on perfect property.

Ted Kozlowski stated old farms.

Board Member Rogan stated old flat farms, which there aren't any in Putnam County. I believe the Applicant wanted to say something. If you want to say something you can come on up.

The Applicant stated yes I did. The name is Tony Branca.

Board Member Rogan stated you just need to come up to the mic Sir.

The Applicant stated my name is Tony Branca and I purchased the property I don't even know how many years ago now. It was one acre zoning and the road was in when we bought the property and it was a mish-mosh of stuff and we knew we had a difficult road to hold over here because there was a box here, there was a box there. We had to grant easements for people because they didn't even have easements to get to their property and we have been trying to address these things and do what is right and neighborly. We have a piece of property that the economics of it and I know you guys don't judge things on the economics, you are here to judge and preserve the Town and to preserve the wetlands. Variances are granted for building within the wetlands envelope. What I am hearing over here is you are concerned about the person that is going to be purchasing the property, wanting to put a deck on and having no place to put their deck on or to put a shed on. I am saying you have to look at the property on its merits now not what is going to happen that may happen down the road because you have the power to either grant it or not grant it. You are dealing with something that may or may not happen and you are saying okay we can't give you this lot because somebody may want to put a deck on or they may want to put a pool on or maybe they won't.

Board Member Rogan stated we are saying we can't give you this lot because you haven't kept it out of the wetland buffer. If you could do that then there is no reason,

Ted Kozlowski asked when did you buy this property.

Mr. Branca replied I bought this property five years ago maybe six years ago.

Ted Kozlowski asked did you check with the Town when you bough this property, did you check with the Town on these rules and regulations.

Mr. Branca replied yes.

Ted Kozlowski asked when you buy a car you do a little research correct.

Mr. Branca replied yes of course.

Ted Kozlowski asked okay when you bought this property did you look at the Town's rules and regs.

Mr. Branca asked regarding what.

Ted Kozlowski replied the Town Wetlands.

Mr. Branca replied yes.

Ted Kozlowski stated okay we haven't changed that law since 1991 when it came into affect.

Mr. Branca stated you changed the whole dynamics of the subdivision when you changed it from one acre to four acres, which changed everything.

Ted Kozlowski stated one hundred feet. It has always been a one hundred foot buffer.

Mr. Branca stated I agree with you.

Ted Kozlowski asked did you talk to a Consultant, did you talk this man or someone else and come out to the site let's look this over, let's see if this is feasible. It is ten acres, twenty acres but can I build here.

Mr. Branca stated we had the subdivision was filed and it was in the process of going through, (too man talking at the same time unable to transcribe).

Ted Kozlowski stated I don't care that it was filed. Did you get somebody to come out there and say to you.

Mr. Branca replied yes there was the original subdivision as it was laid out

Ted Kozlowski asked who.

Mr. Branca replied this is my consulting team right here. This engineer has been with me from the beginning and Mr. Marino has been with me from the beginning, Tim Miller Associates.

Ted Kozlowski asked and Tim Miller told you could build in the buffer.

Mr. Branca replied no he did not say you could build in the buffer but he also said variances are granted. You can't sit there and say variances aren't granted to build within a buffer. On an area where when we went out there to look at it is was not even wet. I am not here to be argumentative on the issue. It is going to be what it is going to be either it is going to be there or it is not going to be there and the subdivision will move forward with that. What I am trying to do is I am trying to salvage something, I am trying to see the rational behind the decision making process and sitting in the back all I have heard is that you know well we have got to worry about what somebody else is going to do with the property when it is sold. (Mr. Branca kept on speaking)

(TAPE ENDED)

Board Member Rogan stated you saying that you don't believe that this Board is taking into account the current proposal and whether or not it fits. If everything were shown outside the buffer let's forget about the variances for a second, if you had everything outside the hundred foot buffer then we would be talking about the argument that would be the only argument we would say what is the future use of this property. Can these people utilize and have a yard and have a back yard in this and then we would probably still argue and say it is not the best but you kept things out. We would probably ask you to somehow come up with something that would notify the person that bought the house that there were severe restrictions on this lot so that our Board and more importantly the Zoning Board has a leg to stand on if and when they want to deny an application.

Mr. Branca stated of course. I think we have a requirement to notify the purchaser and delineate wetlands and what they can do with the building before they buy it. You have got to remember this is two acres of property. I come from down County where they are quarter acre lots.

Board Member Rogan stated yes but they are not on these slopes.

Mr. Pierro stated they are not on these slopes and they are not in wetlands.

Board Member Rogan stated and they are on public sewer and public water too so come on that is not fair either. They are a 100 by 100 lots or less.

Mr. Branca stated they are 50 by 100 lots with zero setbacks.

Ted Kozlowski stated you are comparing apples to oranges.

Board Member Rogan stated and we also don't want Patterson to turn into lower Westchester either and neither do these people that will buy these houses.

Ted Kozlowski stated and lower Westchester is not in the watershed.

Mr. Branca stated and I fully understand that but you are still talking about two acres of land. You are talking about eight thousand square feet.

Board Member Rogan stated the other concern that we really haven't talked about that we have kind of let go on this just so you are aware is that when we first walked this and that has got to be two and a half years ago the entrance to this whole project, we are talking about we have existing what six houses and we are going to double the road usage on an entrance that is atrocious that has poor sight line distance for the blind curve. We are talking about a serious risk there alone.

Board Member Pierro stated that entrance would not get approved today if they were coming in front of this Board.

Mr. Branca stated I am sure the slope of the road wouldn't get approved. Right now the Town has no setbacks on there. My property, this cuts the property, it cuts right through the tax maps. When we originally went in this thing we just went okay let's delineate the tax lines so that it lays out with the road. When you go to see the tax maps when you say you have to be educated, you go and pull the tax maps the road isn't where it is supposed to be. How come the tax maps are not updated. It is a mish-mosh. We are trying to just push through it. I would hate to give up another lot on this when the economics of this thing were laid out at ten or twelve lots and now I am going to be cut down to four.

Board Member Rogan stated but look at the beautiful thing look what a lot has turned over in five years.

Mr. Branca stated well you are saying that, Board Member Rogan stated no but you are trying to make the argument on economics I mean that is not something we can rule on. It is not our business but we also know what the last four, five years has done to property values where a building a lot is selling for \$250,000.00 versus five years ago they were buying them in this area for \$70,000.00.

Mr. Branca stated okay so all the more reason that this thing is worth \$250,000.00,

Board Member Rogan stated that is not my business but somebody will pay that for it.

Board Member Montesano stated but it has to be something that can be utilized. I can sell you twenty acres, give you five hundred inches and then sell you the mountain. If you want to build on it that is your privilege to buy it.

Mr. Branca stated what I am asking the Board to do is rule on the way it is and not rule on the future or the usage of it and if you deem it not to be then that is what it is.

Ted Kozlowski stated the way it is today the regulations are what they are. You are in the watershed. That lot does not work.

Chairman Schech stated and you are in the buffer zone it is not going to work.

Mr. Branca stated thank you.

Board Member Pierro stated for that matter 6 does not work.

Chairman Schech stated we can get away with that one.

Mr. Cameron stated we can make six work.

Board Member Pierro stated we would like to get cooperation from the Applicant.

Board Member Rogan stated I feel like, Board Member Pierro stated we said our peace.

Chairman Schech thanked them.

Mr. Cameron thanked the Board.

19) EASTERN JUNGLE GYM

Mr. Rob Cameron, Putnam Engineering

Chairman Schech stated today is not your day.

Mr. Cameron stated and I am sure it is going to get better.

Chairman Schech stated it is going to get worse.

Chairman Schech stated Eastern Jungle Gym just ran out of space. There is no more room. They need a larger site.

Board Member Rogan stated God bless them for doing the business that they been doing. I drove by there the other day and a lot of the sheds had been removed, many of them.

Chairman Schech stated they were just pushed.

Board Member Rogan stated no, no because there were two rows, I remember there being two rows of sheds along Commerce Drive. I would say one whole row had been I am hoping sold, had been removed.

Mr. Cameron stated there has been significant changes to the site and some of that is reflected in the plan.

Board Member Rogan stated and the site definitely didn't look when I was there last week definitely didn't look as cluttered as it had previously, certain during the warmer months.

The Applicant stated I was going to ask that question. I am Scott Honinsberg from Eastern Jungle Gym. I was going to ask if the Board has been down to the site to see the difference between now and the original walk through because the one significant change that we have made is the manufacturing of the sheds, which created this problem in the beginning. All the problems were the storage in the back with all the lumber, shingles, and the plywood and that has all been one hundred percent removed because we have found a contractor to take on the manufacturing of the sheds. Now, all we do is distribute them. The sheds that you see out front compared to the other rows that you have seen that is going to be how that site looks from now on. That is our permanent display area for the jungle gyms, the sheds. The southern area did have sheds on it, which you wanted vegetated. We have removed all the sheds. There is no more storage. The back we need just what little storage to the transition of the material. We have made huge changes. We turned our business upside down.

Board Member Rogan asked so the manufacturing of the sheds is done at a different location and they are brought in just for sale, for showroom, outside showroom basically.

Mr. Honinsberg stated that is it and they are brought in after they are sold and they are distributed out to the customer so the site you see today is the site that you will see for the next ten years.

Chairman Schech stated I was in there I think last week looking at that road, I really didn't pay that much attention to your site except it still looked just as cluttered to me as it did previously.

Mr. Honinsberg asked what part look cluttered up front.

Chairman Schech replied the front, the sheds are pushed back.

Mr. Honinsberg stated yes which was what was asked of us to push them off the road.

Chairman Schech stated the sheds were pushed off the road.

Mr. Honinsberg stated so they are not right on Commerce Drive. The bigger issue,

Board Member Pierro stated there is no place to put snow when you plow the road there Sir.

Chairman Schech every time you get rid of something else you put more trucks in there.

Mr. Honinsberg stated the trucks that we have now are the same trucks that we have had there for years. We have twelve installation trucks that we use. We have the parking and that is why I was curious if the Town had been down there because we look the way we look now, we looked eight years ago when we rented out to the Gannett and twenty-five percent of that building was used for manufacturing which is now empty. There is nothing there and that was the space that rented out to the Gannett. It is empty. We are going to utilize that space for us we are not going to rent it out. We have plenty of room for growth. We are not going to be manufacturing the sheds and all we are going to be dealing with is the 2 by 4's, the 4 by 4's and the 2 by 6's which we originally dealt with which do not take up barely any space normal to an industrial zone.

Board Member Rogan asked is that for building the play equipment.

Mr. Honinsberg replied just for the play equipment that is correct.

Board Member Rogan asked so you would have like the slides that go along with them outside.

Mr. Honinsberg stated we have the slides which we have always stored outside the way they are stored now that is why on the backside of the building we need some kind of storage area just for the transition of product because in a zone like that we are like a glorified wood shop, we need to be able to put some stuff outside but we realize the capacity that we are at when the Town first came down was out of control.

Board Member Rogan stated it's over.

Mr. Honinsberg stated and it is over and you will not see that kind of lot again. You will see cars in the parking lot, you will see our trucks in the parking lot. We really need the displays out front. We have had them for years. The original Building Inspector came down when we first went into there he told me the sheds looked fine just move them a couple feet up. We moved them a couple of feet up and then a couple of years later we bought the property and we feel like we kept it that way every since outside of going into the shed business, manufacturing and we made a mess out of it and we did. I am sorry about the time frame under the circumstances. I did write a letter to the Board explaining why we are here so much later than we should have been.

Chairman Schech stated I will take another look at it.

Mr. Honinsberg stated that is really all I would ask of you. I know a lot of time has gone by and I would invite the Board to come down and walk the lot.

Board Member Rogan stated I would be happy to take another look I mean like I said I drove by and looked. I didn't walk around certainly and I would be happy to do that. Rob, what we had talked round and round about what we were going to do to improve where the stream makes a ninety degree angle into that parking lot.

Ted Kozlowski stated I was hoping you would ask that.

Board Member Rogan stated because that was really undermining the back corner of that parking lot. I will be honest we forget sometimes.

Mr. Honinsberg stated Rob wasn't hear I don't mean to keep jumping in but Rob will handle it.

Board Member Rogan stated Rob has kind of inherited this project but,

Mr. Honinsberg stated on the memo from Rich it was spoken about the liters and the building and that had nothing to do from what I remember that was just because it was eroding the parking lot on the far side,

Board Member Rogan stated yes this is the stream.

Mr. Honinsberg stated and the rip rap would keep it from eroding out.

Ted Kozlowski stated the stream makes, his parking lot,

Board Member Rogan stated it does not even show it on this map.

Ted Kozlowski stated and then makes a hard right turn.

Mr. Honinsberg stated and that is where it was eroded and part of the lot in the back.

Ted Kozlowski stated you need to address that.

Mr. Honinsberg stated we weren't going to address until we had the right to even touch that spot.

Board Member Rogan stated I understand absolutely I just didn't want that point to get lots.

Ted Kozlowski stated I don't think those plans really reflect the true delineation of the stream.

Mr. Cameron stated what I wanted to minimize was the loss of the pavement area that they so critically need for both the turning for the trucks, the storage of the shed and all that. If I put something that they don't wind up backing over this thing or knocking something over.

Ted Kozlowski stated no but you need to do something with that stream right on the stream bank.

Mr. Cameron stated okay I don't have a problem with that.

Ted Kozlowski stated because it is eating that whole parking lot.

Mr. Cameron stated I don't have a problem with that. Just as long as we don't have to have a loss of this area.

Board Member Rogan stated no we are just showing a post and rail fence.

Rich Williams stated yes but Herb, for the longest time the site plan has showed a minimum buffer there. What he is proposing that is gone.

Board Member Rogan asked this is gone from what was last.

Mr. Honinsberg asked what was the minimum buffer.

Rich Williams stated ten feet.

Mr. Cameron stated but what I did is I added a greater buffer than what we had proposed over on this side.

Rich Williams stated in an area that wasn't supposed to be touched in the first place.

Mr. Cameron stated well this area always had the lawn and grass on it.

Rich Williams stated if you pull out the original site plan it was lawn there but that was it. There was no storage, there wasn't compacted earth,

Board Member Pierro stated it is not supposed to be used.

Rich Williams stated there wasn't people driving on it. There was supposed to be nothing in that area.

Mr. Cameron stated the only reason that I took this gravel drive which actually was back in this point and I pulled it close as possible to the building and I wanted to maintain some type of access for any type of an emergency, fire fighting or whatever so that if you had to get around this building you could.

Rich Williams stated and I don't disagree with that.

Mr. Cameron stated I tightened this up as close as possible. If you notice that this fence, which was previously out at this point I, brought that in as close as I could to maintain some type of clearance and access through here and I think there was some storage proposed. I think they had slides over here and they had a container over here all that is proposed is being removed, in fact I think it is gone.

Mr. Honinsberg stated everything from the south end except for a couple of displays that were on the grass, which is what we have been using the grass for.

Rich Williams stated when I was out there a week or ten days ago there were still odds and ends stored out in that area.

Mr. Honinsberg asked on the south side.

Rich Williams replied yes.

Mr. Honinsberg stated the only thing that may be out there up against the building is those old pallet racks that have just been sitting there. It comes out if it looks ugly it is going to be removed, everything.

Board Member Pierro asked is there stuff on the sanitary septic tank.

Mr. Honinsberg stated we were looking at the septic based on the plan and where the sheds are they come like right up to the front of it I mean with in a foot but the swing sets should be no problem on top of the septic because we do that at all our location, all our customer homes we put the swing sets on the septic all the time, fields, septic there is no impact because they are not dug into the ground. They are just laying on top so that should not be a problem at all.

Board Member Rogan stated our main concern was moving them back and backing trucks up to them to move them.

Rich Williams stated the constant traffic over the top of the septic.

Board Member Rogan stated I certainly would not have any problem with someone buying one and putting over,

Mr. Honinsberg stated but there is only foot traffic over the septic.

Rich Williams stated and the reality is it is up to the Health Department whether that is something that is going to be permitted.

Mr. Honinsberg asked what is that the swing sets.

Board Member Pierro replied anything on the septic.

Rich Williams stated any traffic over the septic area.

Mr. Honinsberg asked foot traffic.

Board Member Rogan stated it clearly does not, they are not going to object to foot traffic it is clearly going to be vehicles or,

Mr. Honinsberg stated no vehicles drive on the grass, none because the way the swing sets are built they are taken down and walked off. We don't allow the guys to drive because they would rip up the lawn.

Chairman Schech stated you are driving on it with fork lifts thought to move the sheds right in the front.

Mr. Honinsberg stated no we pipe them because if you took the fork lift and you put in on that grass it would sink right in and be done. You cannot go on the grass.

Mr. Cameron stated this is actually fenced off on all sides well it is actually not fenced on this side and we could do that to make sure that no vehicles get in there.

Mr. Honinsberg stated no vehicles will,

Rich Williams stated right now what they are doing to move the sheds around because I have been out there a couple of times, I have actually physically observed this is they drive right in off of Commerce Drive, pick the sheds up and drive over, well there is curbing along Commerce Drive you are not supposed to be driving in. They are proposing to put up a fence along Commerce Drive to prevent that from happening in the future. Now, the only way in to get these sheds in and out is how.

Board Member Pierro stated over the septic.

Mr. Honinsberg stated we pipe everything on p.v.c. piping that is how we move the sheds. So, the way the sheds would be moved I will explain it to you a hundred percent, we put the sheds on p.v.c. piping, the are rolled back and they were taken off with the fork lift so the fork lift would have to come on to Commerce Drive which I didn't think was a problem and we drive on to Commerce Drive, we pipe the building straight back to curb, the fork lift picks it up and takes it back on to Commerce Drive and takes into the parking lot because we can't go on to the grass it would just get stuck the fork lift is way too heavy.

Rich Williams stated I was out there two days ago and had to wait while he drove on the grass, picked the shed up, drove off the grass, brought it around, the trailer was all set up it looked like it was going to be delivered some place.

Mr. Honinsberg stated that is how it done yes but it was the front, you know that peninsula too of grass that has been there,

Rich Williams stated yes.

Mr. Honinsberg stated we have driven on that. That wasn't even like grass to us so we have gone on top of that but when the plan is approved hopefully it is approved everything will be what is. There will be grass there, it will be vegetated, you won't be able to drive on it, and right now it is ugly. The grass is you know,

Rich Williams stated but my question goes back to the septic system is right in,

Mr. Honinsberg stated it is right in the very front,

Rich Williams stated of the front of the building so how are you going to get sheds in and out of the southerly side of that septic system.

Mr. Honinsberg replied piping.

Rich Williams asked you are going to roll them all the way out.

Mr. Honinsberg replied we pipe them all the time. We pipe them on jobs, a hundred feet,

Rich Williams stated I have piped a lot of sheds myself I know.

Mr. Honinsberg stated that is how the guys do it and you have got to remember too,

Board Member Rogan asked what kind of pipe are you using.

Mr. Honinsberg replied just gray, p.v.c. drain pipe.

Board Member Rogan asked how big is it.

Rich Williams stated the bigger the better actually.

Mr. Honinsberg stated the sheds are there those are not the ones that are sold in and out on a daily basis. Those are permanent displays. We have other locations. We set up our sheds once in the beginning of the year and then at the end of the year they are sold off. We couldn't have that kind of activity happening. You would think like you are explaining it would just be destroyed, it would be demolished so they are set up in the beginning of the season and then they are sold off at the end of the season. We don't sell our displays until now and that is why when you said they were there they were taking a display out, putting it on a truck and delivering it because it is the end of the season and that is when we sell out all of our displays. It does happen once a year there is not a lot of traffic and that is the same thing with the jungle gym displays that are on the grass. They are put up in February as soon as we can get into the snow and they are sold off now.

Mr. Cameron stated and that would be a post and rail fence so if they did need to do that they would be able to,

Rich Williams stated I think the idea is to have a post and rail fence so they don't do that and my concern is well okay how are you going to do it.

Mr. Honinsberg stated stay off the grass that is the main concern and we will stay off the grass.

Board Member Rogan stated Rob you were thinking they would be able to pop a couple of rails out and go out on to Commerce Drive.

Mr. Cameron stated yes.

Mr. Honinsberg stated we would go either way. We would go either the front and pipe it in or go back and pipe it out.

Mr. Cameron stated well then the alternative would be I would have to propose some type of access through this place, through the center here for you to get to the sheds.

Mr. Honinsberg stated we would prefer the access be kept grass so that it is natural and if we need to pipe on grass, we pipe on lawns all the time and we are only piping once a year where there activity of the displays coming in and out. It is not an activity that takes place all year.

Mr. Cameron asked you are saying Rich that you don't want us to go this way referring to the plan. You want to keep them coming in,

Mr. Honinsberg asked is it not okay to go out this way with the fork lift to pick them up when we bring them to the curb.

Rich Williams replied right now there is not a lot of traffic on Commerce Drive but as traffic increases, Board Member Rogan stated it is getting built up.

Rich Williams stated it is going to be more of a traffic hazard bringing things out.

Board Member Rogan stated we have got like four projects that we are reviewing on Commerce.

Mr. Honinsberg stated I can understand that.

Board Member Rogan stated there is going to be a lot of big tractors coming in and out of there.

Rich Williams stated and the Board has got to plan for the future so again, that is one of the things I put in my memo Rob, there should be access aisles through the display area because I think you did two.

Mr. Cameron asked so your access aisle meaning access for transporting the shed.

Rich Williams replied to get the sheds in and out.

Mr. Cameron stated that is what I wanted to ask you about that.

Rich Williams stated if the Board is okay with this concept of piping then I would just suggest that we clearly define that on the plan so that everybody knows how and you are not going to have vehicles driving in and out that is fine.

Board Member Rogan stated that is fine.

Mr. Honinsberg stated we won't be able to because of the post and rail fence will be there. There will be no way. It will just be closed off and the guys will have to pipe it forward to bring it in and that is that. We will make sure that that happens.

Board Member Rogan stated so let's come up with something for the stream. If you look back on some of the stuff we have beaten that to death. The two storage sheds that are going to be relocated, it says in

storage area. Do you have any idea of where they are going to go. Those are the ones that are right basically on the edge of the,

Mr. Cameron asked the Applicant's these guys are gone aren't they or.

Mr. Honinsberg stated there is no shed here.

Board Member Rogan stated so both of them are already removed.

Mr. Honinsberg stated now we propose you have the storage area, and storage behind the building not in front of the loading docks. That is where we would like to keep our material that we do transition with in and out all the time but it wouldn't be noticeable to the Board if you come to the site and you see it mid-season, any time of the year you will see activity but you will never see what you saw before.

Board Member Rogan stated what I would suggest I don't know when we are doing site walks but when ever we do our next round of site walks if we can swing by we will. Anything unnecessary like you mentioned these pallet racks, anything unnecessary get rid of it, make it look as you know. It always amazes me when people know we are coming and they leave stuff laying around.

Mr. Honinsberg stated I would like you to see it the way we are going to keep it.

Board Member Rogan stated that would be great.

Mr. Honinsberg stated I never felt that we cleaned it up just for someone to take a walk by. It will be setup the way it is always going to be set up.

Rich Williams stated I think you know for me the bigger concern in all this and I realize you are in extenuating circumstances but still if you go back and look at the record we are basically doing annual reviews on that. There is no constituency with coming back before the Board and we have taking some steps back in my opinion in looking at the issues that need to be addressed with the site plan. More importantly we see this not just with this application but with other applications they are using the site, they are doing things which are not proper, they know that, they don't have a site plan, they have got signs up out at the entrance road where they shouldn't have signs up. It has been going on for two years even though they know clearly it is identified on the site plan once the site plan is approved we have to get rid of this. For two years they could have gotten rid of these violations rather than,

Board Member Pierro stated it seems that this gentleman gets religion around the holidays every year.

Mr. Honinsberg stated this is only my third time here and under circumstances I realize it looks like we have no good faith and I have never really touched anything. When we first dealt with the engineer, I had never been through this process before, he told me you don't make any big changes until the site plan is approved so as you saw a lot of changes did not take place,

Board Member Pierro stated you have heard some things tonight, I don't mean to cut you off but you heard some things tonight. We have issues with the sign, we have issues with the stream corridor in the back.

Board Member Rogan stated well he can't do anything with the stream corridor though that is part of,

Board Member Pierro stated well he should address that,

Mr. Honinsberg stated the sign in the front there has been like seven signs out there it is just ours is probably the smallest but that will be removed.

Rich Williams stated maybe you guys all want to get together and talk about a pylon sign up front.

Mr. Honinsberg asked can we do that.

Board Member Pierro stated yes.

Rich Williams stated it might be something the Board would consider.

Board Member Montesano stated you could talk about it and come in and find out.

Board Member Pierro stated I would be amenable to that.

Mr. Honinsberg stated in February I did come to Rich, I came to your office I wasn't prompted by anything except time had gone by I had not had my engineer come back and talk to us. I could not get in touch with him, I came to Rich and I said Rich I just want you to know what changes we are making, nobody prompted me to come in. He said to me write a letter to the Board let them know what you are doing and clean the place up. He told me that and I said by the end of the summer in the letter I will have the sheds all worked out and we will clean the place up and that is where we are at now is where we will stay so we won't be coming in for reviews. We won't be getting anymore violations I can guarantee that. The place will stay clean, it will be clean and I will be religious all year.

Some laughed.

Chairman Schech stated okay we will take a look at it.

Mr. Honinsberg stated I appreciate it.

Mr. Cameron stated there are some other issues that you have identified and we will talk about that; the lighting, we will see what we can do.

Mr. Honinsberg stated the lighting I wasn't I am sorry to say I was not even aware of. All the fixtures were there we replaced them not knowing that we were putting up the wrong lights and this is the first time, I got the memo today at five o'clock and I seen it and that is something I would have never known that. I will be glad to change the lighting. That is not a problem and any other issues that were not addressed before that were on the memo we will be addressed.

Mr. Cameron stated you made an interesting point about the sheds because these sheds are construed as permanent they are not going to meet the setback but if we were to move these and keep this as temporary storage that would be okay because when these sheds come in he gets truck loads of these sheds and we are going to have to off load these sheds someplace on the site so that they can be reloaded at another point in time. He has to have someplace to store the sheds because he is not building them on site.

Rich Williams stated it is an interesting issue,

Mr. Cameron asked is there a time limit, is there a violation after sixty days.

Rich Williams stated if sheds are coming in and out and it is just temporary storage because that is his job is it permitted under the Code and probably because it is just temporary storage. When you put those sheds in there permanently those same sheds, same location, and same impacts now you are in violation.

Mr. Honinsberg asked if they are used as storage you mean.

Rich Williams replied if they are permanent features of the site then they would have to meet setbacks.

Board Member Rogan stated if you filled that back area with storage sheds that you were going to use them for storage instead of just storing them there until they are sold he is saying it would be a permanent structure. Then it would a problem because you are just dropping them and they are just sitting there for ten days or whatever.

Chairman Schech stated I still say your site is too small.

Board Member Pierro asked how long have you owned this building.

Mr. Honinsberg replied four or five years but we have been there ten years.

Board Member Pierro stated it might be time to test the waters and see what you can get out of there for and maybe find another location.

Mr. Honinsberg stated the only thing is we are doing now what we did eight years ago. We are not really doing anything different. It has been used for the same thing that we are asking you that we could use it for today. We used to before we manufactured the sheds, the sheds came off, we loaded them on the truck and we sent them out. Sometimes there is five sheds sometimes there is no sheds it depends.

Chairman Schech stated okay we will take a look.

Mr. Honnngsberg thanked the Board

20) BARNES SUBDIVISION

Mr. Barnes was present.

Mr. Barnes stated this is the first time I am here and it is very preliminary obviously.

Board Member Rogan stated we know where this is. This is the lot on 164 that the house just got built.

Mr. Barnes stated right.

Board Member Rogan asked do you own the house that is built.

Mr. Barnes replied I live here.

Board Member Rogan stated I heard you did a very nice job finishing it off.

Mr. Barnes replied thank you, thank you very much. We would like to do something similar over there and again it is very early in the process. I have Rich's notes and I know what direction to go now.

Chairman Schech asked this was subdivided into two parcels right.

Mr. Barnes replied before me I guess.

Board Member Rogan stated I don't remember where the proposed house was on the old. Is it laid out basically the same.

Ted Kozlowski stated to Mr. Barnes your map is upside down.

Board Member Rogan stated we looked at this awhile ago.

Board Member Rogan stated when we first looked at this what was it maybe before you started building when the gentlemen that either own the property, the developer or whatever that came in and we were looking at changing the way the driveway came in. He ultimately ended up building based on the permit that he could get if I remember correctly. Wasn't that remember we,

Rich Williams asked the original Axel Subdivision.

Board Member Rogan replied is that what it was called.

Board Member Pierro asked right there was a problem with the installation of the driveway wasn't there Rich. There was an original subdivision that came in that proposed four lots. One was already existing not shown here, this parcel was broke into three lots then ultimately after some testing on the site they came back to the Board and said we don't have the slopes on the site so we are going to combine this into one and break off the existing residential lot and we are going home. That is what they did.

Board Member Rogan asked how many acres, the new proposed lot is how many acres.

Mr. Barnes replied just under five.

Board Member Rogan asked and your house would have how many acres.

Mr. Barnes replied the total is sixteen.

Board Member Rogan stated so you would have like eleven.

Mr. Barnes stated 11.6, 4.8.

Board Member Rogan asked are we doing this piece meal or.

Mr. Barnes replied no this is, I am sorry I hate to interrupt you say it again.

Board Member Rogan asked based on the fact that after you divide off this you still have enough room and enough road frontage to divide off where your fingers are right there.

Mr. Barnes stated actually this is where the septic is and that is one of Rich's notes to show the septic for this. The septic is over in here, the house here so this is it. It gets steeper as you go back. I don't want to get greedy here if I can do one I would like to do one.

Board Member Rogan stated the reality is if you can get the septic to work on the slope fifteen percent or less, we have to look at the proposed driveway location and make sure we are not going to kill someone out there. I imagine that is not too far away from the subdivision entrance to Thomas Subdivision. So, I mean if a subdivision for four lots would work there and you are only a little bit down hill actually I think as we went down hill it got slightly better.

Rich Williams stated yes I think you are okay where you are.

Board Member Rogan stated I think you maybe okay with what you are showing for proposed driveway and you are showing five acres and there is no wetlands. In my mind, it is a slam dunk as long as you can get the septic to work and you can get the slopes on the driveway to work. I personally don't have any problem with it.

Board Member Pierro stated I think you are going to have a problem getting the septic to work.

Board Member Rogan stated that will be the issue because you have to find well Mr. Delano knows but at least have them show us that the slopes work. I mean I realize you don't have to get the thing approved for septic at this point in time but we would like to have an area that we know will work for slope.

Rich Williams stated I would suggest based on the past history I did put this in the memo that you get a septic out there.

Chairman Schech stated before.

Board Member Rogan asked you mean before you get an approval.

Board Member Pierro stated before a yes.

Board Member Rogan stated before final sure.

Mr. Barnes stated the engineer has been there. The reason we picked this spot is he did topo that area and he said it does work but again we can go to Putnam County and we can move ahead on that.

Chairman Schech asked who's the engineer on this.

The Board replied Badey & Watson.

Board Member Rogan stated I don't have any problem with it.

Board Member Pierro stated I think it would be wise to go to the Health Department to process before you start spinning your wheels on everything else.

Mr. Barnes stated yes I just wanted to introduce myself and just show you what is down the road hopefully but yes that is a smart thing because if it does not work with them then it does not work with anybody.

Board Member Rogan stated let's assume for a minute that it does work where you have shown it, where Mr. Delano has shown it, you know basic look at it I don't see any real, it is a steep area but if we can get the slopes to work.

Mr. Barnes stated it gets steeper as they go back so the front is the only place so to answer your question before this is all taking, this is septic, this is house, this is driveway once that is done here there is no other access.

Board Member Rogan stated I will guess I will rephrase it if there are no wetland issues on this and you can get the slopes to work and the septic to work and we agree that the sight line distance is okay on the driveway then I think that we have no other choice but to approve it for you.

Mr. Barnes stated you said slam dunk I wrote that down (joking).

Board Member Pierro stated yes but we don't all agree with slam dunk.

Board Member Rogan stated yes I am only one person up here.

Board Member Montesano stated he is Mr. Slam dunk that is why.

Board Member Pierro stated I certainly don't agree with slam dunk. I don't disagree with Shawn very often but I don't agree with slam dunk. This would have been subdivided on and built on many years ago by the former owner.

Mr. Barnes stated let's see but again if it works it works if it doesn't it doesn't.

Chairman Schech stated first step is we will site walk as soon as we get an approval site walks.

Ted Kozlowski asked how does this Board know that there are no wetlands out there. Did you do a search.

Mr. Barnes replied I didn't do that.

Ted Kozlowski asked who did.

Mr. Barnes stated no I haven't done that but again this is not the first time apparently that this property has been before you.

Board Member Rogan stated we are going to site walk it.

Ted Kozlowski stated okay but you know there is no soils there. The topo is limited. I don't know what is next door to that house.

Chairman Schech stated we know basically it was rejected once right.

Board Member Rogan stated you know we never walked up the hill certainly we were looking at sight line distances.

Gene Richards stated I will add one other thing what you can have your engineer check into is DOT because you will need a DOT permit for your driveway.

Rich Williams stated he has got it.

Gene Richards stated the reason I say that is let's suppose that you need to do some re-grading along the frontage to get site distance that re-grading could impact that septic system where you have it shown.

Board Member Pierro stated I thought that we had a tough time with DOT on the first lot.

Rich Williams stated well no that was one of the issues after the Board approved it, they got a conditional approval on there being one lot out here let me qualify not Mr. Barnes, the former owner,

Board Member Pierro stated who was Axel.

Rich Williams stated yes went back to the DOT after you know we got our highway permit, one driveway went back to the DOT and got three driveways approved out there and Mr. Barnes bought it with an approval for three driveways.

Mr. Barnes stated yes and one of them was here, one was here and one was down here referring to the plan. This is in the general area that one of those was approved.

Board Member Pierro stated we have to look at it again.

Mr. Barnes stated sure it needs to be re-looked. I am sorry you are,

Gene Richards replied I am Gene Richards with the Town Engineer's office but again that is a potential that could impact your septic.

Board Member Montesano stated you have to make sure that the State office has the approvals because the records seem to disappear.

Chairman Schech stated they must have lost them by now.

Board Member Montesano stated I know because I went through it.

Mr. Barnes stated so there is a lot to do we all agree I just wanted to get the ball rolling. I have all of Rich's notes that I need to address.

Board Member Rogan stated we will get out there when we can and get a site walk done thank you for your time.

Mr. Barnes thanked the Board.

21) OTHER BUSINESS

a. Site Walks

Chairman Schech asked so what are we going to do wait and sit with the new Board on these site walks or find out what is going on with them.

Board Member Montesano stated I guess so.

Rich Williams asked with the new Board.

Chairman Schech stated to ask them how much.

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

Board Member Pierro stated hopefully we were going to have an opportunity to discuss the fire suppression issues and the road.

Board Member Montesano stated apparently they have been very busy because they haven't scheduled any meeting.

Rich Williams stated next week I will mention it to them and see if we can bring it up.

Board Member Montesano stated if not then we just don't go what can you do.

Someone said we can't do that.

Board Member Montesano stated yes you can when people come in and ask you how come you can't go on site walks, we haven't gotten an approval from the Board yet.

Board Member Rogan stated I think what happened last time from what you said it wasn't brought up in any kind of discussion when the Town Board mentioned the topic. They didn't know what it was in reference to.

The Secretary stated Rich was not in the room and they just went over it.

Rich Williams stated I walked out for thirty seconds and they moved on.

Board Member Rogan stated what I am surprised at is that at the end of the meeting that they didn't say Rich we passed over.

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

b. T & T Associates

Rich Williams stated T & T no longer needs extension so we are done with that. The plan is signed.

c. Planning Board Schedule 2006

Board Member Rogan made a motion to adopt the 2006 Planning Board schedule. Board Member Montesano seconded the motion. All in favor and motion carried by a vote of 4 to 0.

d. Eurostyle Marble Site Plan

Rich Williams stated they need an extension on the time in which to meet the conditions of their site plan.

Board Member Montesano asked why haven't they met them.

Rich Williams replied they are very close.

Board Member Montesano stated that doesn't answer the question why haven't they met them.

Mr. Cameron stated because the engineer is pokey.

Board Member Montesano stated why haven't they met them that is not,

Chairman Schech stated okay minutes.

The Secretary stated you have to do a motion.

Board Member Rogan stated we have to do an extension. Mike still has a question.

Board Member Montesano stated I have a question I have not gotten answer.

Board Member Pierro asked how many days are you suggesting.

Mr. Cameron stated I think we should be able to resolve all these issues probably within another three days.

Board Member Pierro made a motion in the matter of Eurostyle Marble that the Planning Board grants a sixty day extension.

Board Member Montesano stated that answers my question about how to run for political office.

The Secretary asked a second.

Chairman Schech asked what are we doing now.

Board Member Montesano stated granting a sixty day extension.

Board Member Pierro asked on the motion that I made do we have a second.

Board Member Rogan seconded the motion.

Chairman Schech asked all in favor.

Board Member Pierro - aye

Board Member Rogan	-	aye
Board Member Montesano	-	no
Chairman Schech	-	aye

The Secretary asked Mike you were not in favor correct.

Board Member Montesano stated I never got my questioned answer.

The Secretary stated it is yes or no.

Board Member Montesano stated no.

Mr. Cameron stated there was a lot of work to do and we have been excessively,

Board Member Montesano stated you are looking at me like I asked a disease. I asked a simple question. We are getting another sixty day extension I would like to have a reasonable explanation.

Rich Williams stated Rob has been trying to answer.

Chairman Schech stated I didn't even know he was here for this.

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

Board Member Pierro asked okay anything else.

Board Member Montesano stated yes can I get the gentleman's answer to the question.

Board Member Pierro stated we have to approve minutes.

Rich Williams asked do you want to do the bond Rob.

Mr. Cameron replied yes I would like to ask about the bond. I was asked by the Applicant and I would just like to present this to the Board it is a request for relief on the five percent fee.

Rich Williams stated you have to go to the Town Board.

Mr. Cameron stated I know that I am going to copy the Town Board as well and basically what I am asking for is when you refer this bond estimate to the Town Board because of the value of the bond it is approximately 390,000 dollars, the inspection fee is five percent equates to about I think 19,500 dollars. The Applicant has asked if he could seek some type of relief for that. It is a small site, four acres it is almost five acres. There is about 3.67 acres of disturbance he would just like to see if he could seek some relief on the inspection fee.

Board Member Rogan stated I wouldn't have a clue as to whether this is a valid.

Board Member Pierro asked are you requesting that we recommend to the Town Board.
(unable to hear too many talking at the same time unable to transcribe).

Chairman Schech asked to knock ten thousand dollars off the inspection fee.

Rich Williams stated as I explained to Rob earlier,

Board Member Pierro stated we have never done that.

Rich Williams stated no we have never done it and it is really a decision by the Town Board but the issue is this if we all of sudden started having problems out on the site, unforeseen conditions, bad contractor with erosion control, (too many talking at the same time unable to transcribe).

Board Member Rogan stated the reality of it is there should be some mechanism where somebody posts the bond with the inspection fees and there is a job chart like an account that says we went out there for an hour therefore there is a two hundred dollar fee and then there is a tally and then at the end if the money was not used they refund the person. That is in a perfect world.

Rich Williams stated the problem that we have with that (hard to hear unable to transcribe) is because it is such a headache trying what happens when they run out of money and they have to replenish the fund.

Board Member Rogan stated I understand and they start saying you guys are sitting out there drinking coffee.

Rich Williams stated they don't want to do it. They don't want to give us a check. We can't stop the construction.

Board Member Rogan stated I understand so in the end everything evens out hopefully.

(TAPE ENDED).

22) MINUTES

Board Member Montesano made a motion to approve the September 29, 2005, October 6, 2005, and October 27, 2005 minutes. Board Member Pierro seconded the motion. All in favor and motion carried by a vote of 4 to 0.

Board Member Pierro made a motion to adjourn the meeting. Board Member Montesano second the motion. All in favor and meeting adjourned at 10:14 p.m.