

APPROVED
4/7/05 MAB

TOWN OF PATTERSON
PLANNING BOARD MEETING
December 30, 2004 WORK SESSION
AGENDA & MINUTES

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Michael Montesano
David Pierro
Shawn Rogan
Maria Di Salvo

**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

Planning Board

December 30, 2004 Work Session Meeting Minutes

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

APPROVED
4/7/05 WAB

Present were: Chairman Herb Schech, Board Member Mike Montesano, Board Member Dave Pierro, Board Member Maria Di Salvo, Board Member Shawn Rogan, and Rich Williams, Town Planner.

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

1 Member in the audience

1) CARROLL PROPERTY WETLANDS WATERCOURSE PERMIT – PUBLIC HEARING

Chairman Schech stated Carroll property the public hearing that is no big deal there.

2) PADDOCK VIEW ESTATES SUBDIVISION – PUBLIC HEARING

Chairman Schech stated Paddock View public hearing.

3) BUDAKOWSKI SUBDIVISION – PUBLIC HEARING

Chairman Schech stated Budakowski public hearing.

Board Member Rogan asked was Jack able to get anything in in the time frame for Budakowski.

Chairman Schech replied yes.

Rich Williams stated I did a review memo there is still outstanding issues on both the subdivision plat and the construction plans.

Board Member Rogan asked are they issues that, Board Member Pierro asked nothing insurmountable.

Board Member Rogan stated that is my question because part of the agreement is that they would address the significant comments that we had in order to.

Rich Williams stated no the agreement was they would submit a subdivision plat that was complete for a public hearing and it was substantially complete. It was complete as others that you have held public hearings on.

Board Member Rogan stated fair enough.

Rich Williams stated my concern still remains though that I think there are still some big outstanding issues that need to be addressed that have not yet been addressed and now you have 62 days in which to make a decision.

Board Member Rogan stated my contention is if they don't waive the right then we deny the project. First of all I believe that they will waive the requirement but if they don't then we will deny it. It is that simple. We can substantiate that.

Rich Williams stated nothing is that simple with this project.

Chairman Schech stated you are making it sound awful easy.

4) NEW ENGLAND EQUINE SITE PLAN

Chairman Schech asked New England Equine we have a resolution here somewhere.

Rich Williams replied no you do not. You will the last meeting the Board directed me to prepare a resolution and wrap this thing up for the next meeting. Last week they met with Gene and I believe that the final details in regards to the Town's concerns with the drainage, the plans are coming in Monday.

Chairman Schech asked do they have the bond calcs on that.

Rich Williams replied hopefully the bond calcs are going to be with them.

5) POPPY'S PLACE SITE PLAN

Rich Williams stated Poppy's Place we went out and did a site walk a couple of weeks ago you have a memo that I did which hopefully accurately relays the Board's concerns on the site.

Board Member Pierro asked Rich are we going to have a line certain where they are not going to be able do any more interference into the wetlands in the back maybe a line, a distance, a certain distance from the stream corridor back.

Rich Williams replied that has not been talked about. They have talked about and the Board has indicated their desire to have a post and rail fence put up in the back of the property to delineate the rear line nothing has been talked about keeping a buffer between what they are proposing to do and the stream.

Board Member Pierro stated I just want to have a line certain where they are not going to continue filling in the back.

Rich Williams stated one of the Board's concerns was the fill that was brought in that no further fill be brought in.

Board Member Pierro stated Ted had said nothing beyond that Pine Tree but the guy is a landscaper he can throw another Pine Tree in.

Rich Williams stated well but we are going to have them put the post and rail fence up. My concern is I mean if he is bringing fill on to the site which he has been selling off so there is always going to be, Board Member Pierro stated fill there sure but in addition to the post and rail fence I want wording in our document with a limit with a measurement on how far back.

Rich Williams stated well let's take it back a step he is in asking for a waiver of the site plan. If you are amenable to granting a waiver of the site plan then we need to come up with a distance, dimensions. If you are not and you want him to do a site plan that is the first decision.

Board Member Pierro stated if he cleans up the site and gets rid of all that crap that is back there that stuff has been there for years and it is time. There was a pile of pallets, there is a trailer that is turned upside down out in the rear corner.

Chairman Schech stated I would like to see him do a site plan because he keeps increasing this operation there.

Board Member Pierro stated okay.

Board Member Rogan stated I am kind of confused because it seemed like the plan that he submitted, the sketch plan the idea was a lot more vast than when we were out on site than what this Board wanted to entertain. If you were clearly just going to limit him to a certain area and say look you can do these activities within this area I can see waiving the site plan but given what he wants to proceed with he would certainly need a site plan but if we are not going to approve him to do those things beyond a certain spot maybe that is something we need to look at.

Board Member DiSalvo stated if you are going to limit the area maybe he wants to re-design.

Board Member Rogan stated when Dave mentioned the Pine Tree we were walking all the way back where there was corn planted and that was part of the proposed action that is much further than what Dave is talking about so I guess my point is let's not make the guy go through a site plan to develop or use portions of the site that we are already saying we are not going to allow him to use that seems like a waste of his time and everyone's efforts. If we are thinking we will allow the guy to do x, y, z, back to this point then maybe it is a simplistic approach where we look to just define it and do a waiver I don't know. I hate the idea of having someone go through a motion if we are already set in our minds what we will allow and what we won't allow.

Chairman Schech stated the thing is you know we have a stream crossing there we do make people put in, Board Member Rogan stated I know that, Chairman Schech stated this is a pipe that he threw in the stream and just went back and forth over now we are making head walls and everything else for everyone else.

Board Member Rogan stated so then what my suggestion would be is to clearly state in this next meeting we would like to see a site plan for your proposed use but just so you know up front we don't think that we are going to entertain going any further back than this point so then he is given clear direction. Then he can decide hey is it worth me doing a site plan.

Rich Williams stated that is in the memo.

Rich Williams stated the only real question that I have here at this point if you are going to entertain a waiver I really should go out there and measure the area and figure out where it is. If you are not then I am going to have him do it with the site plan.

Board Member Rogan stated based on what Herb is saying in terms of we can't do a waiver of site plan and then have all these improvements to the crossing is that correct.

Chairman Schech stated and then we are going to do the engineering for him. It is not our job.

Rich Williams stated let's talk about the improvements I mean they at some point put a pipe in and put fill over the top of the pipe. They have had Insite Engineering take a look at that and certify that it is adequate for crossing. You haven't required any drainage analysis, you haven't looked at any sizing of the pipe, historically there hasn't been a problem.

Board Member Pierro stated yes but it is adequate now if he is going to be bringing in twenty yard dump loads of mulch.

Rich Williams stated that is what Insite signed off on that it is adequate for the intended use, the use of bringing heavy equipment across it.

Board Member Rogan stated the site plan would be warranted to address based on what he is proposing in that area, whether or not the vehicles can go over it that is something that can be addressed in the site plan. We can ask for some type of an analysis based on sizing of the trucks or the weight of the trucks or whatever. It probably would not be much for Insite to expand that analysis but they were not asked to do that. They were asked what the existing condition was I am sure.

Rich Williams stated they were asked to certify that the pipe was adequate for traffic crossing.

Chairman Schech stated for what was there before which was basically just selling plants.

Board Member Rogan stated in that sense I agree with Herb in that if we are going to entertain an expansion of the site that we probably need to look at these things and we might as well ask and I know he has been resistant before I just would rather come to some sort of an agreement as to what we think we will approve out there in terms of the area because if we are not going to approve beyond an area at least then he knows okay I can work in this area let's work on a site plan within this area and not waste efforts.

Board Member DiSalvo stated but we need Rich to define the area.

Rich Williams stated no.

Board Member Pierro stated he has to define the area.

Rich Williams stated if you are doing a site plan he is going to define it.

Board Member DiSalvo stated right but if we are not.

Rich Williams stated then I need to go out and take some measurements so we can accurately portray what you are granting the waiver on.

Board Member DiSalvo asked but shouldn't he know we don't want you going past here and he may have to alter.

Rich Williams stated well it is in the memo that I did on the site walk that the Board didn't feel it would be appropriate for him to do anything past the Pine Tree out there.

Board Member DiSalvo stated but he does not know that.

Rich Williams replied he will know it when he gets the memo.

Board Member Rogan stated you hate to hurt any business owner never mind small business but you hate to put somebody through something that is not necessary so is this necessary, is it something that the use that he is proposing requires a site plan. What Herb said I agree with we have done it for everyone else for obvious reasons that we want to make sure that we are looking towards the future and in that sense I would say he needs a site plan. I don't think that a waiver is probably warranted in this case.

(Unable to transcribe too many talking at same time)

Board Member Rogan stated and you have got like Dave said you have got a lot of debris that if it were me, if I owned the place and I had a Planning Board coming out to say hey can I get a waiver from a site plan I would have the place spic and span clean as I could.

Chairman Schech stated technically it looks like a dump except it does not have garbage.

6) PARKER SUBDIVISION – Bond Reduction

Chairman Schech asked did she ever finish things over there.

Rich Williams replied well we got a memo from the engineer recommending a reduction in the bond.

Board Member Pierro stated he wants to retain five thousand dollars.

Rich Williams stated I got a call today and she wanted to know if I got a message and I didn't respond to the message that if I wanted to come out and give her the exact location where the light was supposed to go and I am certainly not the one that is going to give her the exact location and Tom was not in today.

Board Member DiSalvo asked so who has to give her the exact location.

Rich Williams replied she is just going to put the light in knowing Laura.

Chairman Schech asked so we are holding back how much on this.

Board Member Pierro replied fifty-five hundred.

Board Member Pierro stated the engineer recommends that we additionally retain fifty-five hundred dollars until the last remaining items are completed by the Applicant but I don't know the total amount of the bond.

The Secretary stated I think it is eleven thousand.

Board Member DiSalvo stated eleven or twelve.

Board Member Pierro stated that gives her something.

Rich Williams asked the audience member if he was with the DEP.

The audience member gave his name (unable to hear) and that he lives over on Welfare Road and he is a member of Concerned Residents of Southeast actually Edie Keasbey asked him to sit in.

7) TELECOM SITE PLAN

Rich Williams stated Telecom, they have got rid of the building all they want to do now is cross through the wetlands and I don't know where Ted is he was supposed to be here. They want to cross through the wetlands with a gravel drive and extend the gravel parking lot on the easterly side.

Board Member Pierro asked they got rid of the building and the building is no longer an option.

Rich Williams replied they are not proposing to do a building just a parking lot on the opposite side.

Chairman Schech stated I think Ted was giving approval for crossing the wetlands.

Rich Williams replied I don't know. I usually have a different take as everybody knows than Ted does and my concern is more the functional values of the wetlands and the loss of the wetlands and that we are adequately compensated and what they are doing is the most minimal impact that we can achieve. They are proposing to cross right down through the middle of the wetlands and they are doing so because they want to protect a couple of trees that in my opinion can be easily replaced because they want to keep the canopy habitat. You are losing a big piece of the wetland, you are fragmenting the wetland I think it is crazy. I also think the wetland in my opinion, I am just giving you my opinion I know Ted does not agree with this that the wetland out there is basically just a place where surface water ponds. It is full of phragmites it is not a really good functional wetland and this might be a really good case where we have them significantly alter the wetlands to improve its functionality. You guys were out there at Poppy's site, you saw the wetlands

behind the barn which is actually the south end of the wetlands on Telecom that was filled in, it was graded off. That is a problem also out there with the wetlands in that it has changed the flow pattern of the water.

Chairman Schech asked where does it go.

Rich Williams stated it soaks into the ground it kind of keeps going down through and pops up where it can.

Chairman Schech asked just exactly where were they attempting to cross this wetland, where they had it originally.

Board Member Pierro stated right at the end of the driveway.

Chairman Schech asked by the dumpster.

Board Member Pierro replied yes it is the only option they have. The only option they have is right at the edge of the driveway. They don't own any other property along that.

Rich Williams stated they did talk with Donny Flood, Kect Drive, Donny does not want to give them an easement. They are also in looking for a waiver of site plan. They are hoping that the Board will consider granting the waiver and then dealing with the crossing as a wetlands watercourse permit because they are going to need that also.

Board Member Rogan stated the interesting thing here is that a wetlands watercourse we have done more work on some of these wetlands watercourse permits than we have on site plan approvals in some instances. So, we aren't necessarily giving up anything one way or the other on this.

Board Member Montesano asked what do we give up if you give them something that says they don't need a site plan.

Board Member Rogan replied no I am just, Board Member stated I am just asking the question.

Board Member Rogan stated realistically you could do a site plan and address the wetlands watercourse permit application in the site plan and then it would be part of that review.

Rich Williams stated what you are giving up is the design standards that you can establish for the site plan, for the driveway crossing, for the parking lot, for the stormwater practices on the other side.

Chairman Schech stated let's get a site plan.

Rich Williams stated a waiver basically says you don't have to give us a plan for what you are proposing to do.

Board Member Rogan stated I am thinking back to the one we did on Birch Hill Road the wetlands watercourse crossing we didn't lose anything on doing design standards for that driveway or anything.

Rich Williams stated you didn't have anything. That was a wetlands watercourse he was also in we did a concurrent review because he also needed an erosion control permit which I review for Paul so we kind of

lumped them together but you didn't waive the standards for the driveway so the driveway was basically constructed to Town standards except for a small section which was grass pavers. So, really the only review you had with that application was a wetlands watercourse crossing.

Board Member Montesano stated on commercial property you would rather have some kind of there is an awful lot of businesses in the Town of Patterson that do not have permits, they have expanded over the years with their ten percent so you really don't know what the original was, where the expansion came in,

Chairman Schech stated because we don't have a site plan.

8) D'OTTAVIO SITE PLAN

Chairman Schech asked D'Ottavio that is Harry isn't it.

Rich Williams replied yes it is Harry's. I have not had a chance to take a look at this Gene has been doing the primary review because we are mostly down to engineering. I don't know where it stands. Gene was supposed to get the memos in today.

Chairman Schech asked didn't we have a time frame on this.

Board Member Rogan stated that was going to be my question. When I spoke to Harry one time I mentioned the time frame on this and he said the new Code versus the old Code didn't really affect this project that it wasn't a significant concern to him.

Rich Williams stated not significantly there are certain changes that occurred which were fine. He is not grandfathered in under the old Code anymore so he can't put up a metal sided building. He has to go with the new standards. There is some minor standards for stormwater requirements.

Board Member Rogan stated I think we are pretty much down to the technical review on this though we virtually wrapped it up.

Rich Williams stated well we are trying to get the plan complete so that we can start the public hearing and everything else which we haven't had.

9) ACTION AUTOBODY SITE PLAN

Rich Williams stated Action Auto body this is the site down on Route 22 near Empire Tool. He is back in he has now added 1,750 square foot four bay garage to the site. It is tight. He is going to have a bathroom in the building though I am not exactly sure where he thinks he is going to put the well and septic or how he is going to have water because it is really tight. For me there is still the outstanding issue with the parking in the front because he still wants that display right on the road and it is pretty tight in there. At the site walk the Board indicated that they thought that maybe he could put three cars in there but not anymore than three. There is an issue that further complicates all this in that they have now located the sign that was

in front of the building on the plan the sign is in the DOT right of way so they have got to move that back on to the property and that may further hinder the ability of him getting in and out of the site.

Board Member Rogan asked none of the signs that are along 22 are in that DOT right of way or are there some that are there that shouldn't be.

The Secretary stated probably illegal.

Board Member Rogan stated what I am wondering is,

Rich Williams stated the ones that we are approving are not in the DOT right of way that is all I can say.

Board Member Rogan stated it is not something that is a permanent structure I am thinking in terms of DOT coming through and needing to do road work and a sign being there that they say you have three days to move your sign or we are going to knock it down.

Chairman Schech asked this guy also purchased the property next door too since we have been there.

Rich Williams replied he has actually purchased the property next door.

Board Member DiSalvo stated I would just like to see where those cars are parked those little cement bumpers there because I am afraid those cars are going to go right down on 22.

Board Member Montesano stated he has been doing this for the last twenty some odd years.

Rich Williams stated he has been there awhile.

Board Member Montesano stated he is there we got rid of that in 1980 and he was there prior to that.

Chairman Schech stated so lets see what Harry comes up with.

Ted Kozlowski arrived at this point in the meeting.

10) MUSHKOLAJ SITE PLAN

Board Member Pierro asked didn't we have issues with the metal buildings in the rear.

Rich Williams replied yes one of the notes in my memo says, there is a note on the plan now that says he is taking out the concrete bins. I indicated that he needs to put a note on the plan that he is taking out the trailers also. They need to be gone. The other issue was storage of material on the site and I have asked them to put a note on the plan saying that the materials will not be piled higher than the top of the fence.

Board Member DiSalvo asked and he is going to continue the fence along the back too.

Board Member Pierro stated right he is going to finish that fence.

Rich Williams stated what he did on this plan though is it is still showing the fence on the adjoining property. He has got to take that out.

Ted Kozlowski stated also on those plans he should show the wetlands. He should note that there are wetlands there. It is not said anywhere on the plan. I think he should have a document showing that this is his limit of disturbance and everything beyond that is wetland.

Rich Williams stated that was the intent of the fence is the fence was going to be around, Ted stated right but it should say it on the site plan.

Rich Williams stated I am trying to get him to put flood plains on.

Chairman Schech stated the fence is probably the best thing because things keep falling into the water.

Ted Kozlowski stated absolutely Herb, no doubt about it but it would be good to have it on the permanent plans so if this property ever gets sold or whatever anybody looks at it and sees it automatically.

11) SOUTH PATTERSON BUSINESS PARK SUBDIVISION

Rich Williams stated they finally submitted a subdivision plat. When they submitted the subdivision plat the rear property line on Lot 1 that they are creating is moved all the way back to the edge of the wetlands down at the bottom of the hill again. The Board had previously indicated their desire to have it not go past the stonewall so we are back to square one. They do show the wetland boundaries on the map Ted has to confirm that but based on our site inspection that wetland boundary was only about a hundred feet away from the wall and they have got it two hundred feet down the hill so I imagine that the wetland boundary is not accurate.

Board Member Pierro asked all right what are we going to do about it now.

Rich Williams stated tell him the problems and tell him to go fix it.

Ted Kozlowski stated I think by the fact that we have all agreed pretty much that the stone wall nothing goes beyond that that is a good step.

Rich Williams stated just so we are clear he has now proposing a two lot subdivision; one lot, the new lot, Lot 1 we are pushing to have the property boundary not go past that wall but the other lot goes all the way through until the State takes that property that is what it is going to be.

Board Member DiSalvo asked what happens if the State never does take that property.

Rich Williams replied then I am sure sooner or later somebody is going to be coming in wanting to put a road in down through the wetlands. Doesn't everybody.

Board Member Rogan stated but at least at that point we have got the way that the subdivision was approved was the idea that the lot was not going to be built and in that regard you have plenty of standing

to deny it. It is not like you approved it with a building back there or something with a proposed driveway and then five years later go to build it.

12) TRIPLE J WETLANDS WATERCOURSE PERMIT

Board Member Pierro asked where did we leave off on this.

Rich Williams stated the Board accepted the concept and at that point it turned back to myself and Gene to take a look at the plans and make sure they met all the criteria. I have not had a chance to do that yet. I did note some areas of concern that I need to take a look at specifically with the vegetation and putting it in on the berm. I was hoping Gene was going to get the memo down here and release it but Ron was not in this week so Ron didn't take a look at it but Gene was less than enthusiastic about the drainage report and the runoff that was going back there and especially the sequence of construction which Tom wanted to actually e-mail around to a lot of contractor's for a little holiday cheer. So, they are supposed to be issuing that report next week.

Board Member Pierro asked will we have it for the meeting.

Rich Williams replied you should have it for the meeting.

Chairman Schech asked did we have a public hearing on that wetlands permit yet.

Rich Williams replied yes.

Rich Williams stated just so you know I don't know where this is going to go but some of the issues that the Engineer I know is going to raise is going to affect issues in Southeast. They probably should have been picked up in Southeast. They were a little nervous about that and I just said you know we have to take care of Patterson.

13) BURDICK FARMS SUBDIVISION

Chairman Schech stated Burdick Farms we are in receipt of the EIS. I am sure everyone read every page of it (joking).

Rich Williams stated once we acknowledge that we have received it then we have x number of days it is a very short schedule in which to get it reviewed.

Rich Williams stated for those of you who haven't yet taken it when you take the book there is a roll of plans over there also to take.

14) PATTERSON CROSSING SITE PLAN

Rich Williams stated we finally got the Lead Agency dispute resolved. The next step in the process considering the size of the project is likely that it is going to get a positive determination, it is likely that there has to be a scoping session. I looked at some of the dates next door which is the bigger meeting room over at the Donald B. Smith building. It is pretty booked up. They had open the 20th of January if you want to have a public scoping session that night.

Board Member DiSalvo asked isn't that Martin Luther King weekend.

The Secretary replied yes that is Monday the 20th would be Thursday.

Chairman Schech stated I am all right.

The Secretary stated it is very important that when you do this meeting at the Community Room we have no p.a. system we only have this hand mic that we have at a meeting like this that they absolutely have to come to the front of the room near that hand mic and you guys also are going to have to speak loud. I did this, I have been there and it was horrendous. These are minutes that are going to be important.

Board Member Montesano asked does anybody have a portable p.a. system.

Chairman Schech stated we can handle that I think.

Board Member DiSalvo asked and what is the capacity of the community room.

Rich Williams replied about ninety I think.

Board Member DiSalvo stated so you are only talking like twenty more than that zoo that we had here at the time.

Board Member Rogan asked what about the basketball court.

Rich Williams stated well I figured once we went to the public hearings we would end up down there.

Board Member Rogan asked you think for the scoping it won't be as big of a deal as the public hearings.

Board Member DiSalvo stated I think it will be I think we should go right to the rec center.

Board Member Pierro stated I don't see any reason for d!@?!@? around let's go right to the rec center. Why confuse.

Rich Williams stated because it is easier for me to set this up than it is to set that up.

Board Member DiSalvo stated people are just going to get confused as to where to go in the future.

Board Member Pierro asked seating is that what you are talking about.

Rich Williams stated yes setting up the seating and everything.

Board Member Rogan stated but that should be done through the Town by like Highway.

Rich Williams stated yeah right.

Board Member Pierro stated you should not be doing that Rich.

Board Member Rogan stated I agree you should not be doing that.

Rich Williams stated we don't have anybody else.

Board Member DiSalvo stated I will help you I have time.

Board Member Montesano stated let them hire somebody to come in and do that.

Board Member Rogan stated Rich, I appreciate the fact that you are willing to do it but I would be happy to put a recommendation to Mike that for these few couple of meetings that happen like this that are that important that he has two guys from Highway dedicated to it.

Rich Williams stated listen I would love that.

Board Member Rogan stated well then I will call him tomorrow.

Rich Williams stated anyway for tonight I mean the only thing that I checked out was next door at the community room and we got the 20th other than that I have no idea what is going to be open.

Board Member DiSalvo stated I just don't want to go into this again like the same kind of scene we had in here with too many people and not have enough room to begin with.

Board Member Montesano stated you are going to have that no matter what. I don't care if you have got Madison Square Garden people are going to come in.

Board Member DiSalvo stated but why should we be limited again over there with only 20 more seats than what is over here.

Board Member Rogan stated I agree with you Maria.

Board Member DiSalvo stated we are going to be in the spotlight here every mistake we make, Board Member Pierro stated you only get one chance to make a first impression, I think if we can go at this thing the right way from the get go.

Board Member Montesano asked what project are we talking about.

The Board replied Patterson Crossing.

Board Member Montesano stated and what about a first impression.

Board Member Pierro stated what I am saying to you is let's not make a look like a cluster f!@#. Put it on the record I don't give a S@#!.

Board Member Pierro stated let's call Mike, I appreciate the effort that Rich has to do to setup the room but if he needs help I will come and help.

Board Member DiSalvo stated I will come help.

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

Chairman Schech stated Rich check on the rec center and see.

Board Member Rogan stated let me talk to Mike and see what can be done to get some people there to setup and figure out a date and not drop this on Rich's lap the way everything always gets done. I have no problem with waiting if we have to wait until the second week of February so be it what is the difference. I would rather have it where we are setup for it even if it means finding some kind of an adequate system that will work.

Rich Williams stated put this off for a week and I will check on availability.

Board Member Rogan stated we have gone to such great lengths to not do any action in this work session which I have not necessarily agreed with I think it is a public meeting we can do bond reductions some simple things but we have gone to such lengths to not do things here that I think that something that everybody would agree with like a pos dec I don't personally think we should do in the work session.

Rich Williams stated the only reason I wanted to do it now is because we need the lead time to advertise. I have got to get it put in the Environmental Notice Bulletin from the time I give it to them to the time they get it published there is a week there and I wanted to get it out so we could give the people as much time to become aware of it.

Board Member DiSalvo asked so we should have a date by next Thursday.

Rich Williams stated yes.

Discussion ensued regarding dates for the scoping session.

(TAPE ENDED)

Board Member Rogan stated I think the room size is important because just from what I have been reading on Plan Putnam's site you are going to have maybe have a hundred for and a hundred against.

Board Member Rogan asked for a scoping session do we have to plan on more than one night. We have to think about that.

Board Member DiSalvo stated do we want to have a sign up ahead of time for people that want to speak.

Discussion ensued regarding a meeting Maria attended in Yonkers.

Chairman Schech stated okay so we are going to check on that.

15) FOX RUN PHASE II

Rich Williams stated Fox Run has resubmitted for a conceptual review another hundred dollar application fee. They have actually given us plans showing the layout now for the buildings.

Chairman Schech asked did they change anything.

Rich Williams replied they haven't changed anything. There is really nothing I can do as far as a review because one of the fundamental things I do is to see if it is complying with zoning and the setbacks and everything and it is not even permitted by zoning.

Board Member DiSalvo asked but did we ever determine if they have still have a right to build.

Rich Williams replied no because I went to the Town Board. The Town Board felt that it was appropriate that the Planning Board not answer that question until they submitted an application and we made a determination that we could do it through SERA then the Planning Board said no we want to do it before but the Town Board is not going to spend five, six thousand dollars of the Town's money without an application.

Board Member DiSalvo stated so they submitted that, they paid a fee.

Rich Williams stated they haven't submitted an application that is the problem they keep submitting these conceptual reviews with a hundred dollar check.

Board Member Rogan asked and it is not the kind of thing that they can submit the substantiate information that the Town could approve and say yes they do have the right or no they don't.

Rich Williams replied they have submitted as much as they are going to submit. They are relying on the Town.

Board Member Rogan stated the Attorney's can review that make a determination.

Board Member Montesano asked every time they send that hundred dollars in does that put us in a binding situation.

Board Member Pierro stated it may be. It may be.

Rich Williams stated it is not a complete application. Mike, I am telling you I am not worried about this. The vested rights issue is black and white and clear cut. This is no way in hell a vested right issue. If it was a vested rights issue what that says is they have got their approvals they have done substantial work and they have a right to continue to build.

Board Member Rogan stated so then they would not be in front of us.

Rich Williams stated that is right. They are in here asking for approvals based on what they are saying are approvals they got thirty years ago.

Board Member Rogan stated based on what they are saying if what they are saying is correct then they should be able to go to Paul and get a building permit.

Rich Williams stated and go build absolutely.

Board Member Rogan stated and not be in front of us.

Chairman Schech stated but they haven't done any work on the project.

Rich Williams stated well what they are claiming is we put the driveway in, we put the sewage treatment plant in, we put the water system in which now is another problem because we created a district and they are not part of the district but in fact they put all those improvements in for the original condominium project. Just because they are crossing over or they are tying in doesn't mean they spent any money. They did not put driveways in the property that they are looking to develop now. They didn't put water supply lines in or sewage lines, Board Member Montesano stated they didn't put the pool in. Rich Williams stated they didn't even clear it.

Board Member DiSalvo asked there is no pool in.

Board Member Montesano replied no I remember when they came in, Rich Williams stated they have a pool.

Chairman Schech stated the pool used to be there.

Board Member Montesano asked is it still functioning.

Chairman Schech stated I think they got rid of it.

Rich Williams stated it is all the way up in the back corner.

Chairman Schech stated it was there at one time I don't think it is there anymore.

16) YONKERS REALTY SITE PLAN

Rich Williams stated Yonkers, Avitech they have actually submitted a site plan. They are looking, I have to get you the original memo I did. I actually did a comprehensive review because this is in court about the things that were not constructed on the site on the original site plan and now things are different. There is a lot of changes and they are looking now to basically have the Board approve what is there and now they are going to clean it up.

Ted Kozlowski stated the site plan has a partial location of the stream and the pond I don't understand it I don't know why Bibbo submitted it like that but you have to show the entire length of the stream and the pond and any associated wetlands because it is within the area of development.

Rich Williams stated what they did is A-1 Compaction wanted to put a transfer station in there in 1989, 90 and had Cashin Associates do an as-built survey and when they did the as-built survey they only picked up part of the stream that is why Bibbo is only showing part because they basically took that as-built survey and built their site plan around it.

Ted Kozlowski stated who cares.

Rich Williams stated they have got to add that.

Ted Kozlowski stated yes all of a sudden the stream ends. They need to show it is the same thing like with Budakowski they have to show the whole picture they can't show partial.

Rich Williams stated I have done a memo on the plan that they have done there is a number of issues. I want to go take a look out there at the head walls to the pipe that they put in. They are discharging the drainage from the catch basins in a different location. It is going directly into the stream. It was originally supposed to go directly into the stream on the other side on the down gradient side. I need to get out there and take a look at that and we will see where it goes.

Chairman Schech asked what are they doing with the buses are they still going to be there.

Rich Williams replied the buses are still going to be there.

Board Member DiSalvo stated the other guy is moving in too right.

Rich Williams stated what they are looking to do is the original site plan was approved for a light manufacturing office building. The original site plan is quite interesting because there is parking areas, there is bridges going over the stream and piping. The parking area is right next to the stream and all this did not get constructed, the lights did not get constructed. They want to change the use to warehouse and a public garage to accommodate the buses and to accommodate Craig Zotola who is an auto mechanic. There is issues with parking, there is issues with the lighting that you need to be aware of and take a look at and see what you want to do with it.

Chairman Schech stated well technically if we have entertained the buses there being repaired and all that stuff and stored Zotola is not any activity that does not sort of blend in. What it has been initially constructed for has never been used for that purpose so I don't know.

Board Member Rogan stated make it fit what they want to do with it and address the concerns.

Board Member DiSalvo stated it is off the beaten trail so.

Chairman Schech stated anything is better than a pipe gluing operation that could blow up in our faces any minute.

Board Member Rogan asked do they have an oil water separator check where the drainage goes outside of the doors we would need that put in. We can have that updated can't we.

Rich Williams replied you know pretty much because they didn't construct what they were supposed to construct there is an open window of opportunity here.

Board Member Rogan stated and they are changing the use.

Rich Williams stated one of the things I did identify in the memo is the fact that they have basically said we are going to have fifteen employees out here so here is seventeen parking spaces plus we are going to show another six for the busses that we are going to keep on the site but they really haven't shown anything for customer parking. They haven't shown anything for where they are going to store the cars.

Chairman Schech stated actually what you could do is stop off of Zotola's on 311 and count all the stuff he has outside.

Board Member DiSalvo stated it is pretty empty now.

Chairman Schech stated there has to be twenty or thirty vehicles parked outside.

Rich Williams asked he is gone though isn't he.

Chairman Schech stated no they are there again.

Rich Williams asked are they.

Chairman Schech replied yes.

The Secretary stated the busses don't have customers it would just be Zotola.

Chairman Schech stated technically he deals basically in trucks and what not so you are going to drop off a truck you are not going to hang around.

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

17) MORETTI SUBDIVISION

Rich William stated Moretti is a new two lot subdivision application up at Cornwall Ridge Estates, Cornwall Hill Subdivision. Let's do this, you know Bruce Major.

Board Member Rogan replied not really I know the name.

Board Member Pierro stated yes I do.

Rich Williams stated the new homes along Cornwall Hill Road, you go all the way through that subdivision you will connect in with the older subdivision, you keep going straight and as you go up the hill and start going around the corner there is a lot that God only knows why the Planning Board left it but the road comes around like this and the lot is like this. (Sketching it out on paper for the Board). She wants to break it in half and build a house here.

Board Member DiSalvo asked there is a house on the property now right.

Rich Williams replied there is a house here.

Chairman Schech asked didn't she come in here to talk to us at one time.

Rich Williams replied yes she talked to me I don't know if you were here.

Chairman Schech stated I think I was here.

Board Member Rogan asked it meets the bulk dimensions, road frontage and everything.

Rich Williams replied I haven't actually looked at the plan.

Chairman Schech asked do we have the plan here.

Rich Williams replied yes Maria has it right there.

Board Member Pierro asked wait a minute, you know the blonde girl who lives here on 311, she has a little red Honda, Cindy Grenick.

Board Member DiSalvo asked she has a little blue house.

Board Member Pierro replied no the white house she just rehabbed a little bit of it. She used to own this property. They couldn't get a septic in there.

Board Member DiSalvo stated it is all down hill.

Board Member Pierro stated it is a steep slope I know exactly where it is. It is across from.

Rich Williams stated I don't know what they are going to do for a septic system because you are going to blow the baffles out anytime you flush.

Board Member Rogan stated that is a weird looking lot.

Board Member DiSalvo stated site walk.

The Board reviewed the plans for a few minutes. (Too many conversations going on at the same time unable to transcribe).

Chairman Schech stated site walk.

Board Member Rogan stated right where the house is it is showing fifteen percent grade.

Board Member Pierro stated where the house is it is pretty flat but it drops off quickly once you get over to that stonewall.

Board Member Rogan stated they have to meet fifteen percent or less for the septic area.

Rich Williams stated the problem is they put the septic where it is flat then they run a sewer line where goats won't go.

Board Member Rogan stated we have to look at that because it looks like between the septic and the house,

Rich Williams stated I looked at the septic system for the house on this lot and a couple farther down and I said there is no way the Health Department is going to approve this thing because I swear to go it was four, five hundred linear feet runs that were on forty, fifty percent slopes.

Board Member Pierro stated my recollection is that Cindy Granik got turned down by the Health Department. She was turned down a long time ago, the former owner.

Chairman Schech stated we have to take a look at it that is all.

TELECOM SITE PLAN

Ted Kozlowski stated I have read the report that their consultant wrote and I just want you guys to know something I went out there with Scott Blakely from Insite and their Consultant and I spelled out exactly what we needed to do here and what they submitted is not what I asked for. One of the things I asked them for as mitigation and they are doing it right now, they are accessing that back through the neighbor to the north and they did not address this in the mitigation plan, see if you can get an easement.

Rich Williams stated they did.

Board Member DiSalvo stated they said no.

Ted Kozlowski stated I did not see it.

Rich Williams stated they gave them a letter. You should have gotten it.

Ted Kozlowski stated well they are doing it now. They are getting stuff back there now somehow.

Ted Kozlowski stated the other thing is and I am not going to take a long time on this because I will put it in writing, the Beth Evans report, Triple J in the evaluation of a functional analysis of a wetland her report follows pretty much what their consultant says this Hollis & McGee kind of theory. One critical thing they left out was water quality which is part of a wetland analysis functionality. I don't know if that was intentionally or unintentionally but water quality was completely omitted in this functional analysis.

The Secretary asked who did that.

Ted Kozlowski stated Insite's consultant.

Rich Williams stated you know you are holding that one up I am going to hit you on this one because now I have read the way they are supposed to be doing it, Ted replied I know are you going to let me finish,

Rich Williams replied I am sorry go ahead.

Ted Kozlowski stated I have been reading thanks to Rich and to some other things none of these guys are really doing the stuff that needs to be done and quite frankly I don't know if we have to go that far.

Chairman Schech stated I thought we were pretty well set on this thing.

Ted Kozlowski stated Telecom, no.

Chairman Schech stated no Triple J.

Ted Kozlowski stated what I am saying, Board Member Pierro stated he was using Triple J as an example the report.

Ted Kozlowski stated in Evans' report in reviewing things which is very similar to what is going on in Telecom they are completely two different one is saying high value the other one is saying low value and I would like to know what the difference is when they are comparing notes.

Rich Williams stated here is what they are doing they are basically taking this methodology and this methodology says that the functional value of a wetland is in proportion to its relationship within the landscape and they are just both of them and this was my bitch with both of them they are basically saying well here it is in the landscape, it is a sloped wetlands so this must be the functional value.

Board Member Rogan asked you are saying that the functional value relates to the surrounded area and,

Ted Kozlowski replied well you take the surrounding area into consideration.

Rich Williams stated you have to.

Board Member Rogan stated of course you have to.

Ted Kozlowski stated but you have got to poke holes and you have got to do some other things that may or may not be done. Looking at this Telecom, when I am out there in the field and I tell the guy point blank you have got the soils wrong, you have to read your maps and then he submits and says yes, yes in the field and he comes back and he is submitting different soils than what is shown there. What is he looking out.

Board Member Pierro stated for clarification for this man, (the audience member) he is here for Triple J. We are only using Beth Evans' report as an example.

Ted Kozlowski stated I don't have an issue on Triple J. I have told you from the start I don't have an issue with that. I am just saying that the report that was submitted by Telecom and then to say they want to cross through the wetland and not go to the extreme northern part of the wetland where you are impacting it the least they want to save two crappy Maple trees to save the canopy habitat. Canopy habitat where does that come from.

Board Member Rogan stated that is ridiculous that was the only thing they could come up with to support what they want to do.

Ted Kozlowski stated so what I am saying is, is it an incomplete report no but it is you know and then Rich I don't know if you looked at the details harder than me but they have got this road going through the wetland, they are saying they are going to put a pipe under but the details show no pipe.

Rich Williams replied yes it does.

Ted Kozlowski stated the details show a, Rich Williams stated of course there is two different plans and they show two different pipe lengths.

Ted Kozlowski stated they are going to put Item-4, heavy impervious surface into a wetland basically creating two islands. If this thing has got to go through the wetland it has got to go through the extreme northern, as far north as you can go.

Chairman Schech stated it should be right on the property line with the neighbor.

Ted Kozlowski stated it should be on the property line.

Rich Williams stated I want this in the minutes now, Ted and I have finally agreed on an application.

Board Member Rogan stated you didn't think you were going to agree on that.

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

Ted Kozlowski stated one other thing just quickly, the Carroll property the plans that I got Rich maybe you got different plans, I asked at that other meeting, he is going to put that water diversion in at the upper road and I wanted riprap and stuff where it exits the plans don't show it.

Rich Williams stated he never submitted anything new he never revised anything.

Ted Kozlowski stated well I got a set of plans.

Rich Williams stated that was from the meeting before. He has not submitted anything new.

Ted Kozlowski stated and the guy that I saw on the site said he was going to put a second one in there further north and that is not shown on any plans either.

Rich Williams stated that is because it is on the State land and it is not going within the buffer.

Ted Kozlowski stated I will put this all in writing.

Chairman Schech stated it has got to be on the site plan otherwise they are not going to do it let's face it.

Rich Williams stated I just figured we would deal with that in a resolution because trying to get these plans revised.

Board Member Rogan made a motion to adjourn the meeting. Board Member Pierre seconded the motion and meeting adjourned at 8:39 p.m.