

**TOWN OF PATTERSON**  
**PLANNING BOARD MEETING**  
**March 26, 2015**  
*Work Session*

**AGENDA & MINUTES**

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PLANNING & ZONING OFFICE**

**ZONING BOARD OF APPEALS**

Lars McNulty, Chairman  
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**PLANNING BOARD**

Thomas E. McNulty, Chairman  
Ron Taylor, Vice Chair  
Michael Montesano  
Edward J. Brady Jr.  
Robert F. Ladau

**Planning Board  
March 26, 2015 Work Session Meeting Minutes**

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

Present were: Chairman Thomas E. McNulty, Board Member Ron Taylor, Board Member Brady, Board Member Robert Ladau, Board Member Michael Montesano, Rich Williams, Town Planner, Ted Kozlowski, Environmental Conservation Inspector and Ron Gainer, Town Engineer.

The meeting began at 7:02 p.m.

Sarah Mayes was the Secretary and transcribed the following minutes.

Chairman McNulty called the meeting to order.

**1) Neil Avellino – Change of Use**

Chairman McNulty: Okay. Are we on?

The Secretary: Yup.

Chairman McNulty: Alright, it's the March 26<sup>th</sup> work session and we have an agenda here. And Neil Avellino, change of use. Four twenty...4251 Old Route 22.

Rich Williams: Correct.

Chairman McNulty: Rich, I just got a package from Sarah here, which I really haven't looked at yet but I'm familiar with the building.

Rich Williams: Right. That package basically outlines the history and the discussions of the Planning Board in the past because this issue has come up two other times, possibly three other times. This is the Schozi building or the Greenlands building that's down at the intersection of Route 22, Old Route 22 and [Route] 164. It was initially designed, approved and constructed as an office building; solely an office building. One of the issues that the Planning Board wrestled with when it initially came in was access to the property. Initially, access was coming in off of 164 which is fine. Ultimately, they came back in and they decided that they wanted to raise the elevation of the building and then bring access in off of Old Route 22. Now you have a commercial site coming in off of a Town Road, a practice typically discouraged for a couple of different reasons. One of them, you know, the increased traffic going on the Town road and

truck traffic now going on a residential road. And then you come into the issue of signage. Those are probably the three big issues. Most of the traffic going by this site is going by on [Route] 22. That's where you want to put your signage up and attract people onto the site. They're going to try to get on the site. They're going to have no idea where the driveway is. They're going to be driving around until they finally find it. So, you end up having to put up more signage than you normally would otherwise to direct people on how to find the entrance.

Chairman McNulty: That hasn't been the case for this building, has it?

Rich Williams: Well, because this building is...

Chairman McNulty: They have a sign on the corner.

Rich Williams: not approved for consumer-based businesses.

Chairman McNulty: Just offices.

Rich Williams: Just offices.

Board Member Brady: There was signs out there at one point. The tax guy...When the tax guy was down there, they put signs out...

Ted Kozlowski: Hi guys.

Chairman McNulty: Hi, Ted. Just started.

Board Member Brady: Like politic signs they put out...

Rich Williams: Yes.

Board Member Brady: to show you where to go.

Rich Williams: Yes. They put the tax sign out. You remember, they actually had a person dressed up as the Statue of Liberty...

Board Member Brady: Yup. That's right.

Rich Williams: out there waving their arm.

Chairman McNulty: Yeah.

Board Member Brady: Yeah.

Rich Williams: So...

Chairman McNulty: Excuse me. [Referring to sitting back down].

Rich Williams: Is he leaving? [Referring to Ted Kozlowski].

Chairman McNulty: No, he's coming back.

Rich Williams: Oh, okay. Alright. One of the other big issues with the site is the way the parking is laid out onto the site and getting through the site and the issue of trying to bring trucks on the site to make deliveries were this to be either a retail or personal services site. Second problem is the way the building actually looks. It was divided up into storefronts. The original building architecture was not approved this way. The Building Inspector allowed them to change the appearance of the building on his own and put in glass storefronts. So, it's now broken up into basically storefronts. It looks like it should be for personal services for a retail operation. And over the years it's caused the property owners much concern. We now have, or the owner I should say, has an individual who is running a printing business which is classified as a personal services under our Code, to go into one of the storefronts down on the lower level. And so they are again petitioning the Town to allow a change of use to allow that to occur. In the past, the Planning Board had looked at it and they had come to some general agreement that they would allow a limited amount of personal services and/or retail. Actually, it was just personal services. Let me back up on the retail. It was just personal services on...in the building, generally on the lower level, provided that the applicant did certain things which included changes, I believe, to the bullnoses. I've got to go out and confirm that; it's been awhile.

Chairman McNulty: When was that changed proposed or implemented?

Rich Williams: 2008 or 2010. And these changes have been on the...

Chairman McNulty: Yeah, I think it's before I got on the Board.

Rich Williams: Yeah. Have been on the table for a while. Restriping of the parking stalls to make them conform with our Town Code and give a little bit more room down below. And the third issue which, you know, I'm recommending to the Board, that signage be put up that at a point where you start to go down to the lowest level, that signage be put up "No Commercial Vehicles" because you will see if you go out there, and I encourage you all to go out there and drive onto the site, it's very difficult to maneuver down on the lower level. And for a truck to try and maneuver once they got down in there, it's a problem. Tractor trailers who are going to deliver to the site would literally need to back in off of Old Route 22 on a blind corner. And that's a problem.

Chairman McNulty: Is there an overhead there that won't let trucks in?

Rich Williams: No.

Chairman McNulty: No.

Rich Williams: And actually, somebody on the Planning Board right now suggested in the past that an overhead be put in.

Chairman McNulty: Is that me?

Rich Williams: No, it wasn't you.

Chairman McNulty: Oh.

Rich Williams: You said you weren't here.

- Chairman McNulty: Oh. I thought you said...Oh. Mike [Montesano]. I forgot, you're the old timer.
- Board Member Montesano: Let me put it this way, we tried having a truck go down. And even a 26' truck, you're going to end up sitting on [Route] 22 the hard way.
- Chairman McNulty: How much square feet is he planning to lease to this copy service or print service.
- Rich Williams: I don't have a number right now.
- Chairman McNulty: We don't...Is, I mean, is it the whole first floor? Is it a huge operation?
- Rich Williams: It's not a huge operation, no.
- Chairman McNulty: And personal services are currently allowed as a mixed use you're saying. It was granted.
- Rich Williams: Personal services are currently allowed in the C-1 Zoning District. And this building is in the C-1 Zoning District.
- Chairman McNulty: But this building was approved as offices only. It's never been changed to allow...Still just office per the final plat that is in this package.
- Rich Williams: Correct.
- Board Member Montesano: And they've been in on more. What'd we have? A beauty parlor? Massage Parlor? Something was...
- Board Member Brady: Beauty parlor.
- Board Member Taylor: Well, what...
- Rich Williams: It's all...Beauty parlor, it's all personal...
- Board Member Brady: What is personal services?
- Chairman McNulty: That's what was...
- Board Member Brady: What constitutes personal service?
- Rich Williams: There's a whole, long list that I've provided to the Board previously on what is generally personal services. If you're interested, I can pull that out and give it to you....
- Chairman McNulty: It's in the Code, right?
- Board Member Brady: Yeah.
- Rich Williams: Yeah.

Board Member Brady: If you could email it to me.

Rich Williams: Yeah, but it's....

Board Member Montesano: Undefined.

Chairman McNulty: Hair salon.

Rich Williams: Yeah, it's hair salons...

Chairman McNulty: Nail salons.

Rich Williams: Nail salons...

Board Member Brady: Right. Well, that's...

Chairman McNulty: Insurance agent type thing.

Board Member Brady: That's why I don't understand is...

Board Member Montesano: Dentist.

Board Member Brady: how is a printing press a personal service?

Rich Williams: It's specifically listed.

Board Member Brady: Is it really?

Rich Williams: Yes it really is.

Board Member Brady: Wow.

Rich Williams: Yup.

Chairman McNulty: The issues are the site plan with the parking and...

Board Member Brady: Yeah, that's what I'm reading here. It's all...

Chairman McNulty: We don't have a current site plan in our package to review? To see it again?

Rich Williams: No. I can...

Chairman McNulty: There's no way to modify this site to...

Board Member Taylor: No.

Rich Williams: No.

Board Member Montesano: And believe me, it's been tried.

- Rich Williams: Yeah, we've had excellent...
- Chairman McNulty: I know. I do remember going out there.
- Board Member Montesano: Every angle. Every possibility. Let me...My suggestion would be, fine. Make a double decker parking lot over the building. You've got the air rights, do it.
- Board Member Taylor: Yeah.
- Board Member Montesano: Because that's the only way you're going to do it. This way you can make delivery, bring a truck up on the top, if you can afford it, put the tuck on the top, he opens up the floor, drops it down the dumbwaiter and calls it a day.
- Chairman McNulty: Yeah, there's no way for us to...Even if we limit trucking or try to restrict anything, how do you enforce it?
- Board Member Brady: Yeah, you're not going to.
- Board Member Montesano: Put a steel bar, columns, right there so you can't get the truck in.
- Chairman McNulty: Is there any option to convert that building to residential?
- Rich Williams: To residential?
- Chairman McNulty: Well, he's complaining he can't make it work. You can rent apartments out like that.
- Board Member Brady: Yeah, I thought somebody...I thought actually, it looked to me like there was somebody....
- Chairman McNulty: Well, the upper side...
- Board Member Brady: was living on the upper side, yeah.
- Chairman McNulty: looks like apartment fronts.
- Board Member Brady: Right. Yeah.
- Chairman McNulty: They don't look like offices.
- Rich Williams: Right.
- Board Member Brady: Yeah.
- Rich Williams: Yeah, maybe you can convert it to apartments, but I don't know we'd want to do that.
- Chairman McNulty: Okay. Well, it would make it functional. I don't know if the sewage...
- Rich Williams: Yeah.

Chairman McNulty: would work; the septic system. It's...

Ted Kozlowski I wonder if Dr. Kanouse would like to expand into that. He's so...His parking lot is so overflowing now.

Board Member Brady: Yeah.

Ted Kozlowski: You know, it's a tiny building.

Chairman McNulty: Now, when you face the building from Old 22 and look at it, to the right, isn't that some vacant land there? Obviously not his; Avellino.

Rich Williams: Old Route 22, facing the building...

Chairman McNulty: Yup.

Rich Williams: to the right.

Chairman McNulty: To the south I guess it would be. There's no room to expand parking in any where there? Even if he leased land?

Rich Williams: No, because he's actually fighting a grade. And then he runs right into Kanouse's property.

Chairman McNulty: That's why I'm wondering maybe he cuts a deal with the neighbor to give him some more parking.

Board Member Montesano: Yeah, but Kanouse...

Chairman McNulty: Thought it might...

Board Member Montesano: Evan doesn't have enough...

Board Member Brady: Well, that the...

Board Member Montesano: parking now.

Board Member Brady: that's the vet?

Ted Kozlowski: Evan doesn't have enough parking.

Board Member Montesano: No.

Board Member Ladau: Yeah.

Rich Williams: You know, it's not so much a question of parking at this...

Ted Kozlowski: They're parking on Old 22 there.

Board Member Ladau: Yeah.

Rich Williams: time. If you change the use, it may go there. But right now it's not a question of not having sufficient parking. The problem is the flow through...traffic flow through the site

Board Member Brady: To get to the bottom and come back up.

Rich Williams: And you get down on the bottom level, the bottom level is very narrow, very tight.

Chairman McNulty: No, I understand. But I'm just thinking...I don't know the property well enough, but I'm thinking to the south if there were...Because on the north end, he's got that retaining wall where he's got nowhere to go.

Board Member Montesano: They moved...

Chairman McNulty: The building's basically built on it.

Rich Williams: Right.

Chairman McNulty: But if he could work...

Board Member Montesano: They moved the parking over once on the south side.

Rich Williams: I don't think so.

Board Member Montesano: I remember we were suggesting to do it this way or on a slight angle to get in more because you couldn't make the...But the thing that held it up is that you couldn't make the turn at the bottom because of the parking.

Rich Williams: Well, that's true.

Chairman McNulty: Is the site plan easily accessible right now?

Rich Williams: We talked about giving a few more spaces down in there.

Chairman McNulty: Buried. The current approved site plan, is it easily accessible?

Rich Williams: Where is it?

Chairman McNulty: Okay, forget it. If you start with that question, that might be tough.

Board Member Taylor: Well that's...It's...Again, I don't think the parking is the problem. The...

Chairman McNulty: Well, it's the flow.

Board Member Taylor: The space for deliveries is the big problem.

Chairman McNulty: But that's what I'm saying, if there's any way we could expand that lot to make the flow better.

Board Member Taylor: And give it a delivery pad up at the top or something.

Rich Williams: Yeah, you can't expand the site...

Board Member Taylor: You've got the hill.

Rich Williams: because you're up against an embankment on the...

Board Member Taylor: Yeah.

Rich Williams: south side. On the east side, you're right up against the drop-off. I mean, there's that big retaining wall there...

Chairman McNulty: Well, I know. Down below...

Rich Williams: that goes into the stormwater pond.

Chairman McNulty: Well, it becomes a wetlands...that's a wetlands issue at the bottom, right?  
On the [Route] 22 side.

Rich Williams: Don't say wetlands with Teddy in the room, please.  
[Laughter].

Chairman McNulty: He understands.

The Secretary: Do you want me to find it? [Referring to the site plan]

Rich Williams: Yeah, go ahead. Sarah, it's probably...

The Secretary: You think it's in there.

Rich Williams: I think it might be in there.

Board Member Montesano: Since 2007...

Chairman McNulty: If it's easy, Sarah. If it's buried then...

The Secretary: Should just be under Greenlands, right?

Rich Williams: Yeah. You can try out here first.

The Secretary: (Inaudible – too many talking).

Board Member Montesano: I think we've come up with this guy...We've tried...The Board's tried...

Chairman McNulty: Well, that's what I'm saying. We've tried. Maybe he has to come out of the box. Maybe he has to approach his neighbor.

Rich Williams: Sarah. You're getting the tax map number?

The Secretary: Yeah. It...

Rich Williams: 24.-1-75.

The Secretary: Oh, thanks. That's right. Alright.

Board Member Montesano: But I think we've tried...We tried everything conceivable over the last 7 or 8 years to try to get somebody in there that can...But, the original builder was very thick headed, too. Could not believe it.

Board Member Brady: Just whack him.

Board Member Montesano: Don't wake me up whatever you do. Yeah, I can move in more [referring to pushing his chair in].

Chairman McNulty: Yeah, these days you can.

Board Member Montesano: That's retire...retired means.

Chairman McNulty: Well, I guess...

Board Member Taylor: So it's...are we then not going to consider changing the use? Is that where the tenor of the meeting's going?

Chairman McNulty: Well, we haven't approved it in the past for the same reasons and nothing's changed. I mean...

Rich Williams: Well, it was close to the Planning Board approving it in the past and then the property owner said I'm not doing anymore, give me a resolution. They actually...They actually approved the resolution...

The Secretary: Is this one good?

Chairman McNulty: Yeah, it will work. Thanks.

Rich Williams: which did not...

Chairman McNulty: That's in this package?

Rich Williams: Yeah. I think it is. That did not deny it, and then ultimately, because the property owner was belligerent at the meeting came back and passed a resolution to deny it.

Chairman McNulty: Well, I guess we're going to have to put this on a site walk schedule because Ed hasn't been there. Bob hasn't been there.

Board Member Ladau: No.

Rich Williams: Saturday morning?

Chairman McNulty: Not this Saturday.

Board Member Brady: Not next Saturday either for me, pal.

Board Member Montesano: How about Sunday morning?

Board Member Brady: Yeah, that's fine.

Chairman McNulty: That works for me.

Board Member Brady: Start without me.

Board Member Montesano: I'll tell you what, somebody bring their computer and we'll tell them...We'll show it over so you could sit in the plane and watch....

Chairman McNulty: So this is the current parking lot, huh?

Board Member Brady: While I'm in the pool?

Board Member Montesano: Just don't bring the computer too close.

Chairman McNulty: See, he's really...He's right there. He's got no room.

Board Member Taylor: Yeah, he's got no room. That's the problem.

Board Member Brady: No.

Board Member Taylor: And he's got hill sides which doesn't show on here.

Chairman McNulty: Yeah, the topo's not on...Well, driveway topo.

Board Member Brady: Yeah, that's...

Chairman McNulty: So there's nothing to be able to modify this in and out.

Rich Williams: Nope.

Board Member Montesano: Nope.

Board Member Taylor: Nope. It's just...Should never have built on the site.

Board Member Brady: No, you're right. That's...

Board Member Montesano: Well, this was the problem. He wanted it the way he wanted it and...

Board Member Taylor: Yeah.

Board Member Montesano: When they opened up ...

Board Member Taylor: Can we change a use for a specific...Like the printing business, can we make it specific...

Chairman McNulty: Just the one space?

Board Member Taylor: to that printing business?

Rich Williams: No.

Board Member Taylor: We can't do that, that's the problem, right?

Rich Williams: That was one of the problems.

Board Member Ladau: Mmhhh.

Rich Williams: That was one of the things that came up the last time. You can change it for personal services and printing can go in there but then if the printer goes out, that use is established there and any other personal service...

Board Member Taylor: Right. Yeah.

Rich Williams: can occupy that site.

Chairman McNulty: And we can't be specific to the space either, right? It would pertain to the entire building?

Rich Williams: No, you can...

Board Member Taylor: You can do a percentage.

Rich Williams: you can be specific if there is germane reasons on why you're doing it. Access, parking, accessibility.

Board Member Brady: Yeah, he died...They killed him when he couldn't get out on [Route] 164.

Board Member Taylor: Yeah.

Rich Williams: They...And it wasn't that he couldn't. It was a little bit more expensive because of the grading on the site.

Board Member Brady: Yeah, it was a lot, yeah.

Rich Williams: Right. And I don't know how much more because there was a question of moving the retaining wall over on the Old Route 22 side, dropping it down.

Board Member Ladau: Who owns this property in here?

Board Member Taylor: That's his.

Chairman McNulty: That's all his.

Board Member Taylor: But his retaining wall...

Chairman McNulty: So you're saying...

Board Member Taylor: It's hillside.

Chairman McNulty: if he...Could he modify the entrance now, or the building situated in the wrong place?

Rich Williams: The way they've got that laid out, there's no way to modify an entrance to get out onto [Route] 164 anymore. It drops off steeply, Bob.

Board Member Taylor: Yeah.

Board Member Ladau: Okay.

Board Member Taylor: Yeah, it's very steep.

Chairman McNulty: But you couldn't do it with excavation and fill? I mean, there's an expense to it.

Rich Williams: There's an expense to it.

Chairman McNulty: I mean, is there a physical limitation other than...

Rich Williams: Yeah.

Chairman McNulty: I mean, you could do anything.

Rich Williams: Yeah, you can do anything. You can engineer anything. And you probably would, retaining walls and everything else, you could engineer a driveway to come out onto 164. Is it economically practical? Probably not because it's probably going to cost as much as...

Chairman McNulty: No, I understand what you're saying but...

Board Member Brady: Cost him \$50,000.

Board Member Taylor: That's more than the site's worth.

Chairman McNulty: But that...Is this, the person in front of us, were they the original builder?

Rich Williams: No.

Chairman McNulty: Oh. So he's bought into a project that was limited.

Board Member Taylor: Yeah.

Chairman McNulty: Has he ever thought about or knows that he can modify it? Has he given it any thought to price it? To change his parking?

Rich Williams: That I can't answer. I mean, he knows what the issues are. He has been in before the Planning Board once before. And then the tenant he had went someplace else so they dropped it.

Chairman McNulty: Yeah, that was the hair salon, I think, that wanted to go in there.

Rich Williams: I thought that was the dog groomer.

Chairman McNulty: A dog groomer?

Board Member Montesano: Yeah.

Board Member Taylor: Okay. That...Yeah. Okay, yeah. You're right, it was a dog groomer rather than the hair salon. But it was the same issue with people coming in, dropping off animals...

Chairman McNulty: Yeah, it was a come and go and one way in and one way out here.

Board Member Brady: Yeah.

Board Member Taylor: Right. And deliveries by tractor trailer...

Chairman McNulty: That's why I'm looking if...

Board Member Taylor: and...

Chairman McNulty: if he could put the expense, you know...I don't know, over the long haul, what his investment into the building is...

Board Member Taylor: Yeah, well...

Chairman McNulty: to create a loop around back to 164, a one-way maybe.

Board Member Taylor: Can you still get a tractor trailer in there though?

Board Member Brady: I don't think you can.

Board Member Taylor: Not down here.

Board Member Brady: It would really have to be...He'd have to really...

Chairman McNulty: Right, this would be a tough turn, but...

Board Member Brady: expand the swing.

Board Member Taylor: Yeah.

Board Member Brady: Yeah.

Chairman McNulty: But, maybe...Maybe this becomes two-way then and goes this way and is a commercial pad here.

Board Member Taylor: Yeah. Something.

Chairman McNulty: But that's an option we should throw at him because we are limited... Yeah, we're back to the same problem we denied it last time. Or not we, I...But...

Rich Williams: You didn't...Again, you denied it...

Chairman McNulty: We didn't deny it...

Rich Williams: You denied it because the applicant basically said we're not doing any improvements to the site.

Chairman McNulty: And that's this applicant?

Rich Williams: No. That's not this applicant.

Chairman McNulty: Okay. So maybe we should kind of start afresh with some ideas for him. Maybe he can meet us on the site walk.

Board Member Montesano: Where's he at? He's been there for at least five year, right?

Chairman McNulty: Because every time I pass there I look at that big open corner, and that retaining wall...

Board Member Brady: Yeah.

Chairman McNulty: thinking, jeez what a waste.

Board Member Brady: Yeah, I look at that retaining wall and I just...You know, it's like wow.

Chairman McNulty: And where is the septic system?

Board Member Brady: that cost so much money.

Rich Williams: The septic system is...

Board Member Brady: Down front?

Rich Williams: Right here.

Board Member Brady: Oh.

Chairman McNulty: Oh. Well, that's a problem.

Board Member Taylor: Yeah, that's right where you're going to put the pad, right.

Board Member Brady: Yeah, right.

Chairman McNulty: You can blacktop right over it.

Board Member Taylor: Yeah.

Board Member Brady: It won't be the first one.

Chairman McNulty: No.  
[Laughter].

Board Member Ladau: Just a trap door, that's all.

Board Member Taylor: So is this packet have the resolution that almost got approved in it?

Rich Williams: I think so.

Chairman McNulty: It's got a lot of information there.

Rich Williams: I thought I covered them both.

Board Member Taylor: Okay. So we can look that and see what was suggested in the past.

Board Member Ladau: You want to do a site walk this weekend?

Chairman McNulty: I can only do it on Sunday. I'm not around...Thank you, Sarah.

The Secretary: Yup.

Chairman McNulty: Saturday I'm working.

Board Member Ladau: Sunday. I don't care.

Chairman McNulty: Well, do we have to get permission from the owner and everything?

Rich Williams: I wouldn't say you need permission but I could probably give him a call regardless tomorrow.

Ted Kozlowski: I would think he would...

Rich Williams: If you really wanted to do it.

Ted Kozlowski: welcome you on that site.

Chairman McNulty: He's not around.

Board Member Brady: Next two weekends I'm gone.

Board Member Montesano: Next two weekends. He's...

Chairman McNulty: You want to just do it...Can we just do casual and drive-by? Are you comfortable doing that?

Rich Williams: Listen, I would encourage you...

Board Member Ladau: Sure.

Rich Williams: to do casual. I don't see any problem.

Chairman McNulty: Because I've been out there. Mike's been out there. Ron's been out there.

Board Member Ladau: Yeah.

Chairman McNulty: Maybe Sunday if you get some time...

Board Member Ladau: Sure, I...

Chairman McNulty: you can get on the back of my motorcycle and I'll take you over there.

Board Member Ladau: I was going to borrow the motorcycle.  
[Laughter]

Chairman McNulty: Well, I've got two. You can borrow one. We'll go riding.

Board Member Ladau: Okay, fine. Terrific. We do wheelies on [Route] 22.  
[Laughter]

Board Member Montesano: Well, why don't you try to do wheelies up there? You...

Chairman McNulty: Alright....

Rich Williams: You're not the only one.

Ted Kozlowski: What can go...Rich, what can...

Chairman McNulty: Why don't I...

Ted Kozlowski: go there right now on this site? What approved for that right now?

Chairman McNulty: Office Space.

Ted Kozlowski: If I came in...

Chairman McNulty: Office space.

Ted Kozlowski: Just office space.

Rich Williams: Just office space.

- Chairman McNulty: And he wants to put a small copy shop/print shop, in there. We think it's small. We don't know how big.
- Rich Williams: Yeah.
- Chairman McNulty: Alright, why don't (inaudible) I get together with Bob.
- Board Member Ladau: Yeah, sure.
- Chairman McNulty: We'll see if we can get by there. If not Sunday, one evening or something on the way home. It's dark...it's light till 7.
- Board Member Montesano: Bring a flashlight.
- Board Member Ladau: My schedule's pretty light for the next little bit, so, whatever works for you.
- Chairman McNulty: Okay.
- Board Member Montesano: Just think, people are going to come in there at night. Get a flashlight.
- Board Member Ladau: Well, sun doesn't go down now that early, so...
- Board Member Taylor: Yeah.
- Chairman McNulty: Let's look at it. I don't know where to go. I think we need to stay consistent to some degree and it's a tough call. I want the guy to be able to use his building, too. You can' put the print shop on the top, huh?
- Rich Williams: You still run the same problem.
- Chairman McNulty: I know, but there's a little more room up there.
- Board Member Taylor: But still...
- Chairman McNulty: Yeah, but still.
- Board Member Taylor: there's no place for deliveries. It's the...
- Board Member Brady: But once you put that up there, if you approve it for that there, you're going to have the same problem in the front anyway.
- Chairman McNulty: Unless we go with the percentage thing. But he loses his store frontage. He doesn't get visibility.
- Board Member Montesano: You got to really...
- Chairman McNulty: It's not a viable rental.
- Board Member Montesano: If he goes upstairs, you're going to have all those trucks are going to be parking on [Rote] 22 because they're not going to be able to get in.

Board Member Ladau: Yeah.

Board Member Montesano: And Old 22 is going to be a problem because it's residential.

Chairman McNulty: Yeah.

Rich Williams: And this was always the problem with the metal bar. I see it over at Home Depot. There are trucks...

Chairman McNulty: Yeah.

Rich Williams: that make deliveries there...

Board Member Montesano: And they got to block...

Rich Williams: You can't drive in. What they do is they just park in the driveway and, you know, shuttle it in.

Board Member Brady: Right.

Board Member Ladau: Yeah.

Board Member Brady: Right.

Board Member Montesano: That's all you can do. And the only reason they did that...

Chairman McNulty: Okay.

Board Member Montesano: is because you're on the roof of the building that's underneath it.

Chairman McNulty: Alright, so we'll get together and see if we can hook up with that.

Board Member Ladau: Yeah. Whenever.

Chairman McNulty: We'll send pictures to Florida.

Board Member Brady: Yeah, okay.

## 2) Maplewood North Homes Subdivision – Preliminary Plat

Chairman McNulty: Alright, next on the agenda is Maplewood North Homes Subdivision. This one I don't recognize at all.

Rich Williams: This is a subdivision that was approve...It was proposed many, many years ago. It went through a couple of different iterations. They're back in to see if they can get it approved. For us, it's essentially a two lot subdivision coming in at the end the Maplewood North Subdivision, which

is a subdivision in the Town of Southeast. And there are...There's a lot in front of it at the end of the cul-de-sac, and Green Chimneys owns some property there so there's some land trading going on. And what they're doing is they're subdividing the Green Chimneys land to create two building lots, one in front of the other. One will be in the Town of Southeast. The second one will be in the Town of Patterson. And then...

Board Member Brady: Wow.

Board Member Taylor: I know. That's what I was complaining about.

Board Member Montesano: My favorite (inaudible).

Rich Williams: Huh?

Board Member Montesano: My favorite three.

Ted Kozlowski: They're going in front of Southeast, too, as well, Rich?

Rich Williams: They've been in front of the Southeast. I'm not so sure they're not all the way through. Southeast took lead agency and actually has made a SEQRA determination on this.

Ted Kozlowski: I'm sure it flew through.

Board Member Montesano: How could you say that?

Chairman McNulty: So in a situation like that, where does that put us?

Rich Williams: Well, you have to...

Chairman McNulty: We have to recommend...

Rich Williams: you have to...

Chairman McNulty: recommend back to them, correct?

Rich Williams: to the Southeast Planning Board?

Chairman McNulty: Yeah.

Rich Williams: We did respond to their lead agency notice and allow them to be lead agency.

Chairman McNulty: Alright.

Board Member Taylor: Just a technical question on this. This lot was previously subdivided out of... I mean, they've got these parcels here [referring to plans]. And was it subdivided out of this parcel previously?

Rich Williams: No, I don't believe so.

Board Member Taylor: So they're talking about actually subdividing it now out of this larger parcel? It's just, they said they're creating two parcels. But they're actually creating three parcels as far as I can see. And if this...

Rich Williams: They're creating...

Board Member Taylor: other parcel was still there, then they've got four parcels.

Rich Williams: They're creating four parcels.

Board Member Brady: Right.

Board Member Taylor: Four parcels.

Board Member Brady: A, B, 1, 2.

Board Member Taylor: Yeah, they didn't make that clear. It was very confusing in the way it was written. They talk about two building lots, but four parcels.

Rich Williams: Four parcels.

Board Member Taylor: Okay. That's...

Rich Williams: And then with two vacant parcels will go to Green Chimneys.

Chairman McNulty: Would that be Parcel 2...

Board Member Taylor: They would retain them. They...

Chairman McNulty: and Parcel 3b?

Rich Williams: I believe.

Board Member Taylor: Yeah.

Rich Williams: Yeah. Huh?

Chairman McNulty: The one's in Patterson would go to Green Chimneys?

Rich Williams: The two vacant parcels that are left over from the subdivision, it would create two building lots and then two vacant parcels.

Board Member Taylor: Yeah.

Rich Williams: One vacant...Let me say this: One vacant parcel is already Green Chimneys. The other vacant parcel is not Green Chimneys, but Green Chimneys has encroached on it. They've been using it for farming for years.

Board Member Taylor: Correct.

- Chairman McNulty: Okay, I want this to be clear, I'm looking at this and I see only one vacant parcel: 3b. What am I not looking at right?
- Rich Williams: Okay.
- Chairman McNulty: This is proposed...
- Rich Williams: You've got the...
- Chairman McNulty: or is this...
- Rich Williams: Southeast and Patterson line.
- Chairman McNulty: Yup.
- Rich Williams: Town line creates a defacto subdivision. So here's a parcel, here's a parcel.
- Chairman McNulty: Mmhmm.
- Rich Williams: Alright. They're breaking this into two. This is in the Town of Southeast. So they're going to have a vacant parcel. This is all Green Chimneys that they're using right now. So, it's essentially a farm parcel. And this is going to be a building lot in the Town of Southeast. Then they are taking the Green Chimneys parcel and breaking that into two. So you have one, two, three, four lots.
- Board Member Taylor: Alright. What I'm asking about is this one. Have they ever subdivided these two out? They've got a line here but they didn't put it on here. Is there another parcel there that they're subdividing out and not talking about?
- Chairman McNulty: Yeah, I'm still...
- Board Member Taylor: See...
- Rich Williams: Yeah, I'm trying to get my bearings on this.
- Board Member Taylor: This is right here. This parcel...Here, I've got it marked on mine.
- Chairman McNulty: Yeah, you can see this...You can see.
- Board Member Taylor: It's this stuff right here. It's right here. It fits in here but this was all one parcel at one time, the way they've got it labeled here.
- Ted Kozlowski: You're saying Parcel C?
- Board Member Taylor: Yes. Parcel C.
- Board Member Brady: Yeah, C. Yeah.
- Chairman McNulty: This is the Town line here.
- Board Member Montesano: Mmhmm.

Board Member Taylor: No.

Board Member Brady: Yeah, that's completely different than this.

Board Member Taylor: No, the Town line's running through here somewhere.

Rich Williams: Yeah, it's not shown on there.

Board Member Taylor: See, this square...

Rich Williams: So...

Board Member Taylor: is that square over there.

Rich Williams: So this...If I've got this right. I...Ron, I honestly don't know.

Board Member Taylor: If you look at my map. I marked it on my map.

Rich Williams: Okay.

Board Member Taylor: This is the larger one they're showing here that I hatched. It's C. It's all part of C.

Chairman McNulty: Yeah. This...Alright.

Rich Williams: Now...

Board Member Taylor: See the bow here?

Rich Williams: Yeah, okay. I got it. I got it.

Board Member Taylor: Yeah.

Rich Williams: I got it. I got it.

Board Member Taylor: But C used to be a bigger parcel.

Board Member Brady: Right.

Board Member Taylor: They're not even talking about this. Was this divided here at some point?

Rich Williams: No. It wasn't divided there. It's divided here by the Town line.

Board Member Taylor: Right. But what about this then?

Chairman McNulty: What is that part?

Rich Williams: That should be...

Board Member Taylor: It should be part of that.

Rich Williams: It should be part of that.

Board Member Taylor: And that's what I'm saying.

Board Member Brady: Right. It's not there.

Board Member Taylor: Is there a pre-existing division there? Or are they proposing dividing it now as part of...It's not clear what's happening with the land here.

Chairman McNulty: Yeah.

Rich Williams: I'm going to...You're absolutely right. You're absolutely right. I'm going to have to take a look at it.

Board Member Taylor: So...And are they coming to us for the parts that are only in Patterson? This packet is only for the parts in Patterson?

Rich Williams: Yes. That's all you're looking at is the parts in Patterson.

Board Member Taylor: Okay. So then they are talking about two lots then, in a sense, for Patterson.

Rich Williams: In the Town of Patterson. Yes.

Board Member Brady: Right.

Chairman McNulty: Yeah. Lot 2 and...

Board Member Brady: They're talking about 3b and 2.

Rich Williams: 3b.

Board Member Taylor: Yeah. Except if this is still part of it, then they got three lots. This is in Patterson, too, right?

Rich Williams: Right.

Board Member Taylor: It looks like it. So, alright. So that's why it's two lots then. Alright. That makes sense.

Board Member Brady: Well, that would become part of 3b if it is.

Chairman McNulty: And all these parcels are still going to be retained by Green Chimneys at some point?

Rich Williams: No.

Board Member Taylor: The empty ones.

Rich Williams: Two of the properties are going to the developer. Two of the properties are going to Green Chimneys.

Board Member Taylor: Yeah.

Chairman McNulty: And are... Which two are going to the developer?

Board Member Taylor: Those two right there.

Rich Williams: The two building lots.

Chairman McNulty: One in Patterson. One in Southeast.

Rich Williams: And one in Southeast.

Board Member Taylor: Yeah.

Chairman McNulty: Got you.

Rich Williams: And...

Chairman McNulty: And then Green Chimneys would retain 3b and 3a.

Rich Williams: Right.

Board Member Taylor: It stays the same. Now, is this segmentation? Or are they going to subdivide their section of 3b in the future into building lots and...

Chairman McNulty: Well, there's no road frontage to 3b, is there?

Rich Williams: I don't... Green Chimneys right now is farming it. I don't believe they have any plans to subdivide.

Board Member Taylor: Alright, so it's not like they're just trying to squeak this in and then later on... Alright.

Chairman McNulty: Oh, Putnam Lake Road...

Board Member Taylor: The only objection I can see to this is we don't like common driveways but the common driveway's in Brewster so...

Board Member Montesano: Right.

Board Member Taylor: so I figured...

Rich Williams: Right.

Board Member Taylor: it doesn't apply to us. And the other thing is the size of the lot. What's that about? Because it's 7 acres they have to waive... we have to give... They need a waiver for the 7 acres?

Rich Williams: From us?

Board Member Taylor: Yeah. Isn't that what they're saying?

Rich Williams: Oh, no. Because it's in the cluster overlay zone, they need to get a waiver from the Town Board. They're going to need a recommendation to you over, but...

Board Member Taylor: So it's like Mancini?

Rich Williams: It's... Yes. It's just like Mancini. They're creating a lot that's too big under our Code which limits the lot to 80,000 square feet.

Board Member Taylor: Right.

Chairman McNulty: In the overlay district.

Rich Williams: In the overlay district.

Board Member Taylor: Okay. And I don't see a problem...

Board Member Montesano: That...

Board Member Taylor: Unless we run into the Mancini thing again where they don't want to do their septic, but they've already proved all that out, haven't they? So it's...I don't...

Rich Williams: Right.

Board Member Taylor: see any problem with this at all.

Rich Williams: Right.

Board Member Montesano: Do we have to give them any statements? Because the road ends in Southeast, yet we're approving the lots in Patterson without having a Town, County or State road.

Rich Williams: Without having frontage.

Board Member Taylor: Without any frontage.

Rich Williams: So they have to go to...

Chairman McNulty: On 3b.

Rich Williams: They have to go to the Town Board for a 280-a...

Board Member Montesano: Okay.

Rich Williams: variance.

Ted Kozlowski: Rich, this...

Chairman McNulty: (inaudible).

Ted Kozlowski: lot that's in Patterson, he's driveway actually...obviously goes through two towns, do you see in the future any kind of issue? He's going to have to get...If he makes any kind of improvements to that driveway, or does stuff, I don't know what, but would he have to get two different jurisdictional permits? I mean...

Rich Williams: He's going to have to meet the Code for the driveway construction for that portion in Southeast; he's going to have to meet the Southeast Town Code. And then for that portion in Patterson, he's going to have to meet Patterson...

Ted Kozlowski: Right. So he's going to have to...

Rich Williams: Town Code.

Ted Kozlowski: deal with two...Whoever buys that parcel is going to have to someday deal with two different municipalities.

Rich Williams: Yes. With regards to the driveway.

Ted Kozlowski: Yeah.

Rich Williams: But the whole rest of the lot, the totality of the lot, is in the Town of Patterson.

Ted Kozlowski: Right. Right. But that...

Chairman McNulty: Yeah, so any house construction would be Patterson taxes...

Ted Kozlowski: That...There could be some interesting scenarios...

Chairman McNulty: Patterson.

Ted Kozlowski: with that track (inaudible) in the future.

Board Member Montesano: Oh, it's not the first time we've run into that...

Chairman McNulty: And what road is this...

Board Member Montesano: by the same people.

Chairman McNulty: that it accesses to?

Board Member Taylor: Doansburg [Road].

Rich Williams: Right. Putnam Lake Road.

Chairman McNulty: Oh, that's Doansburg Road. Oh, this is Putnam Lake Road over here.

Board Member Taylor: Same thing.

Rich Williams: Goes around.

Chairman McNulty: Loops around this way.

Board Member Taylor: Yeah.

Chairman McNulty: So 3b, in essence, becomes a landlocked lot...

Board Member Taylor: Mmhmm.

Chairman McNulty: that isn't developable without some kind of common drive through...

Rich Williams: Right.

Chairman McNulty: from the Southeast side.

Board Member Taylor: But they're farming it, so...

Chairman McNulty: Yeah.

Board Member Montesano: Did he do this a couple...a while back on the other side?

Chairman McNulty: Yeah, I don't see a big problem with this. Just a matter of getting it sorted out and...

Board Member Montesano: Where it was Southeast and Patterson...

Board Member Taylor: Yeah, I don't see...

Chairman McNulty: and understanding it.

Board Member Taylor: Yeah, I don't see anything. The other...

Board Member Montesano: the brothers.

Rich Williams: Yeah. Yeah. Off of Welfare Road.

Board Member Montesano: Right.

Rich Williams: They did something where they had a single lot in the Town of Patterson.

Board Member Taylor: The only other comment I had was...I mean, they picked up things off the EAF mapper, said they had them, and made no comment about them. I just...I...Doesn't apply to this particular? Or, I mean...It was agriculture or...Archeological resources and the swamp. They're there but they made no comments about either one of these; whether this affects either of those. I don't know where the archeological was...Is that the Green Chimneys site where they picked that up? I didn't look at to see what it was they were picking up.

Rich Williams: What's happened now is the State, SHIPO, has...You can go online...

Board Member Taylor: Right.

Rich Williams: But it's very, very difficult. The new mapping program that use is very, very difficult to manipulate where you need to be. So...But, they have circles now. And I don't know where the circle is centered in this area.

Board Member Taylor: Okay. So that's...It just...I just thought, you know, make a comment so we know whether we have to address it or not. So I'll check that. I'll check the archeological one. Was the Great Swamp one?

Rich Williams: It's in the Great Swamp. I mean...

Board Member Taylor: Was...

Rich Williams: the whole other parcel is wetlands.

Board Member Taylor: Yeah. But this is not going to affect that in any way, is it?

Rich Williams: No.

Chairman McNulty: Bless you. [Referring to someone sneezing].

Board Member Ladau: Bless you.

Board Member Taylor: So it seems like...I don't see any problems with it at all. I read through the thing. I mean, I would, as always, I would check a few more "no" boxes but...

Board Member Montesano: Make sure you get your shots before you leave for Florida.

Board Member Taylor: there's nothing that jumps out at you.

Board Member Brady: Hmm?

Board Member Montesano: Make sure you get your shots before you leave for Florida.

Chairman McNulty: Bradford Court is this other road.

Rich Williams: Correct.

Chairman McNulty: Not...

Board Member Brady: Eh, it's just allergies.

Chairman McNulty: Putnam Lake. With this driveway...The shared driveway, enters onto Bradford Court in Southeast.

Rich Williams: That's true.

Chairman McNulty: Yeah. No, I just...We were looking at it; we weren't sure. But we said Doansburg [Road]. And then there's a road running the property. Ballyhack Road that's not in use.

Rich Williams: No. There's an old paper road. Ballyhack Road used to run all the way down through there.

Board Member Montesano: Like a river.

Rich Williams: It runs behind most of the...

Chairman McNulty: Yeah.

Rich Williams: houses in Maplewood North.

Board Member Taylor: Yeah. And there used to be a bridge...

Chairman McNulty: So that's not an issue anymore...

Board Member Taylor: over the Croton there.

Rich Williams: Yes.

Chairman McNulty: that doesn't create an issues with easements or anything?

Board Member Taylor: It used to go over.

Rich Williams: No.

Ted Kozlowski: Hey, Rich.

Rich Williams: It's an old farm road.

Board Member Taylor: Yeah.

Ted Kozlowski: Following up on Ron's observation, I'm looking at this map. Parcel 3b is going to be separated from Parcel C and now it looks like there's going to be...Parcel C is going to...The northern part of Parcel C appears to be a new parcel, which is going to be E. I would label it E. If you look at...If you follow a map and look at the lines, that whole northern part up there is being subdivided off.

Rich Williams: I'll take a look at it. I'll see if there's an already...

Chairman McNulty: Where are you seeing that?

Ted Kozlowski: Look.

Rich Williams: I see what you're saying.

Ted Kozlowski: Look.

Rich Williams: But it may be an already existing lot.

Ted Kozlowski: Well, it's right...If you see this little thing here, this lines up.

Board Member Taylor: Yup.

Chairman McNulty: Mmhmm.

Ted Kozlowski: On Parcel C.

Board Member Taylor: Yeah, we have that. Yeah.

Ted Kozlowski: This whole section...

Board Member Taylor: Yeah.

Ted Kozlowski: is cut off right here by this new property line.

Board Member Taylor: If it's a new property line.

Chairman McNulty: If it's a new property line.

Ted Kozlowski: If it's a new a property line. But it...You know, it doesn't even show...

Chairman McNulty: So we need to clarify. That's the biggest issue right now, is what's happening with that...

Board Member Ladau: Yeah.

Chairman McNulty: one lot.

Board Member Taylor: Yeah, just be clear what's going on here. We can't approve a subdivision where they're not even specifying the subdivision parcels.

Board Member Montesano: You have to do that?

[Laughter]

Chairman McNulty: Okay, I don't think we need a site walk for this. Is everybody comfortable with just doing it from here?

Board Member Brady: Yeah.

Chairman McNulty: Maybe a Google map or something?

Board Member Brady: Yeah.

Chairman McNulty: I'm okay with that.

Rich Williams: I've been there already.

Chairman McNulty: Yeah, I know you know it. Okay. We'll get some more notes on this. We'll all look over the package. Anybody have anything to say? Alright. We'll move on to other business.

### 3) Other Business

#### a) Bill Henry Tree Service, Inc.

Chairman McNulty: Which is Bill Henry.

Rich Williams: Bill Henry.

Chairman McNulty: Tree Service.

Rich Williams: Correct. I am currently working on revisions to the zoning which would potentially allow Bill Henry to, you know, move forward with his site plan which I'll hopefully have to you by the next meeting.

Chairman McNulty: How would you modify that? Any idea of how you're doing it yet or...

Board Member Brady: Creative Writing 101.

Rich Williams: Yeah.

Chairman McNulty: Well, I've got a comment on this. I go back to the definitions and I'm stuck on it. That it's not truly a contractor's yard, by definition in our Code. Maybe I'm out of whack but I don't see it.

Rich Williams: Well then how would classify Bill Henry? As what? Under the classifications within our Code.

Chairman McNulty: Just as a general business. He's a business.

Rich Williams: We don't permit general businesses anywhere in the Town of Patterson.

Chairman McNulty: Well, he's a commercial business.

Rich Williams: We don't permit commercial businesses anywhere in the Town of Patterson. Come on. Come up with a definition, classify him based on the allowable uses within...

Chairman McNulty: I'll go back and look at that.

Rich Williams: one of the zoning districts.

Chairman McNulty: I did not look at all the uses other than...

Board Member Taylor: What about landscapers. What would they...

Chairman McNulty: Nurseries.

Board Member Taylor: be classified as?

Rich Williams: Huh?

Board Member Taylor: Landscapers. What would they be classified as?

Rich Williams: I would classify that as a contractor's yard.

Board Member Taylor: Okay, that's...

Chairman McNulty: I wouldn't.

Board Member Taylor: Yeah, okay.

Chairman McNulty: Because it's not construction. Our Code clearly calls out...

Rich Williams: Yeah, but you see...

Chairman McNulty: construction.

Rich Williams: See, simply because you come from a construction background doesn't mean that all contractors are construction related. If... Wait, let me do this to you, alright?

Chairman McNulty: Okay.

Rich Williams: Does Bill Henry need to have a Putnam County Contractor's License to do business in Putnam County?

Chairman McNulty: No.

Rich Williams: Does he...

Chairman McNulty: No. He does not.

Rich Williams: Yes he...

Chairman McNulty: He has a home improvement license.

Board Member Brady: That's the contractor's license.

Rich Williams: That's a contractor's license.

Board Member Ladau: Contractor's license.

Rich Williams: You read their definitions. You go pull it up and...

Chairman McNulty: Yeah, but our Code does...

Rich Williams: you go and look at Westchester's...

Chairman McNulty: not define it that way.

Rich Williams: because, trust me, I was an arborist. I had to have the Putnam County Contractor's license.

Board Member Brady: Absolutely.

Rich Williams: I had to have the Westchester County Contractor's License.

Board Member Brady: Absolutely.

Rich Williams: I had to work...

Chairman McNulty: Okay.

Rich Williams: I had to work similar to ever other contractor under contracts...

Chairman McNulty: But by our definition...

Rich Williams: with my clients.

Chairman McNulty: In our Code...Now, I'll look...I'll take your challenge and look for another classification, but it...by which are principally used for construction related activities. He doesn't perform construction.

Ted Kozlowski; Can we create a new...

Rich Williams: Yes. That's what I'm working...

Ted Kozlowski: category which is...

Rich Williams: that's what I'm working on.

Ted Kozlowski: green industry or something like that.

Board Member Brady: Yeah, well...

Rich Williams: I'm trying to figure out how to do it...

Chairman McNulty: Well, that's the...

Rich Williams: See, when...Here's the problem that Tommy wants to ignore, is that...

Chairman McNulty: I don't want to ignore, I just...Set me straight.

[Laughter]

Rich Williams: I...I'm...There's, listen. People think I am very good at what I do but there's only so much.

[Laughter]

Rich Williams: Really. I mean, there's only so much.

Chairman McNulty: You reached your limit? I'm the tough nut to crack?

Board Member Montesano: That you can pay off.

Rich Williams: So...

Ted Kozlowski: Let's get a little humble pie in there, Rich.

Board Member Brady: Yeah.

[Laughter]

Rich Williams: So the...The problem is...

Board Member Ladau: What is it that you do?

[Laughter]

Board Member Montesano: If we knew that, then he wouldn't...

Chairman McNulty: See my thought is, if he wasn't a contractor's yard and he was a commercial business...

Rich Williams: That doesn't...

Chairman McNulty: But...And a special use permit applied to his business, my lack of knowledge is just how a special use permit is applied. How it's executed and what happens to it when that particular business leaves. Does a special use permit go away with the business?

Rich Williams: Runs with the land. Now, a special use permit is an authorization to use land in a specific manor set forth in the Code. We have sections in the Code which deal with special use permits and those allowable uses specific to residential/commercial in both districts.

Chairman McNulty: Yeah. And...

Rich Williams: So...

Chairman McNulty: And a manufacturing assembly can be applied in a C-1 District.

Rich Williams: That's true.

Chairman McNulty: Now, he commented...

Rich Williams: Are you suggesting that he is a manufacturer?

Chairman McNulty: No. But he does have some light manufacturing with the creation of firewood because he did say he's going to firewood.

Board Member Taylor: Well, just revise the Code to disassembly and assembly: He's a disassembler. He disassembles trees.

[Laughter]

Rich Williams: He disassembles trees.

Chairman McNulty: But he's manufacturing firewood in the process.

Board Member Brady: He's also selling it...

Chairman McNulty: So...

Board Member Brady: out of there, too. So it's retail.

Chairman McNulty: Which is a retail business, but he says he's not going to be open for retail as well.

Board Member Brady: Right.

Chairman McNulty: So this is one of those areas. It's arguable. I mean, I'm just...

Rich Williams: Well, you're doing a hell of a job there.

Board Member Taylor: Yes.

[Laughter]

Chairman McNulty: Good.

Board Member Brady: I don't think you're winning though.

Board Member Taylor: No.

Chairman McNulty: Well, it a consensus between the Board but I...

Board Member Montesano: Do we get paid by the minute?

Board Member Taylor: Well, I'd have to fall on Rich's side in terms of the contractor's yard. Construction related. I would call people who come in and do the grounds after you've done construction, that that's construction related. Arborists, I would also consider construction related.

Chairman McNulty: See, I don't.

Ted Kozlowski: You have to have a category like green contractor. Something like that.

Chairman McNulty: Because in the Code it says we Webster's Dictionary to define our terms. And clearly, in Webster's Dictionary, construction is to build something. He does not build anything.

Board Member Taylor: But it's construction related. It's related to the building of something.

Chairman McNulty: Well, if he was a lot clearer or he did something like Trembly and had heavy equipment, I would agree: he's a contractor's yard.

Board Member Montesano: But he's got a shovel.

Chairman McNulty: He's construction.

Board Member Montesano: He digs a hole, puts a plant in. That makes him a contractor.

Chairman McNulty: But, I just see this as...

Board Member Brady: He's a contractor.

Chairman McNulty: as debatable.

Rich Williams: We can go...

Board Member Taylor: Okay.

Rich Williams: two ways on this, Tommy. We can sit here and we can argue all night about this...

Board Member Montesano: We're going to go to Yale Law School.

Rich Williams: and we can say that he's a contractor and he's not permitted on this site in this zoning district unless we modify our Code.

Chairman McNulty: Mmhmm.

Rich Williams: Or, we can say he's not a contractor. He's not listed within the Code, in which case we still have to go modify our Code to allow him to go on the site. Either way, we're still going to end up in the same place where we've got to consider a change our zoning code to permit him to move forward with a site plan on this site. And we have to define what he's going to do within that...the context of that...

Chairman McNulty: Mmhmm.

Rich Williams: zoning change. And make sure it still falls under the guidelines of the master plan.

Board Member Brady: Right.

Rich Williams: So...

Chairman McNulty: No, and I went through your review and I agree. There's notes there. He's got to go to zoning. There are certain things he's going to have definitely address, you know, the building size. The building style. You know, it's all...

Board Member Brady: The aesthetics on [Route] 22.

Chairman McNulty: Yeah. It's all key and it's going to be important...

Rich Williams: Mmhmm.

Chairman McNulty: to what we say here. But if you think you're comfortable that the Code can be modified for the commercial areas to...Is that what it would do? Address the whole C-1 district when the Code changes? Or is it just for this particular...It's not just for this particular lot because we can't do that.

Ted Kozlowski: I think if you can...

Rich Williams: Yeah, I can. Actually, I can. If I had to, if that's the way that ultimately it had to go and we could justify that, I could support that with the comprehensive plan that we have, yeah. We could do that. Or I could...

Chairman McNulty: That's not considered, like...

Rich Williams: I could work...

Chairman McNulty: a spot zoning type thing.

Rich Williams: No.

Chairman McNulty: Oh.

Rich Williams: No.

Chairman McNulty: That's where my confusion is.

Rich Williams: Yeah. Or I could take three or four lots, which are all right there, and...

Chairman McNulty: Mmhmm.

Rich Williams: with similar use and lump them altogether. There's a lot of different things I could do and I just haven't come up with what I think is...

Ted Kozlowski: If you came up with something like green contractor yard, which would include arborists company, or nursery or...

Chairman McNulty: Well, nurseries allowed in C-1..

Ted Kozlowski: You know, wholesale nursery. Something like that where it's...

Chairman McNulty: The wholesale's not allowed.

Board Member Brady: Septic companies?

Ted Kozlowski: No, it's...

Board Member Brady: It's green.

Board Member Taylor: (Inaudible).

Chairman McNulty: Yeah.

Ted Kozlowski: It's going to be something where you define it so it clearly differentiates between somebody in the Bill Henry world...

Rich Williams: Yeah, but that's...

Ted Kozlowski: and somebody in the, you know...

Rich Williams: that's the key, is how you...

Ted Kozlowski: building highway...

Rich Williams: define it. The key...

Ted Kozlowski: or junkyard.

Rich Williams: The key here is how you define it...

Ted Kozlowski: Right.

Rich Williams: not what you call it. I could call it Mom's Apple Pie.

Ted Kozlowski: Right.

Rich Williams: And define it as a contractor's yard and it's still a contractor's yard.

Chairman McNulty: Yeah, then we have a problem if you want peach pie though.

Rich Williams: One of the challenges I'm having is trying to define the differences between what Bill Henry is going to be doing on the site and what a general contractor is going to be doing on the site.

Ted Kozlowski: Right. But I mean, we all know there's a huge difference between say a blacktop contractor and...

Chairman McNulty: Well...

Ted Kozlowski: a guy like Bill Henry. I mean, so...

Rich Williams: What...

- Ted Kozlowski: maybe we look at both.
- Rich Williams: What the elements and functions of the site are, what's the differences?
- Board Member Ladau: How does the Code define landscaper?
- Rich Williams: I don't think we generally do define landscaper.
- Chairman McNulty: No, I don't think we do.
- Board Member Brady: Contractor.
- Board Member Ladau: Really?
- Board Member Brady: It's contractor. It's...
- Board Member Ladau: I don't know. I'm...It's a question.
- Board Member Brady: That's, I mean, that's...That's how it would be...
- Ted Kozlowski;  
as a contractor. Well, that generally is what a contract...a landscaper would be classified as,
- Board Member Brady: Landscape contractor.
- Ted Kozlowski: Yeah.
- Board Member Brady: And they need home for...
- Chairman McNulty: See, I just use the argument also is that, you know, if you had Verizon open a business office there and then park vans, are they a contractor?
- Rich Williams: No.
- Board Member Brady: They're a utility.
- Rich Williams: No. And we did that with telecom. Telecom, same thing. That was an office building where they had additional parking for their service vehicles.
- Chairman McNulty: That's not a special use permit. That would just be a site plan designation.
- Rich Williams: Correct.
- Chairman McNulty: Okay. On the EAF, I was just looking through it that he filled out. There's a couple items. Just on Item 12: Does the site contain a structure that is listed on either State or National Register of Historic Places. And below that is proposed located in an archeological sensitive area. Is that all off the mapper? EAF mapper. That's where it comes from?
- Rich Williams: Yeah. And I think he might.

Chairman McNulty: Says no.

Rich Williams: Which is one of...

Chairman McNulty: Oh, no. I'm sorry. It says...

Rich Williams: One of the things that...

Chairman McNulty: yes.

Rich Williams: One of the things that surprised me. I don't know what down there...

Board Member Taylor: I'd have to look. The State's got a number of ones running up and down [Route] 22. I'd have to look at that particular site.

Rich Williams: Because it used to be you go up on SHIPOs site and really they had a couple of circles drawn on Cornwall Hill Road and a couple in the Hamlet. And now, there's circles everywhere.

Board Member Taylor: Yeah.

Rich Williams: I think there's seven or eight circles in Patterson.

Chairman McNulty: Wow.

Board Member Brady: I'm sorry. These circles are for what?

Rich Williams: They designate...

Chairman McNulty: Archeological.

Rich Williams: archeological sensitive areas within the community...

Board Member Brady: Oh.

Rich Williams: based on...

Board Member Brady: Whatever.

Rich Williams: Yeah.

Chairman McNulty: Well, he had yes checked and that's why I was wondering...

Board Member Taylor: Yeah. I could...

Chairman McNulty: I know Ron's got that...

Board Member Taylor: look at that and see what it is.

Board Member Montesano: We had fun with the, what was it, Mayes Department store up there in Dutchess [County] off of...They found out...Some young lady was doing some research and found out that they went in there and tore up a cemetery and a battle field and a supply depot; all from the Revolutionary War.

Board Member Taylor: Yeah.

Board Member Montesano: And it has created chaos.

Board Member Ladau: I'm sure.

Board Member Montesano: Because no one worried about it before and now...

Chairman McNulty: Also checked was wetlands up against it. Is there a stream that runs up through there?

Rich Williams: There's a stream that runs behind the properties behind him.

Chairman McNulty: Yeah, that's the one that comes off the hill with the guy with the roosters.

Rich Williams: Off Watchtower.

Chairman McNulty: Right? Chickens?

Rich Williams: Yes.

Board Member Montesano: No (inaudible).

Chairman McNulty: That same stream?

Rich Williams: Same stream.

Board Member Montesano: The chicken.

Ted Kozlowski: That's Mister...

Chairman McNulty: And that his property butts right up to it, Bill's.

Board Member Montesano: The bitable chicken.

Rich Williams: No.

Chairman McNulty: Because I think that was the question. He had marked it yes.

Board Member Taylor: Well because, again, he's picking it up off of the mapper. The mapper...The circles on the mapper are way too...

Chairman McNulty: Yeah.

Board Member Taylor: wide, is what Rich is saying. And I think what they've added, they've added archeological studies that were done. They've just picked them off of the State and dropped them on without reading the study of whether they found anything or not.

Rich Williams: That could very well be, but you know, again, the one's on Cornwall Hill [Road]. The one's in the Hamlet, are based on archeological studies I'm aware of.

Board Member Taylor: Right.

Rich Williams: But then some of the others...

Board Member Taylor: Yeah, the State's got a number...

Rich Williams: I'm not aware of any archeological study.

Board Member Taylor: They did some running up and down [Route] 22. I've got some notes on that. So I'll look into that, Tom, and see...

Chairman McNulty: Yeah. So, that's the only item I saw that I didn't know if it was for sure. He had checked it yes. And...

Board Member Taylor: Well, I think he's right. He's in the general circle.

Chairman McNulty: Yeah.

Board Member Taylor: But that specific site, I don't think is...will show up as being anything historically significant. If you moved up and down the road a little bit, yes. You'd pick up something.

Chairman McNulty: Yeah. And then I looked through Part 2 and I didn't see anything that was significant, but I didn't know how to answer the questions for the water use. I don't know what his water use is going to be.

Rich Williams: It's going to minimal.

Chairman McNulty: Yeah. Don't know what he's, you know, splitting the wood with water or what he might be doing. Worth a question to ask.

Board Member Taylor: Right. Yeah.

Chairman McNulty: And then...

Rich Williams: He's got a laser splitter.

Chairman McNulty: That'd be cool. And erosion and flooding, I know he said he was going to push everything down to the front, to the [Route] 22 side. So...Well, I made my statement. Rich is working on it. That's good. I appreciate your talent, Rich.

**b) Illescas Wetland Permit Correction**

Rich Williams: Alright, are we going on to Illescas?

Chairman McNulty: I don't have anything.

Board Member Taylor: We've got a signed document.

Board Member Brady: Yeah. That's what I got.

Board Member Taylor: See how the Chairman of the Planning Board signed that document?

Board Member Brady: Yup.

Rich Williams: Yes.

Board Member Taylor: Is that what it says?

Rich Williams: Yeah, the...

Chairman McNulty: Well, we're making a correction.

Board Member Taylor: I couldn't read the signature.

Rich Williams: Yeah, the problem was...

Chairman McNulty: That was Shawn.

Rich Williams: I just want to let everybody know...

Chairman McNulty: No, I think it was me.

Rich Williams: and make sure everybody's comfortable with the fact that when I did the wetlands permit, there was a typo with regards, I believe, to the size of the shed.

The Secretary: Yes.

Rich Williams: And we're going to make that correction.

Chairman McNulty: What was the typo?

Rich Williams: I took the size of the shed off of his original wetlands application.

Chairman McNulty: So is the new shed bigger or smaller?

Rich Williams: His new shed was a different...

The Secretary: Which was shown on the plans.

Board Member Ladau: 18,000 feet.

Rich Williams: So, it was the one that was shown on the plans. The one that the Planning Board was reviewing at the time...

Chairman McNulty: No problem. And approved on the...

Rich Williams: Right.

Board Member Brady: His original application had three different sizes on that thing.

Chairman McNulty: So you're just going to make the typographical change and...

The Secretary: It's .5'.

Rich Williams: Yeah. And I'm going to resign it for you and it will be good.

Chairman McNulty: Change of .5'. You're going to sign it for me? I heard you.

[Laughter]

Rich Williams: I gave him awhile.

Board Member Brady: Yeah, I was like...

Chairman McNulty: I like the...

Board Member Brady: I was like waiting to see that.

Ted Kozlowski: Yeah, I know.

**c) Ice Pond Estates – Request for 90 Day Extension**

Chairman McNulty: Ice Pond Estates, request for 90 day extension.

Rich Williams: Right. They're looking for a 90-day extension on their subdivision approval.

Chairman McNulty: Any discussion?

Board Member Taylor: Second.

[Laughter]

Chairman McNulty: I'll make a motion to approve the 90-day request for Ice Pond Estates on their sub plans...Subdivision plan.

Board Member Ladau: Yeah.

Chairman McNulty: Second?

Board Member Brady: It's already second.

Chairman McNulty: All in favor? *Motion carried by a vote of 5 to 0.*

Chairman McNulty: Done. I love marking things done.

**d) Zoning Code – Restaurants**

Rich Williams: And the last issue has to do with definition of restaurants. I know members of the Town Board are looking to get this resolved as quickly as possible. Last Thursday, we all met at the Tri-Boards meeting.

Chairman McNulty: Mmhhh.

Rich Williams: And at that point I had given you a new definition of restaurant and in there I start...I tried to start quantifying some of the issues and I ran it off quick, and I did it as a place holder. And I just want to let you all know I'm not very comfortable with what I put in there.

Board Member Taylor: Okay.

Chairman McNulty: For restaurants or for the Code itself?

Rich Williams: For restaurants.

Chairman McNulty: Can I make a...one recommendation on that restaurant definition.

Rich Williams: Yeah.

Chairman McNulty: In the phrase "and not where more than 20% of the gross sales is food consumed off premises"...

Rich Williams: And that's exactly the section I'm talking about.

Chairman McNulty: And I was thinking of changing that word consumed to served. And that ties into catering. Because catering generally takes the food to serve it somewhere else rather than...

Board Member Taylor: You're talking about take...You're separating take-out...

Chairman McNulty: Well...

Board Member Taylor: from...

Chairman McNulty: Yeah, because with take-out, it's consumed off premise.

Rich Williams: And so is catering.

Chairman McNulty: Yeah, but...

Board Member Taylor: But he...

Chairman McNulty: catering is served off premise.

Board Member Taylor: He's trying to separate the two. He's trying to separate take-out from catering.

Chairman McNulty: That's what...

Board Member Taylor: Is that what you're trying to do?

Chairman McNulty: That's my point there.

Board Member Brady: That then...

Chairman McNulty: Is that if we used the word serve rather than consumed, that takes pizza or Chinese or Mexican, whatever it may be, take-out, it defines that a little further, my thought. Because catering generally is prepared, taken somewhere to a staff or with a staff, and then served. So, what was your recommendation to change?

Board Member Montesano: It's in Webster's.

Rich Williams: I...I don't know at this point.

Chairman McNulty: Okay.

Rich Williams: But I was going to put a definition of catering in as soon as I worked one up.

Chairman McNulty: And I thought maybe that would be a lead in to catering, where catering is a food preparation or restaurant, that serves x amount, your 80%, served off premise. I don't know how food preparation works because that could turn into...

Board Member Brady: Oh, a delicatessen.

Chairman McNulty: a manufacturing, you know, if you have a process food. I don't want to get that involved, in the mix somehow. Somebody that packages food and sends it out.

Ted Kozlowski: Doesn't serve...word served, it could mean anything.

Board Member Brady: Yeah.

Ted Kozlowski: It could mean, you know, you go to a take-out place, you're served food. But you have the choice sometimes to eat it there or take it home. So, served...

Chairman McNulty: Well, that's why I thought the word consumed kind of blurred it.

Board Member Taylor: Well, I think the problem behind all of this is is what Bob McCarthy said, is how the hell am I going to...

Board Member Brady: Enforce it.

Board Member Taylor: enforce it. How is he going to...Whether it's consumed or served or it's 20% or 40%, or...It's unenforceable.

Board Member Brady: Right. I mean, just that barbeque, I mean...

Chairman McNulty: Well, the hours of operation tie that in.

Board Member Brady: the odors from it...

Board Member Taylor: Well, the hours of operation sure, that's easy.

Chairman McNulty: Yeah. That's...Yeah.

Board Member Brady: Are in the Code already. It's...

Rich Williams: Well, no they're not. That's one of the problems. That's one of things we've got to change and from the tri-boards meeting and from last night's Town Board meeting...

Chairman McNulty: Well, we'll discuss it at the meeting.

Rich Williams: I'm generally convinced that I need to propose to everybody a more comprehensive zoning change to deal with the issues of restaurant, so that the issue of things like odors...

Board Member Brady: Right.

Rich Williams: are included. And the Board had talked about doing that and then it kind of fell off the radar.

Chairman McNulty: Well, couldn't you include in there obnoxious...

Board Member Brady: Yeah, there's something in the Code for...

Board Member Ladau: There is.

Board Member Brady: odors.

Board Member Ladau: It's on...

Rich Williams: Yeah. But it only has to do with retail and personal services.

Board Member Ladau: No, no, no, no, no, no.

Board Member Taylor: It doesn't tie into restaurants yet.

Rich Williams: And we do it later on in some special use permits, but we need to tie it in across the board.

Board Member Brady: Right.

Chairman McNulty: But in the restaurant you brought it up, didn't you? Didn't I read that?

Board Member Ladau: No, it's in...It's Chapter 72 whatever. I pulled that out at one point.

Board Member Taylor: Yeah, well...

Board Member Ladau: I can't find it.

Board Member Taylor: he just said it.

Chairman McNulty: Oh, in your §154-77, though, you addressed the operation or any change in the potential for emissions, odors or noise...

Rich Williams: Correct.

Chairman McNulty: for the proposed business.

Rich Williams: But that's a trigger for Bob or I when we're reviewing a potential business coming in.

Board Member Montesano: Right.

Rich Williams: As far as a trigger, whether we need to send it back to the Planning Board. What we want to do is take it a little bit further and set that up as a standard by which the Planning Board is going to evaluate whether it's appropriate or not to have that use there.

Chairman McNulty: Okay. And that would be in the restaurants or in the Code, itself; in the -77?

Rich Williams: I probably would put it in a different section in the Code.

Board Member Brady: So it would cover everything.

Rich Williams: Yes, so it covers everything. Yeah.

Chairman McNulty: Okay. So that was my comment on the restaurant, to add a catering definition and take the word consumed out and served in or I don't know what another word for served or...I didn't want to use the word prepared.

Board Member Taylor: Well, if you want to...If you want to separate out take-out from catering then deal with it directly. Don't deal with it with words that can be or cannot be interpreted in all these different ways. Address it directly.

Board Member Montesano: He's going to law school.

Chairman McNulty: Well...On the job training. Yeah, it's just like take-out...Well, fast-food...Not fast-food, but...

Board Member Taylor: But...

Chairman McNulty: you know, a stand here, a drive-in window or standup type counter, generally take-out or consumed somewhere else, where a pizza restaurant is somewhat different than that. Or a Chinese restaurant.

Board Member Brady: But a delicatessen's take-out.

Chairman McNulty: Yeah.

Board Member Montesano: Yeah, but is it?

Board Member Taylor: There's still take-out.

Board Member Brady: A delicatessen...

Chairman McNulty: But it's not a restaurant.

Board Member Taylor: Well...

Board Member Brady: No, it's not a restaurant. It's separate. It's take-out.

Board Member Montesano: Because they sit in their car and they eat it.

Chairman McNulty: Yeah, so...

Board Member Taylor: So what's your concern? Your concern is about the...

Board Member Brady: That's what I did tonight.

Board Member Taylor: catering part?

Chairman McNulty: Yeah, to make sure we define catering properly.

Board Member Taylor: Alright, well then that's...

Chairman McNulty: And that's...

Board Member Taylor: I think that's what we should say. We should be dealing with catering...

Chairman McNulty: Yeah.

Board Member Taylor: and get catering covered, rather than trying to...

Chairman McNulty: But also though...

Board Member Taylor: use this other language.

Chairman McNulty: in restaurants, I don't want to make it...To me, that's blurred when it says consumed off-site because, you know, now a pizza restaurant or another restaurant could fall into that category.

Rich Williams: Yeah. And I could define catering, but the problem I'm having is defining it in such a way so that, you know...

Board Member Brady: It eliminates...

Rich Williams: it is very clear.

Chairman McNulty: Mmhmm.

Rich Williams: And enforceable because...

Board Member Taylor: Trigger something, yeah.

Chairman McNulty: No, I understand.

Rich Williams: You almost hit the nail right on the head. The fundamental difference between take-out and catering is the responsibility of the person preparing the food; where it ends. With take-out, it ends at the door. With catering, it ends when the food is served.

Chairman McNulty: Yeah.

Board Member Ladau: Yeah.

Rich Williams: So...Now, putting that in the Code so Bob can say, oh I know exactly the difference.

Chairman McNulty: Well, that's the...That's why you get the big bucks.

Rich Williams: Yeah.

Board Member Brady: Interpretation always was a problem everywhere.

Chairman McNulty: Now...

Board Member Montesano: Ask any lawyer you happen to meet.

Chairman McNulty: I'm sure this issue has been on the table for a while, they're probably looking to do something quick, the Town Board, from us, huh?

Rich Williams: Yeah.

Chairman McNulty: So, you're going to work on it this week? Or you think we'll address it or go to the next meeting? Guess we'll see we end up once...

Rich Williams: I'm hoping to email something out to everybody so you have it...

Chairman McNulty: Okay.

Rich Williams: And you can digest it.

Chairman McNulty: That would be great. Yeah.

Rich Williams: Look at it at the next meeting.

Chairman McNulty: It would be great if we could get it ahead of time.

Rich Williams: Yeah.

Chairman McNulty: Okay.

Board Member Ladau: Considering the benefit of plagiarism, is that definition of catering in any other codes around here that you've checked.

Rich Williams: Yeah, I don't know if this is actually considered plagiarism.

Board Member Ladau: No, I'm being funny.

Rich Williams: No, but seriously, I mean, that's basically how I write code. I mean, I have a good feel for what I need to do and then I start looking at everybody else's definition.

Board Member Ladau: Mmhmm.

Rich Williams: How they do it, and I don't look at just one or two. I mean, you know, General Code, they've got their website. I've got two, three hundred different codes to look at.

Board Member Ladau: Yeah.

Rich Williams: And then, you know, you just do a google search and... You know, I did a quick google search, I had 15 minutes today, and came up with five different definitions of catering and eight different definitions of contractor's yards.

Chairman McNulty: Oh, you were ready.

Rich Williams: Well, you know, I'm trying...

Chairman McNulty: I'm just kidding around.

Rich Williams: I'm trying to figure this all out.

Chairman McNulty: Oh, I know.

Rich Williams: Because...

Chairman McNulty: And throw it back at us. If we can help you, you know...

Rich Williams: Oh, I'm absolutely going to...

Chairman McNulty: Yeah.

Rich Williams: throw...I mean, I'm going to make a recommendation to you and then you're going to say, jeez this works or it doesn't work and...

Chairman McNulty: Mmhhh.

Rich Williams: it's clear to us. And really, that's what...

Ted Kozlowski: Are contractor yard definitions pretty similar or are they...vary.

Rich Williams: Yeah, they're pretty close across the board. They are.

Ted Kozlowski: Do they mention tree companies and stuff.

Rich Williams: No.

Ted Kozlowski: They don't.

Rich Williams: No. And you know, I've looked at that. I've looked at arboricultural yards. I've looked at tree yards. I've looked at the definition of landscapers to see, you know, where that fits.

Ted Kozlowski: I mean, it's...

Board Member Brady: There's a reason why they don't do that. Because it gives you more to work with.

Rich Williams: Well...

Board Member Brady: Once you start...Once you start slicing them all out, you got nowhere to go.

Rich Williams: Well, and generally, if you're going to write code, you're going to try to categorize everything based on benefits and impacts. Right, so...You know, based on the type of operation, this is the potential impacts. Maybe it's traffic. Maybe it's visual. Maybe it's environmental. You know, you're going to try and categorize them. And the problem with Bill Henry's operation and contractor's yards is that it walks like a duck, it quacks like a duck, and yet, you know, we want to define it as a goose and say that it's totally different than everything else.

Chairman McNulty: You can have geese, too.

Board Member Taylor: It's a swan.

Chairman McNulty: It's a swan.

Board Member Taylor: Bill Henry's a swan.

Chairman McNulty: He's a swan.

[Laughter]

Rich Williams: He's a swan. That's good.

Board Member Ladau: We just outlaw trees, that's all.

Chairman McNulty: Alright, so we're going to look for something from Rich. If you have any ideas, let's toss them on the table. It's something we got to try and just straighten out I guess.

Rich Williams: Yup.

Chairman McNulty: I don't know if it helps the current situation, but, I don't know if...Is the Building Department moving forward at all to see if they can put some kind of scrubbers on the exhaust or do anything to change that restaurant? Does it have that ability to do that? Or you don't know?

Rich Williams: I don't know.

Chairman McNulty: Okay.

Board Member Ladau: I keep thinking that there are State Code provisions, but I...I'm drawing a blank beyond that.

Rich Williams: I don't do State Code, so...

Board Member Montesano: Well, what's his name?

Board Member Ladau: Yeah, but...

Board Member Montesano: Walter that used to be up here in Pawling and then he moved up...

Board Member Brady: When it first came out I was looking...

Board Member Ladau: Mmhmm.

Board Member Montesano: the line.

Board Member Brady: trying to find something in the Code.

Board Member Ladau: Yeah.

Board Member Montesano: And his barbeque goes 24/7.

Rich Williams: Yeah.

Board Member Montesano: And he...

Rich Williams: And Walter wanted to come to Patterson and he came to see me first.

Board Member Montesano: I know. I used to sit there...

Rich Williams: And you know, I felt really, really bad, but...

Board Member Montesano: and munch away up there every day, but...

Chairman McNulty: Yup.

Board Member Montesano: It was not conducive.

Board Member Ladau: Are you talking about the one up near Dover?

Board Member Montesano: Yeah.

#### e) Site Walks

Chairman McNulty: Alright. I have a couple issues...Not issues, but items. Site walks. I know we looked at RP Development and Bill Henry. Any word if they're staked out yet?

Board Member Taylor: What, in the snow?

Rich Williams: No. But then...

Chairman McNulty: Well, there's not too much snow left but...

Rich Williams: Most of the snow isn't gone yet.

Chairman McNulty: Okay. So we'll hold off for that.

Ted Kozlowski: You still have Reilly we've got to do, too.

Board Member Ladau: I invite you to our property at our home and you can wade your way through about two feet of it.

Board Member Brady: Which one's Reilly?

Ted Kozlowski: What?

Board Member Brady: What's Reilly?

Ted Kozlowski: Reilly's on Farm to Market Road.

Chairman McNulty: Yeah, Indian Hill. That corner lot.

Board Member Brady: Oh, okay. Yeah, yeah. Forgot about that.

Chairman McNulty: Also, follow up on Thursday's meeting, Master Plan. I know it sounded like the Town is going to look like...for comments from us as a board or individually. So I urge that we all take a look at it.

Board Member Ladau: Mmhhh.

Chairman McNulty: Give our thoughts. I got a new name for Patterson, maybe, based on that draft...survey results was interesting to look at. Nicely done, it just...I figured maybe we could become a "ruburban" area.

Rich Williams: It's called exurban.

Board Member Ladau: Exurban, yeah.

Chairman McNulty: Exurban. No, I don't like that. I like ruburban better.

Ted Kozlowski: It sounds like bourbon.  
[Laughter].

Rich Williams: But yeah, at the last...

Board Member Taylor: Ruburban, bourbon. Yes.

Board Member Montesano: rube with a bourbon.

Rich Williams: Yeah, just to follow up, you know, apparent...I guess I got volunteered so if you've got any comments on where to go, just shoot them to me in an email. I'll compile everything and...

Chairman McNulty: Well, I think the consensus is we're not going to overhaul the master plan, but tweak it. Is that the...

Rich Williams: Well, I'm hoping...

Chairman McNulty: way I see it.

Rich Williams: that's the consensus because and outright overhaul is probably more than...

Chairman McNulty: Timely and expensive and...And we have the basis. I don't...

Board Member Brady: And that was a...That really was a good job. I got to say, they really...

Chairman McNulty: The current comprehensive plan?

Board Member Brady: did a good job. Yes. They did a really nice job.

Chairman McNulty: Yeah. I looked through it briefly and looked at it in the past to go back...

Board Member Montesano: (Inaudible – too many talking) back in your book?

Rich Williams: Huh?

Chairman McNulty: for meetings and it's a great layout. But I looked at Rich's survey comments and some items have changed.

Board Member Ladau: Mmhhh.

Chairman McNulty: And maybe we have to tweak it to create these little downtown areas. And also I'd sent a...I didn't get to talk to you about my plan I sent you.

Rich Williams: No, but let's talk about that after.

Chairman McNulty: Okay. Parking. It's for parking. I sent something...I was doodling and I sent something to Rich.

Rich Williams: Yeah.

Chairman McNulty: We'll talk about it. The other thing...So, look for our comments on that.

#### **f) Training**

Chairman McNulty: Training: I know there was a two part training. Nobody made the first meeting, correct?

Board Member Taylor: But the next one's Monday.

Chairman McNulty: Yeah, I put in just the other night to see if I could make it. No one's responded; I'm thinking I might just show up.

Board Member Taylor: That's what I'm doing. I'm going.

Chairman McNulty: You're going to just show up?

Board Member Taylor: Yeah.

Chairman McNulty: Alright, so...

Board Member Taylor: I told them to send me a syllabus from the first one and I'd do my homework. They never did. They said they would, never did. So I'm just going to show up and say we're here.

Chairman McNulty: Oh, I might go as well then. And then if I get credit, I get credit. If I don't, it don't matter. See...

Board Member Taylor: Yeah, I don't care about the credit.

Chairman McNulty: if I could get something out of it.

Board Member Taylor: You coming to that one?

Board Member Ladau: On the 31<sup>st</sup> is it? Or the 30<sup>th</sup>?

Chairman McNulty: It's Monday I believe.

Board Member Taylor: Yeah, it's Monday.

Board Member Ladau: Yeah. Mmhmm.

Board Member Taylor: Yeah. Okay.

Board Member Brady: What about...

Chairman McNulty: At the Putnam County Golf Course.

Board Member Taylor: You want to go together?

Board Member Brady: What about the form based codes?

Board Member Taylor: Do you want to go together? I'll go if you guys want to go.

Board Member Brady: Yeah.

Board Member Ladau: Yeah. That's...

Board Member Brady: Okay.

Rich Williams: Well, that may be a problem.

Board Member Taylor: Oh, no money from the Town, huh.

Chairman McNulty: Is there no funding to support that?

Rich Williams: I don't know. I've got to...

Chairman McNulty: What would the fee be if... You talked about going as well, right?

Rich Williams: Form based code. But I have my own line. You've got \$600 in your budget.

Chairman McNulty: Alright. And if the three of you went, what's the cost per head?

Board Member Ladau: It drops down. If we...

Rich Williams: It's six hundred...

Board Member Ladau: register before April something, it goes down to...

Rich Williams: It's six hundred dollars.

Board Member Ladau: It's \$175 each.

Rich Williams: It is \$200 each.

Board Member Ladau: No, wait a moment. They drop it...

Rich Williams: I read the same thing you read...did.

Board Member Ladau: Yeah.

Rich Williams: And then I called them.

Board Member Ladau: Okay.

Board Member Taylor: Oh, they changed it huh?

Board Member Ladau: So they won't...

Rich Williams: No, it's not that they changed it.

Board Member Taylor: Oh, they...

Rich Williams: It's that the additional savings they weren't going to give you if you got the three people together.

Board Member Ladau: So in other words, they would not give you the credit for the early registration is what you're saying. Okay.

Rich Williams: Correct.

Board Member Taylor: One or the other.

Rich Williams: Correct.

Board Member Taylor: Yeah. Okay, well I'll pay for it. I mean, I'll pay for my...

Board Member Brady: I'm in the same boat. I'll pay for it.

Board Member Taylor: Yeah, so...

Board Member Brady: I need the time anyway.

Rich Williams: Two hundred dollars?

Board Member Brady: Yeah. I need the time anyway.

Chairman McNulty: Gracious, guys.

Ted Kozlowski: I don't know if any...

Board Member Brady: If I have to do it, I have to do it.

Ted Kozlowski: I don't know if anybody's interested, but at the County Center, Westchester County Center, on April 2<sup>nd</sup>, and I think it's \$17 which includes food, there's a...New York State is going to be passing a whole new law on invasive plants and control.

Board Member Taylor: No.

Chairman McNulty: Yeah, I'll pass on that, too.

Ted Kozlowski: And there's a whole presentation on that.

Board Member Taylor: Yeah, I'll pass on that one.

Board Member Ladau: That's going to kill my idea of...

Rich Williams: We've already done bamboo...

Board Member Brady: I'll come home from Florida for that.

Chairman McNulty: So, I guess it looks like the three of you may want to go to that one...

Board Member Brady: Yeah.

Chairman McNulty: at Pace.

Rich Williams: Well, let's finish that conversation out because you're registered and you're registered. I still have to...

Board Member Taylor: I'll send you...

Rich Williams: Trying to get you in.

Board Member Taylor: an email if you need an email.

Rich Williams: No, I just have to...

Board Member Taylor: Yeah.

Rich Williams: get you before the Town Board and registered and...

Board Member Ladau: Registered for which one now? Form based code?

Rich Williams: Form based.

Board Member Taylor: Yeah.

Board Member Ladau: Yeah, I...

Chairman McNulty: Can we get a portion of it paid from our budget so they're not...

Rich Williams: He's paid and he's paid.

Chairman McNulty: Oh, okay.

Rich Williams: Him I have to get in.

Board Member Ladau: No, I haven't registered yet for form based code.

Chairman McNulty: No, he's registered you.

Rich Williams: I'm registering you.

Board Member Ladau: Oh, okay.

Rich Williams: And I'm pay...And the Town's picking the cost up.

Board Member Ladau: Oh, okay.

Rich Williams: And the Town's picking the cost up for you.

Board Member Brady: Cool.

Rich Williams: But I just...

Board Member Taylor: If they...

Rich Williams: We sent it out, nobody else responded.

Board Member Brady: Right.

Rich Williams: So I went ahead and just did.

Board Member Taylor: That's fine. I mean, if I have to...

Chairman McNulty: Okay.

Board Member Taylor: pick it up, I'll pick it up.

Rich Williams: So I just have to get him.

Board Member Ladau: Okay.

Board Member Taylor: I mean, I don't care. It doesn't matter to me.

Chairman McNulty: Alright, let's see if we can get some money in the funds there. See if you could talk to Mike. It's not your headache.

Ted Kozlowski: He can have mine. He can have my money.

Rich Williams: You don't got any money.

Ted Kozlowski: I don't have any training money anymore.

Rich Williams: No. Hell no.

Ted Kozlowski: How...They don't even tell me what my budget is.

Board Member Brady: You don't need any training.

Ted Kozlowski: I don't get invited to these meetings? I didn't know anything about these all boards meeting.

Rich Williams: Not all boards, tri boards. I got yelled at for that.

Chairman McNulty: Last item I had was just something on procedure. I know that you handle things with Bob. You get something come in, you go to see him. If something flags, you'll...

Rich Williams: Go ahead.

Chairman McNulty: you'll go talk to him. And I was wondering if maybe we do something internal, if you're not here, that would trigger a conversation with Bob based on our meeting. In other words, we have an applicant come in and we come up with one, two handful of issues. We know that you're going to go behind the scenes; you're going to go over to Bob, maybe...

Rich Williams: Correct.

Chairman McNulty: and talk about it. But, in the case that you're not here, can we just put a form in place that would trigger. Maybe it's just a simple checklist.

Rich Williams: Give me an example.

Chairman McNulty: We've got a change of use coming in...

Rich Williams: For?

Chairman McNulty: for a restaurant.

Rich Williams: Okay.

Chairman McNulty: Yeah, the (inaudible). We think there may be an improvement to the building. A hair salon's coming in. It's been brought to our attention that there's only two chairs approved previously but there's word of maybe six chairs existing. This property needs to be looked at. Are there any Code violations outstanding? Are there any issues that the Building Department may see that can advise us on during the planning process? And what I'm looking for is just a way to trigger it so if you weren't here or if you're out sick or something's not right, we as a board have a way to make sure that that is being taken care of.

Rich Williams: We would send him a memo. We don't have any form other than, you know, your basic standard heading. But we would send him a memo. New applications that come in, we do have a form. I have to sign off, he has to sign off, that there's no financial issues. There's no Code violations.

- Chairman McNulty: You say financial issues: tax delinquency?
- Rich Williams: Not so much tax delinquency but they don't owe the Town any money having another application before the...
- Chairman McNulty: So that's automatic within the procedure?
- Rich Williams: That's already there.
- Chairman McNulty: Okay. So, I was just thinking of a way to...that...
- Rich Williams: So...
- Chairman McNulty: that...It automatically goes to Bob. Let's say there's...We issued...We see these red flags. Do you have any advice or comment on them?
- Rich Williams: If you see red flags then we should identify them and we'll put them in a memo and send them over. You know, another example, you know, we have a mixed use building coming in that's combination of commercial and residential. You know, the Planning Board's sending a request over to Bob, you know: Under New York State Building Code will this building require a water source specific to fire suppression, i.e. sprinkle system.
- Chairman McNulty: Is this in regard to the Hamlet here or a different one?
- Rich Williams: Well, it could be the Hamlet. Could be anything.
- Chairman McNulty: Okay. So you want his feedback on the fire suppression.
- Rich Williams: Right. Now, everything that comes in that you get, he gets and he is supposed to be looking at it.
- Chairman McNulty: Well, that's why I'm saying if a procedure of some sort that, as a board, it goes to his office and we're looking for the response back. Whether it's no comment, that tells us, well he looked at it. He doesn't have anything to say. Or he's got comments.
- Board Member Taylor: So you're saying it already goes to him.
- Rich Williams: Already goes to him.
- Board Member Taylor: So what you need is a...
- Rich Williams: Everything you're getting...
- Board Member Taylor: no comment from him form.
- Chairman McNulty: Yeah, just a check-off to know that, you know, he's...Maybe he's a month behind us. Maybe we shouldn't act until we get his response. Just to put us all...
- Board Member Ladau: You just want an acknowledgement.

Chairman McNulty: on the same page so we're all working together.

Rich Williams: Well, now if you... That's different. If you want something back from Bob that he's reviewed the materials for the Planning Board and has no comments, we'll have him do that.

Chairman McNulty: Yeah, I'm not looking to make work for him, but I'm looking to put us all on the same...

Rich Williams: Oh yes you are.

[Laughter]

Board Member Montesano: You want to make him...

Rich Williams: Yes you are.

Board Member Montesano: sure he's getting paid.

Chairman McNulty: Well, yeah. It's going to...

Board Member Brady: Poor guy's going to quit before he's here a year.

Chairman McNulty: That alright. It will open for someone else.

Rich Williams: Wait.

Board Member Montesano: No, he's coming over...

Rich Williams: Wait. Last night...

Board Member Montesano: to his place.

Rich Williams: Last night, he got appointed permanent status.

Board Member Brady: Oh, did he?

Chairman McNulty: Oh, good for him.

Rich Williams: So he's stuck here.

[Laughter]

Board Member Brady: He's, yeah... Well.

Chairman McNulty: He's stuck here.

[Laughter]

Board Member Brady: Not necessarily stuck.

- Chairman McNulty: Yeah, but I'm just looking for a way to make sure we...
- Board Member Ladau: Time off for good behavior?
- Chairman McNulty: stay on the same page and we have his comment back. Right now we know it's happening with you. Things are... You're talking, you're going back and forth. But, you get busy. He gets busy. We're not here every day. It's just a way to know that we're done. And I would like to see something on the...make sure taxes are paid up before we even address an application.
- Board Member Taylor: Well, they have to do that. That's in...That's there, right? We changed that. That was one of the things we changed two years ago or...
- Chairman McNulty: We did put that in? I thought that was kind of...
- Rich Williams: I don't think we put that in. Maybe we did. You could be right.
- Chairman McNulty: I brought it up before and I didn't think it actually became official.
- Board Member Brady: I know there was a lot of discussion about it.
- Rich Williams: But on site plans we do check.
- Board Member Taylor: Yeah.
- Chairman McNulty: Okay. That's all I had. Anybody have any other comments tonight?
- Ted Kozlowski: Rich, Anthony Boniello. Anything?
- Chairman McNulty: He's got a nice new sign.
- Rich Williams: Thank you for that.
- Board Member Brady: Did you see the motorcycle...Herman's, put a sign on the corner of their property on [Route] 22, right...And then the guy that we just approved the site plan, he put a sign right in front of it. It's like, come on guys. Hey, stop being stupid.
- Rich Williams: Alright.
- Chairman McNulty: Make a motion to adjourn.
- Rich Williams: Hey.
- Board Member Brady: Second.
- Rich Williams: Wait. Wait.
- Chairman McNulty: Oh.
- Board Member Brady: Oh, we're done.

Rich Williams: Listen, you can adjourn if you want but something came up today that I'm going to be bringing before the Board.

Chairman McNulty: Is this under other business?

Rich Williams: Yeah, this is kind of under other business. I just want to get you aware. You know, everybody's looking to promote commercial development within the Town and it's always a challenging task to try to promote commercial development and try to, at the same time...

Chairman McNulty: Balance it.

Rich Williams: explain to somebody that, well jeez, you know, you're going to have to go through two and a half years of approvals and, you know, then you can start site work in another two years. And you know, and the site work and everything else. So it would be beneficial for the Town, I believe, and I think we need to work on this a little bit, if we almost created a two-step process where people could come in, get an approval on a commercial site so they that they basically have, you know, some sort of level pad that's still all green, you know, so we don't run a foul with the stormwater and everything else. But they've done some of the site work and prepped the pad on...so as to make it easier to market that site.

Chairman McNulty: Like 2665 Route 22?

Rich Williams: Is that Southwest Patterson Business Park?

Chairman McNulty: No.

Rich Williams: Or South Patterson East...

Chairman McNulty: That's the East Putnam Lot.

Rich Williams: Yeah, well...But you're a perfect example. I mean, you know, people coming in looking for a site, I can try to marry them to your site because I know that that's there. Same thing with the site next to Anthony Boniello's or Louis Pescatore's site up here. I know I've got approved projects on them that I can try to marry people up to them. It doesn't always work.

Board Member Taylor: You should be able to do M&S, too. Didn't we get far enough down the line where that can be fast tracked? We did all this stormwater stuff.

Rich Williams: It's been a long day, Ron. I'm sorry.

Board Member Taylor: Yeah.

Rich Williams: M&S?

Chairman McNulty: On Commerce Drive.

Rich Williams: Oh, Commerce Drive.

Board Member Taylor: Commerce Drive. I mean...

Chairman McNulty: Pete Montalogue's property.

Rich Williams: Yeah, no. You're absolutely right. I can do M&S, too.

Board Member Taylor: Yeah.

Rich Williams: Yes.

Board Member Taylor: Because...

Board Member Brady: But what would be the benefit to the contractor or developer to do that, when they...if they turn around and raises his taxes after he does that site work?

Chairman McNulty: They will raise his taxes.

Rich Williams: See, that's...

Board Member Brady: Right.

Rich Williams: No.

Board Member Taylor: Maybe they shouldn't.

Rich Williams: See, that's not true.

Chairman McNulty: That is true because they did it...

Rich Williams: It is not...

Chairman McNulty: They did it on a property I know about.

Rich Williams: It is not true. Alright.

Chairman McNulty: Wrong.

Rich Williams: If you get an approved site plan so that you have added value to that with a building and everything else, they will raise your taxes.

Chairman McNulty: I didn't have an approved site plan.

Rich Williams: If...Well, then they shouldn't be raising your taxes.

Board Member Taylor: Challenge it.

Chairman McNulty: They did: 50%...

Board Member Taylor: Well, challenge it.

Chairman McNulty: of my assessed value.

Rich Williams: Well, then you could grieve that.

Chairman McNulty: I grieved it.

Rich Williams: Okay.

Chairman McNulty: And it didn't get grieved.

Rich Williams: What do you mean it didn't get grieved?

Chairman McNulty: They kept it the way they reassessed it.

Rich Williams: Alright, well I can't...If you get a subdivision, you certainly have more value because of the subdivision.

Board Member Brady: Right.

Chairman McNulty: Mmhmm.

Rich Williams: But if you take a lot and just change the grade so you have a level pad on which you can then, say, put a building...

Board Member Brady: Right.

Rich Williams: that's not going to change the value of that property significantly.

Chairman McNulty: Well...

Rich Williams: So you're not going to...

Chairman McNulty: We need to have a talk with the Assessor then.

Rich Williams: I'll go have a talk with the Assessor.

Chairman McNulty: Because that is a stumbling block for people to develop and it's great. I...East Putnam intended to move into that lot. For what...It didn't work out: for the economy and the way business went. But now I've got an approved lot, so at least it's valuable to some degree to try and sell. And I agree with what you're saying, if people could do that.

Rich Williams: Right.

Chairman McNulty: But it's a deterrent when a town turns around a reassesses you because you have an approved site plan.

Rich Williams: Right.

Chairman McNulty: Which is exactly the case they did with East Putnam.

Rich Williams: Okay, well, I've encouraged a property owner down on Route 22, South Patterson Business Park West, they're back in...

Chairman McNulty: Which one is that? Next to Boniello's?

Board Member Montesano: No.

Rich Williams: No, it's north...

Board Member Montesano: On the right-hand side as you're going south.

Rich Williams: Yeah, north of Panino's Deli.

Chairman McNulty: Oh, by Dilmaghani.

Board Member Montesano: You know where that stone building is back in there?

Chairman McNulty: Yeah, yeah, yeah. Okay.

Rich Williams: So he's going to come in and finish up and then hopefully he's going to prep the site so he's got a level pad and it's easier to market. I also have Pete Montagleone, who's going to be coming in to the next meeting, for the first lot on Commerce Drive. The one without all the wetlands. He's going to stay out of the wetlands, but he's going to start prepping that site. Building pad... What we want to do is we want to knock the hill down so the slope's out of there so he's got all the rock out. And then, you know, basically put layer of topsoil down, seed it, and then he's done. And then when he finds somebody that's going to go in the building, then we will be that much farther, that much closer, to getting somebody in a building on that site.

Chairman McNulty: To do that though, are we going to... We're going to be looking for some sort of site plan, correct?

Rich Williams: Correct. Basically, that's where I go with this kind of two-step process. I've been wrestling with this. I can almost do it, you know, as just an erosion control permit. But I think it would be better if we actually had a grading plan and it got approved as a site plan.

Chairman McNulty: So we can actually use the useable space within a lot...

Board Member Ladau: Mhmm.

Board Member Taylor: And the SWPPPs been done and...

Board Member Ladau: Yeah.

Rich Williams: Well, no. We're not going to do anything with stormwater because basically...

Chairman McNulty: You don't know your surface area.

Rich Williams: Well, most of the sites, including Pete, there's not going to be any significant change in the stormwater runoff because we're... It's still going to be green. It's green now, it's going to be green in the future.

Board Member Taylor: Okay.

Rich Williams: Alright. In Pete's case, we're eliminating a slope...

Board Member Taylor: Mmhhh.

Rich Williams: and we're leveling it off so it's actually going to slow...

Board Member Taylor: Improving it.

Rich Williams: stormwater down.

Ted Kozlowski: You know, it's just...I think you've got to be careful on how that's structured because what comes to mind is D'Ottavio's lot at the end of [Route] 164 and along 22.

Rich Williams: Right.

Ted Kozlowski: Took that hillside down. And that's over ten year now that we've been looking at that hole in the woods. And, you know, he's got a big sign nailed to a tree: Approved Lot.

Rich Williams: Right.

Ted Kozlowski: Look at Pescatore. Cleared all that forest out. Remember the big pine tree that he cut down on us?

Rich Williams: Yeah, he didn't really clear the forest out. He cut the pine tree down.

Ted Kozlowski: He cut...He took those trees down.

Rich Williams: Right.

Ted Kozlowski: So...

Rich Williams: But at the end of the day...

Ted Kozlowski: let's, you know...

Chairman McNulty: At the end of the day, you're going to approve a plan that's going to do that anyway.

Ted Kozlowski; No, but are we looking at...

Rich Williams: That's right.

Ted Kozlowski: Yeah, but we're looking at now for 10 years, Pescatore we're looking at for 15 years.

Rich Williams: But the...But the difference is, the problem is, what I'm outlining is a process by where there's a beginning and an end. It's not a question of they start something and stop in the middle, which is what Steve D'Ottavio did or what Louis has done. You know, we actually have a plan that says at

the end of the day, there's going to be four inches of topsoil put back down over everything and then there's going to be grass over everything.

Ted Kozlowski: But, again...

Rich Williams: And it's in a commercial...

Ted Kozlowski: D'Ottavio lot was on a hillside. We were trying to protect that stream.

Chairman McNulty: But his wasn't commercial, was it? Wasn't that a subdivision?

Ted Kozlowski: No, that's a commercial...

Rich Williams: D'Ottavio?

Chairman McNulty: Oh, that's commercial lot?

Rich Williams: It was two commercial sites that he started building the commercial sites, ran out of money, you know, started doing all the grading...

Chairman McNulty: Yeah, I...

Rich Williams: ran out of money...

Board Member Brady: That's right out of...

Rich Williams: and then just stopped.

Chairman McNulty: [Route] 164...

Board Member Brady: 164? Yeah, okay.

Chairman McNulty: Across the way there. Yeah, I thought that was a residential...

Ted Kozlowski: You know, there's a house there and...

Board Member Brady: Plumber.

Rich Williams: Yeah.

Chairman McNulty: Yeah.

Board Member Brady: Yeah.

Board Member Montesano: The boat.

Rich Williams: Yeah.

Ted Kozlowski: So it's got be, I mean...

- Chairman McNulty: Well, I'm on board with that. I think it helps to have lots ready and...
- Board Member Ladau: Yeah. I agree.
- Chairman McNulty: they're defined.
- Board Member Brady: If they're approved lots, you know...
- Board Member Montesano: (Inaudible – too distant).
- Board Member Brady: that you're going to build something on...
- Chairman McNulty: It's an expense though for a developer to go out-of-pocket and then to sit there. Hopefully his intent is to...
- Board Member Brady: Is...
- Chairman McNulty: is to develop it.
- Board Member Brady: is to make some money.
- Ted Kozlowski: Is that developer going to put a bond down to make sure that lot gets...
- Chairman McNulty: Well, to get a site plan, you need a bond. So...But then you got to keep that bond as long as you do it.
- Board Member Brady: So, you know, that's a cost to them. If they...You know what, if they're really willing to do it, then they're probably...
- Board Member Ladau: Yeah. They're serious.
- Board Member Brady: want to get this thing developed, you know?
- Board Member Ladau: Yeah.
- Board Member Taylor: I think that sounds good. I just think...I think Ted's got a point. And Rich certainly has got a point. We've got all these lots. Let's work it out.
- Board Member Brady: Yeah.
- Board Member Taylor: Let's two-stage it and figure out what needs to be done in the different stages...
- Chairman McNulty: Yeah. You know, if there's old growth...
- Board Member Taylor: And how do we (inaudible – too many talking) things and...
- Chairman McNulty: maybe there's a couple things that are left.
- Ted Kozlowski: I think you have to look at each lot...

Rich Williams: Separately.

Ted Kozlowski: Separately.

Rich Williams: Absolutely.

Ted Kozlowski: There can't be a blanket, okay, you're going to do this. Fine.

Board Member Taylor: Yeah.

Ted Kozlowski: I think you've got to look at what the impacts are.

Chairman McNulty: Now is that a process that...where certain elements of the site plan would be waived for further down the line?

Board Member Brady: Right.

Board Member Montesano: Well, let's put it this way.

Board Member Taylor: Well, you're not waiving it then. You're postponing it.

Board Member Montesano: You're not waiving it but...

Chairman McNulty: Postponing.

Board Member Taylor: Yeah.

Board Member Montesano: you can make it so now it's going to be...You spend 25%, you spend 25%, you spend twenty-five...over...

Chairman McNulty: Maybe it's set-up as a preliminary design.

Board Member Montesano: over time rather than sit there and get 98% the first week and then you're out of money and then everybody walks away.

Board Member Brady: Yeah.

Ted Kozlowski: And Texas Taco, is that dead or alive? Because it looks like...

Rich Williams: Back alive.

Ted Kozlowski: They've ripped stuff out now, and...

Chairman McNulty: Yeah, I saw the big opening in the front of the building.

Board Member Brady: Really?

Rich Williams: DEP balked.

Board Member Taylor: Oh good.

Rich Williams: DEP backed off.

Board Member Brady: Really?

Board Member Taylor: Very good.

Board Member Brady: Yeah, that is good.

Chairman McNulty: Is there anything else Rich?

Board Member Brady: Because what a waste of money that was.

Rich Williams: No.

Chairman McNulty: Make a motion to adjourn.

Board Member Taylor: Second.

Chairman McNulty: All in favor? *Motion carried by a vote of 5 to 0.*

Meeting was adjourned at 8:25 p.m.