

**TOWN OF PATTERSON**  
**PLANNING BOARD MEETING**  
**April 2, 2015**

**AGENDA & MINUTES**

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<b>4) Minutes</b>	73 – 74	Board approved February 5, 2015, February 26, 2015 and March 5, 2015 minutes.

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**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**ZONING BOARD OF APPEALS**

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Mary Bodor, Vice Chair  
Marianne Burdick  
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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  
April 2, 2015 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 Edward J. Brady, Jr, Board Member Michael Montesano, Board Member Robert Ladau, Rich Williams, Town Planner, Ted Kozlowski, Environmental Conservation Inspector, Ron Gainer, Town Engineer and Michael Liguori, Town Attorney.

Chairman McNulty called the meeting to order.

The meeting began at 7:00 p.m.

Sarah Mayes was the Secretary and transcribed the following minutes.

There were approximately 4 members of the audience.

Chairman McNulty led the salute to the flag.

**1) NEIL AVELLINO – CHANGE OF USE**

Mr. Neil Avellino was present.

Chairman McNulty: Hello, everyone. Welcome to the April 2<sup>nd</sup>...April. That's a nice sound. Planning Board meeting, Town of Patterson. First on the agenda we have Neil Avellino. Okay, Sir, you'd like to come up to the microphone?

Mr. Neil Avellino: Sure. How are you this evening?

Chairman McNulty: Hi. Just state your name.

Mr. Avellino: Neil Avellino.

Chairman McNulty: Okay. We understand you have the property on [Route] 164 and [Route] 22.

Mr. Avellino: Yes.

Chairman McNulty: And you're looking to do a modification to the amendment for personal services.

Mr. Avellino: Yes.

Chairman McNulty: We went over this. I know this application has been in front of the Board before, similar application for change of use before. We all looked at that. I was on the Board in 2010 when we went out and looked at it. And many of the same concerns still come up with the parking and the egress of the traffic in and out of the space for a personal service type business. I don't know. Have you prepared any kind of plan? Or shown any kind of improvements that you propose to make to...

Mr. Avellino: No. I wanted to first see what the Town, you know, suggested and see what, you know, might be possible. Obviously, you know, look at the expenses involved. I would just say that, you know, we've been trying to rent the building probably for the last six or seven years and, as I mentioned, a little bit of a hardship because the, you know, the amount of office rentals that are in the area is very limited. And like I said, I mean, I'm not looking to put in there a Dunkin Donuts. I'm looking to put in a print shop right now that I think... You know, obviously we have to take a look at it and do what's right, safety and...

Chairman McNulty: Mmhmm.

Mr. Avellino: you know, all of that. But I don't think it's going to bring a ton of traffic into it but I understand...

Chairman McNulty: Yeah.

Mr. Avellino: you can't just limit certain uses, so.

Chairman McNulty: Yeah, what happens when that use changes to a personal service, correct me if I'm wrong Rich, it will remain that if you were to see the building or another tenant would leave or come in.

Rich Williams: That's correct. First, let me start off Mr. Chairman, but I believe what we're doing is we're working off the plan that was submitted a long time ago which the Board had done an extensive review on, on how possibly to allow additional uses on the site such as a personal service use...

Chairman McNulty: Mmhmm.

Rich Williams: in a limited quantity. And that's what we had talked about...

Mr. Avellino: Correct.

Rich Williams: You know, a considerable amount of work had been done by the previous owner and the Planning Board. And at the end of the day the, you know, the previous owner simply threw his hands up and said I'm just not going to do anything which is why they ended up getting denied at that point.

Chairman McNulty: That was in 2006 I think I read in the minutes.

Rich Williams: I believe.

Chairman McNulty: 2007.

Rich Williams: Right. But you are correct that if we allow personal services, then anybody who would fit in that category of personal services would be allowed to occupy that space moving forward. Typically, personal services are, you know, they're a little bit lighter in traffic and such then, you know, your typical retail.

Chairman McNulty: Mmhmm.

Rich Williams: But they're very closely associated.

Chairman McNulty: Yeah. I, myself, went out with Bob Ladau. I took a ride out and I know Ron's been to the site and I'm sure Mike's been to the site at some point. You know, we're not against changing the use but we need to make improvements. It's our job to plan and make things as safe and...

Mr. Avellino: Of course.

Chairman McNulty: work efficiently as possible. The only thing I can see is that somehow the front of the building, that driveway, could continue out somewhere. Either back to 164 or back up to Old 22 and I know you're septic's on that side of the building, on the north side.

Mr. Avellino: Right on the 164 side.

Rich Williams: Correct.

Chairman McNulty: Yeah, so...I know you have a high retaining wall there. I don't know if an additional retaining wall can be put in and a continuous drive put and have a one-way traffic around the building. Maybe two-way in and out at 22...Old 22. And then another form of egress out. So you don't have people trying to turn around with people oncoming and...

Mr. Avellino: Right.

Chairman McNulty: It's just tight. So, we're not opposed to changing a portion of the building to personal service. The other thing to consider is the character or that neighborhood is somewhat...It's mixed with residence and...

Mr. Avellino: Right. Right.

Chairman McNulty: So, you know, we don't want a 7-Eleven going in there.

Mr. Avellino: Definitely.

Chairman McNulty: So, I don't know if that helps you. I don't know if you've done any...

Mr. Avellino: It does. I haven't...

Chairman McNulty: work. Preliminary work that...

Mr. Avellino: I haven't really done any studies. Didn't know what, you know, what type of work. I know Rich had put in some work earlier in the past years and talked about possibly making some exceptions, you know, based on doing some parking lot changes with some striping and, you know, maybe preventing cars, trucks rather, from going down below blocking it. Because I think that, in other words, the, you know, even the study I mean it...Just from my past experience just looking at what you're suggesting would be rather expensive. You know, could be...

Chairman McNulty: Unfortunately.

Mr. Avellino: Could be \$100,000, you know, to put in another, you know, entrance. So I don't know if that's a possibility. But I just would ask the Town to consider some type of limited use with some parking lot, you know, opening it up a little bit. Striping it. You know, I'm certainly open to it and I understand you got to look out for the whole Town's wellbeing.

Chairman McNulty: I guess the key would be to demonstrate some kind of plan without going through a huge expense that we could look at.

Rich Williams: Again, I believe we have the plan that showed they were going to be...that they were going to restripe the parking lot to 10' wide parking spaces. They were going to modify the bullnoses, I believe, the bump outs, on the south side of the buildings. And then the only other recommendation I have that I've come up with recently is I would suggest that at that point, really, where the upper parking lot kind of stops and it starts to go down the hill, that we put up signage there saying no trucks past this point. No commercial vehicles past this point, to try to eliminate truck traffic down in that lower area where it's difficult with the trucks to maneuver especially if there's cars down there. One last thing, they were going to put a loading zone over in front of the dumpster. They would mark that off...

Chairman McNulty: Yeah, I read that...

Rich Williams: as a loading zone.

Chairman McNulty: saw that. A little confusing to the minutes to figure it out, but...

Rich Williams: Yeah.

Chairman McNulty: I, you know, if we could look at the plan...

Rich Williams: I thought we had given you the plan.

Chairman McNulty: What's that?

Rich Williams: I thought we had given you the plan.

Board Member Ladau: No.

Chairman McNulty: Do you...Do we have a copy of the plan?

Board Member Ladau: No.

Rich Williams: No?

Chairman McNulty: No.

Rich Williams: No. Sorry.

Chairman McNulty: Okay. So, we're not opposed to changing, but it has to be improved to a point where it's feasible.

Rich Williams: Mr. Avellino, how many store fronts do you plan...There's now five storefronts, correct?

Mr. Avellino: Correct.

Chairman McNulty: On the bottom level.

Rich Williams: On the bottom level. How many storefronts was the printer intending to occupy?

Mr. Avellino: Two.

Rich Williams: I'm just wondering if there isn't a compromise here because, you know, you've been having trouble for many, many years that...

Chairman McNulty: Yeah, I understand.

Rich Williams: that we allow the printer to go in based on, you know, these improvements that we've discussed and with the understanding that any further storefronts that were going to be converted to personal services he would need to come in at least with a plan showing whether it's feasible to get that driveway around before anything got approved. It would give him an opportunity to rent some store fronts, build up some revenue, which would then help offset the cost and maybe taking a harder look at seeing if we can bring that driveway to some other location. Because really, that would solve all the problems if we could get some traffic circulation in there.

Chairman McNulty: Yeah, that would definitely...

Mr. Avellino: Definitely would be helpful.

Chairman McNulty: Through some of the minutes I read, it talked about a percentage of the building being changed in use.

Rich Williams: Mmhmm.

Chairman McNulty: And it seemed like a little back and forth. Wasn't sure if you could just make two storefronts, 30% of an area. Can that be done?

Rich Williams: I believe the Town Attorney did find that yes it could be done.

Chairman McNulty: Yeah, because I think Carl Lodes was the attorney in the minutes at the time and...

Rich Williams: I don't know if I'd get a different opinion.

- Chairman McNulty: he was going to go back and check. Let him have the mike.
- Mike Liguori: I think...
- Chairman McNulty: Thank you.
- Mike Liguori: As long as we have the time to, you know, craft it and vet it out I think we could make it work. You know...
- Chairman McNulty: So...
- Mike Liguori: it just depends on if we're, you know, are we zoning one piece? Or are we zoning more than a few pieces? Or...
- Rich Williams: No. Yeah, all we're doing is a change of use. It's a permitted use in the C-1 zoning district. But the building itself, the whole building, was approved strictly for an office use.
- Mike Liguori: Okay.
- Rich Williams: Now they want to use just a portion of the building...
- Mike Liguori: Right.
- Rich Williams: for personal services.
- Mike Liguori: The only thing I'd be looking for is to make sure that we had a mechanism in the Code to do it. As long as the mechanism was there, then you guys could put reasonable restrictions on the change. So, that's...My biggest concern is that mechanism.
- Chairman McNulty: So if we were to take a portion of the building and change it to a personal service and the printer lasted a year and a half, a beauty salon could go in, correct?
- Rich Williams: Correct.
- Chairman McNulty: But that would be subject to Health Department?
- Rich Williams: Correct.
- Chairman McNulty: So I guess any change of use, if I read right, triggers the Health Department review of the septic?
- Rich Williams: I don't know that any change of use, but any change of use involving water does.
- Chairman McNulty: Yeah. So, well, I wouldn't eliminate that as an option if we could compromise and see maybe some kind of preliminary concept plan of how it might work and if we think we could pull it off and work in segments to get to where we want to be traffic flow.
- Rich Williams: Sarah, where's that file? In the closet?

Chairman McNulty: Anybody else have comment?

The Secretary: The Avellino file?

Rich Williams: Yeah.

Board Member Taylor: I would agree with you.

Rich Williams: Green...

The Secretary: Yeah.

Rich Williams: Green Span.

Chairman McNulty: Yeah.

The Secretary: Greenlands.

Rich Williams: Greenlands.

Chairman McNulty: We want to try to help you.

Mr. Avellino: I appreciate that.

Chairman McNulty: I mean, we're trying to make it work the best we can and be...and be well for the Town, as well.

Mr. Avellino: Sure, absolutely.

The Secretary: No, it was in the filing cabinet.

Rich Williams: Hmm?

The Secretary: It was in the filing cabinet.

Mr. Avellino: I certainly understand that and of course any type of future changes I could certainly understand having to re-review it and, you know, subject to your inspection and...

Chairman McNulty: Yeah.

Mr. Avellino: so forth.

Chairman McNulty: I guess the thing we'd have to start with is that plan...

Rich Williams: Well, yeah. I don't want to delay this, but... You know, I could run in the back and see if I could locate the plan fairly quickly.

Chairman McNulty: Yeah, but we'd need time to look at it. I mean, we can't just...I mean, it would be great to get it for us, but we're not going to be able to judge on anything tonight without...

Ted Kozlowski: I have an aerial shot if that would help.

Rich Williams: I don't know if that's going to help.

Chairman McNulty: Have a what?

Rich Williams: Aerial shot.

Ted Kozlowski: Aerial shot. Just... You can see the layout.

Chairman McNulty: No, we'd like to see the plan of how it was going to be striped. Where the loading dock's going to go. What was proposed? You... Sounds like you already have a plan that you put in place.

Mr. Avellino: Yes, we have, you know, at least the site... I have a site map and...

Chairman McNulty: When was that from?

Mr. Avellino: you know, certainly looked at it. Probably from the original builder. From the original owner.

Chairman McNulty: Is that what you have, Rich?

Rich Williams: We have a plan, I believe, in the file where the original owner modified the site plan showing some of the changes and the way he proposed them. He actually proposed two loading spaces. We weren't going to accept one of them.

Chairman McNulty: Okay. Well, I think if we could get that plan, we'll have to look at it and we'll have to come back next month and look at it before that to give some kind of recommendation I guess, and talk about it some more.

Rich Williams: You want to see if I could find it and you can go onto Maplewood North? It will take 5 minutes to look at it and then you can make a determination whether you want to hold this off or not?

Chairman McNulty: I think I'd rather just hold off so we look at it right. Not my intent to delay things, but I want to look at it. Think about it. So...

Mr. Avellino: Yeah, anything that could be done to speed up the process being that we have an actual tenant that's...

Chairman McNulty: I understand.

Mr. Avellino: But I understand you got a due process you've got to follow.

Chairman McNulty: Yeah, it's just to give it to thought.

Mr. Avellino: Of course.

Chairman McNulty: You know, we have our agenda set and some things that...I wish we would have had it when it was submitted then we could have looked at it already.

Mr. Avellino: Of course.

Chairman McNulty: And had more thought on it.

Board Member Taylor: How about everybody gets copies of the plan, you come back to the work session...

Chairman McNulty: Yeah.

Board Member Taylor: next month...

Mr. Avellino: Okay.

Board Member Taylor: and you tell us whether we can do this. You can email us so you don't have to be at the work session, and we'll try to work it out at that the work session and then we can have a week...

Mr. Avellino: Excellent. Thank you very much.

Board Member Taylor: We can make a decision then.

Mr. Avellino: I appreciate that.

Board Member Ladau: Yeah.

Mr. Avellino: Thank you, gentlemen.

Chairman McNulty: You talk to your possible tenant and tell him we're working on it and...

Mr. Avellino: Absolutely.

Chairman McNulty: We're not making any guarantees here but...

Mr. Avellino: Of course.

Chairman McNulty: we can look at it and we want to work with you the best we can.

Mr. Avellino: Thank you. You guys have always been great.

Chairman McNulty: An occupied building is better than empty building, by far.

Mr. Avellino: Absolutely.

Chairman McNulty: It's better for everybody.

Mr. Avellino: Thank you again, gentlemen.

Chairman McNulty:            Alright, you're welcome.

Mr. Avellino:                 Alright. Thank you.

## 2) MAPLEWOOD NORTH HOMES SUBDIVISION – Preliminary Plat

Mr. John Petrillo and Mr. Joe Buschynski, Bibbo Associates, were both present.

Chairman McNulty:            Okay. Next we have Maplewood North Homes. Go ahead. Did you get the mike back, Rich?

Rich Williams:                Do you want me to have it back?

Chairman McNulty:            Yeah.

Rich Williams:                I'm going to throw it at you.

[Laughter]

Chairman McNulty:            That's okay.

Mike Liguori:                 You think they'd lower that for you, Joe. [Referring to the bulletin board].

[Laughter]

Mr. Joe Buschynski:         Say what?

Mike Liguori:                 I said you'd think they'd lower that for you.

Mr. Buschynski:             A short guy.

Mike Liguori:                 Harry has a problem with that, too.

Board Member Montesano:    We've got to get that little stool back, you know. The one with a skate board on it. We've got to the...

Mr. Buschynski:             Good evening.

Chairman McNulty:            Joe, how are you?

Mr. Buschynski:             Hi. Good.

Chairman McNulty:            Good. Alright, so what do we have here?

Mr. Buschynski:             It's a modest subdivision.

Chairman McNulty:            So I can hear you in the mike, that's all.

Mr. Buschynski: Oh, sorry. We bring to you a fairly modest two-lot subdivision but with a lot of unique character. We're in both towns: Patterson and Southeast. We're proposing two lots be created from land that Green Chimneys owns, about 40 acres, creating one lot in Patterson and one lot in Southeast and taking access from the existing Bradford Court with a common drive to serve both lots. It requires a number of visits to various boards.

[Laughter]

Mr. Buschynski: We have been to Southeast Planning Board and Zoning Board and received a variance for frontage...from frontage requirements to serve our lot in Southeast. This lot is in a R-160 Zone. It requires 250' of frontage. And we ask for a variance to take access and provide 50' of frontage from the existing right-of-way that exists at Bradford Court. We received that variance and you folks were our next step. The lot we're asking to create in Patterson is essentially landlocked; it has no road frontage. We'd like the Town to consider allowing us to create it under §280-a, and creating this parcel under Open Development provisions, Town Law. The property is...Patterson, is in the R-4 open space overlay. So, with the creation of a 7.6 acre lot, we're over the limits of maximum size allowed and we would also need a variance from the Town on that issue.

Board Member Taylor: Question: On your small detail here, you have what you call Parcel C, which the lots are coming out of.

Mr. Buschynski: That map is a requirement of Southeast to show the parcels or a portion of land, affected, as it appeared in 1955. Those lines don't necessarily exist today.

Board Member Taylor: Okay, so then this line that you're showing on the...Is this oriented to the north. On the north east side. No, look on the two lots. [Trying to direct Mr. Buschynski to the right spot on the plans]

Chairman McNulty: In that little box in the corner [referring to the plans].

Board Member Taylor: Look at the two plots over here.

Chairman McNulty: Oh.

Mr. Buschynski: Okay.

Board Member Taylor: Up in the corner. Go right. Go right. That line right there. No, not...

Mr. Buschynski: This line?

Board Member Taylor: on the north line. There. The east line. That east line there. No, not the town boundaries. Let me get up and point it out here. This line. That's an existing lot line?

Mr. Buschynski: Yes.

Board Member Taylor: So this has already been subdivided off of it?

Mr. Buschynski: I couldn't say that it was subdivided.

Board Member Taylor: Well...

Rich Williams: Ron.

Mr. Buschynski: This exists.

Rich Williams: Ron. You had asked me to take a look at that and I did go back and it is an existing subdivided lot.

Board Member Taylor: Okay. That's all we need to know.

Rich Williams: There are actually two other contiguous lots to this, both owned by Green Chimneys.

Chairman McNulty: Is that lot owned by Green Chimneys? The one that was just in question, to the east?

Rich Williams: Yes.

Board Member Taylor: Okay.

Chairman McNulty: I guess my question is, is that Lot B, I believe it is, somewhat landlocked? Yeah.

Mr. Buschynski: This would be left as what we're calling Parcel 3b, yes?

Board Member Taylor: No.

Chairman McNulty: Why wouldn't that be better just to be absorbed into that larger lot adjacent to it and just all become one? There's...

Mr. Buschynski: Merged with whatever they own here?

Chairman McNulty: Yeah, because the Town line...Patterson...Is that a boundary line? I lot subdivision?

Rich Williams: There is a municipal line shown there.

Chairman McNulty: Yeah.

Mr. Buschynski: Yes.

Chairman McNulty: So that subdivides a lot. So that lot basically is locked. It's no accessible from the road, correct? Lot B.

Mr. Buschynski: That right.

Chairman McNulty: So, would it make more sense to just have that absorbed into the larger parcel?

Rich Williams: Well, not just make more sense. There's a provision within our Code that says any contiguous lots that are under single ownership that are nonconforming and by the merging of the lots they become more conforming, they're essentially merged by operation of law. So, there are three contiguous lots. They are all...Two of them are nonconforming. The third one has frontage so in the review I did tonight, it's my recommendation a note go on the plat that merges all three lots upon the filing of the subdivision plat and solve...

Chairman McNulty: And you say all three lots.

Rich Williams: solve the problem.

Chairman McNulty: You don't mean the other...Lot 1. Is it Lot 1 or Lot 2? I don't have...

Board Member Ladau: It's Lot 2.

Rich Williams: My turn...My turn to go to the map.

Chairman McNulty: Okay.

Rich Williams: Tommy, this lot right here.

Chairman McNulty: Yup.

Rich Williams: This lot right here which is this.

Chairman McNulty: Mmhmm.

Rich Williams: And then there is another lot right here.

Chairman McNulty: I got you.

Rich Williams: And it's owned by Green Chimneys that has...It goes right out to Putnam Lake Road.

Chairman McNulty: Yeah.

Board Member Montesano: Does the County (inaudible – too many talking) with that?

Board Member Ladau: But what are you recommending, Rich? I've lost you. In terms of...

Rich Williams: There are three contiguous, separate lots.

Board Member Ladau: Yeah.

Rich Williams: There's this lot right here.

Board Member Ladau: Right.

Rich Williams: There is a lot right...Yeah. Right here.

Board Member Ladau: Mmhhh.

Rich Williams: Which is this piece right.

Board Member Ladau: Right.

Rich Williams: And then there's another piece over here, also owned by Green Chimneys that comes right out to Putnam Lake Road.

Board Member Ladau: Right. Okay.

Rich Williams: This gives them their frontage, though access would be very difficult with all the wetland in here.

Board Member Ladau: Okay.

Chairman McNulty: So by our Code, the contiguous lots by one landowner would all become one lot.

Rich Williams: Right.

Board Member Ladau: Right. Okay.

Chairman McNulty: And that becomes one tax map parcel? Is that how it works?

Rich Williams: Correct.

Chairman McNulty: Okay. So procedurally...

Board Member Montesano: If the County allows it.

Chairman McNulty: where does that put us with the application as it's submitted?

Rich Williams: Well, there's a couple of issues I've raised with regard to the location of the municipal boundary, and they need to go back and work on that a little bit. You need to have Terry, I assume, take a look at it.

Mr. Buschynski: We had her look at that for over a year.

Rich Williams: Okay. Then could you also give me some sort of explanation as well as why the current deed we have on file doesn't meet the metes and bounds descriptions of the layout you have up there.

Mr. Buschynski: The current Green Chimneys deed?

Rich Williams: Mmhhh. Yes.

Mr. Buschynski: Okay.

Rich Williams: Yeah. And if you want, I can provide that deed, Joe. So, you know, after that, you know, procedurally the question is whether you're going to declare this a major or minor subdivision.

Chairman McNulty: Yeah.

Rich Williams: Which, you know, major subdivision creates a two-step process versus a one-step process. Whether there is any need or desire to walk the property because only of the sitting Planning Board Members walked the property at this point. And then start forming a recommendation to the Town Board concerning the §280-a variance.

Chairman McNulty: And SEQRA, it says in the review that it was...

Rich Williams: Well...

Chairman McNulty: SEQRA was performed. What was it performed on exactly, SEQRA? What was it...

Rich Williams: I don't know exactly what it was performed on. I went back through our records and we had some communication back and forth with Southeast. I never actually found where they had ever sent us a notice of their intent to assume lead agency. I don't know if they did or they didn't.

Chairman McNulty: Who, Southeast?

Rich Williams: I would bet they never sent it to the Town Board. So that raises the question: They declared themselves lead agency and they did go ahead and issue a neg dec. And I would say that if the Board agrees with that determination and agrees with the fact that they were lead agency and it probably was appropriate, I did state that in a prior memo that I did of all the traffic impact and everything is going out in Southeast, then you know, you let the negative declaration stand.

Chairman McNulty: And that was 2013 it says. Boy, I don't recall this. It says September 9, 2013.

Rich Williams: Yeah.

Chairman McNulty: I have to go back.

Rich Williams: Well...

Chairman McNulty: Do you remember it being in front of the Board back then?

Rich Williams: Well, no. Again, that was the September 13<sup>th</sup> date was the date that the Southeast Planning Board did SEQRA.

Chairman McNulty: Oh, you have it on this list here. In your review it says SEQRA...

Rich Williams: Yes. Yes.

Chairman McNulty: Oh, so that's Southeast.

- Rich Williams: Southeast Town Board did SEQRA.
- Chairman McNulty: I got you. Okay.
- Rich Williams: Yeah, that wasn't you.
- Chairman McNulty: Alright.
- Mike Liguori: You're not crazy.
- Chairman McNulty: Yeah. Okay. How do you guys feel about taking a walk on the property? I don't know if...Is it all...I don't think it's necessary.
- Board Member Taylor: Well, I would like to walk the property.
- Board Member Ladau: Yeah.
- Board Member Taylor: For historic review reasons. But beyond that, I don't...I mean, in terms of...It's one lot, essentially, we're talking about. And it, you know...
- Mr. Buschynski: Very accessible from...park in the court. You will see the stonewall running diagonally across the proposed line. There's some features: rock outcrop right here that you will identify.
- Rich Williams: You can't miss those.
- Mr. Buschynski: You'll see the stonewall down by the old Ballyhack Road. You see...It's self-explanatory.
- Board Member Montesano: Can we have John [Petrillo] stand there with a light.  
[Laughter]
- Chairman McNulty: No, my point is...Do we need it all staked out? These are existing homes, are they not?
- Board Member Taylor: No.
- Chairman McNulty: No, these are all proposed new?
- Rich Williams: All proposed new.
- Chairman McNulty: Oh, okay.
- Rich Williams: I've been to the site. I'm comfortable. I can find my way around the site easy enough. Of course I won't be walking downhill to the stonewall on Ballyhack because it's fairly steep but...
- Mr. Buschynski: Well, you'll get to the wall, it's okay. Trying to get across it is steep, yes.
- Board Member Montesano: Coming back in the problem. I can walk down a hill.

Chairman McNulty: You like to walk it?

Board Member Ladau: Sure.

Chairman McNulty: Okay. So, yeah, we definitely want to setup a site walk.

Rich Williams: Okay.

Chairman McNulty: Okay.

Rich Williams: So we'll do that before the next meeting. You're okay with not staking it out?

Chairman McNulty: Yeah, just...We can see where the driveway's going to be. Yeah, I don't think it's necessary. Are the current boundaries of the parcels marked at all? A survey?

Mr. Buschynski: No. No.

Chairman McNulty: Okay. But it's all going to be contiguous...all up against Green Chimneys, correct? It's all...It's all Green Chimneys adjacent to that to the North is it not?

Rich Williams: Yes.

Chairman McNulty: Yeah.

Mr. Buschynski: You'll...If you walk the whole thing it's bound by stonewalls on the east side and the entire north side, not the west side. But you'll get a general idea of where that line is when you look at it.

Board Member Ladau: Could we at least get a stake where the boundary is between Southeast and Patterson on that left hand side? That...The north arrow and the...

Chairman McNulty: Right in there?

Board Member Ladau: Yeah, just in the...The left most corner.

Mr. Buschynski: Here?

Board Member Ladau: Yeah. Just so we know what we're looking at.

Mr. Buschynski: Mmhmm.

Chairman McNulty: Okay.

Mr. Buschynski: Yeah, there's a wall near there, also, that we can...

Board Member Ladau: Yeah, but half that wall is in Southeast...

Mr. Buschynski: measure from.

Board Member Ladau: and half is in Patterson.

Mr. Buschynski: Yes.

Chairman McNulty: Okay. Yeah, we don't need all the...the house staked out. I think...

Board Member Ladau: No.

Chairman McNulty: you can see it there. Alright, so we'll setup a site walk. And then procedurally you're not sure if we got a lead agency notice? Is that what you said? From Southeast.

Rich Williams: I could not find any record. I mean, this was a long time ago. This is 2007.

Board Member Montesano: Seven.

Rich Williams: April of 2007 that they had sent it out. You know, I honestly can't remember if I received it. But it's not in our file. It's not in our records. There's nothing in our file that we...

Board Member Montesano: Can you get a copy of that, please?

Rich Williams: received a lead agency notice. But, you know, I go back to, you know, if you would have done the same thing, and I would be surprised if you hadn't, that, you know, it's done.

Board Member Taylor: It's done.

Rich Williams: Unless you want to go fight over being lead agency with them.

Chairman McNulty: Yeah. No, I don't have to. Just for the record, so the records and files are up-to-date.

Rich Williams: Yeah. Mike?

Chairman McNulty: That's all.

Rich Williams: You got any thoughts on that?

Mike Liguori: Well, look, you could recognize...you could waive that and recognize the neg dec if you agree with it. So, you know, its technical deficiency. If...I'm not worried about any statutory time limits or things like that because we're still reviewing a plan.

Rich Williams: Mmhmm.

Mike Liguori: We haven't issued an approval. So, I think you could...If there was a technical defect you could waive it. You have the project in front of you. If you agree with its terms, you could ratify it, too. You could adopt a resolution ratifying the neg dec if you felt it necessary. So...

Board Member Taylor: Was there a neg dec resolution that had something in it besides...

Chairman McNulty: Yeah, and that...

Rich Williams: And that was sent to us. We have that on file.

Chairman McNulty: From Southeast.

Rich Williams: So we had notice.

Board Member Taylor: Right.

Board Member Ladau: Rich, do you expect any resistance on the part of Southeast?

Board Member Taylor: Is that what's in here?

Board Member Ladau: Declaring their...

Chairman McNulty: No, they've already made a neg dec.

Rich Williams: They've already done the process.

Board Member Ladau: In terms of the...They're acting as lead agency.

Rich Williams: Yeah.

Board Member Ladau: And it's simply a question of asking them to confirm it?

Rich Williams: No. No, I mean, they've done their process. They've declared their...They sent notice out. Maybe they didn't send to us. Maybe they did send it to us. Regardless, we didn't respond to it. You know, typically if you don't respond, you have thirty days, and then it's, you know, it's a default anyway.

Board Member Ladau: Default.

Rich Williams: So, I don't see this as a significant issue.

Board Member Ladau: Okay.

Board Member Taylor: Yeah, I don't either. I just...I'm just saying, it's...Did they do a declaration...

Rich Williams: Yes.

Board Member Taylor: that has some meat on it?

Rich Williams: Yes. Well, they did a declaration. I'll send it to you. You can...

Board Member Taylor: Yeah, but that's all we need. If we're going to approve it, we need to see it because we've got the form here, but it's missing the declaration section. So that's all. I'd like to see what they said and...

Rich Williams: Sure.

Board Member Taylor: you know, I see no problem here either. There's nothing.

Mr. Buschynski: I'll see what I can come up with, with...of copies that they may have thought they sent.

Chairman McNulty: At any rate, it puts our file up-to-date so we can...

Mr. Buschynski: Yeah.

Chairman McNulty: so we have a reference. Now...

Mike Liguori: So now, they have to go to the Patterson Zoning Board, correct? Or no?

Board Member Taylor: From the Town Board.

Rich Williams: I would say they need a §280-a from the Town Board.

Mike Liguori: Okay.

Rich Williams: And that's it.

Mike Liguori: Because Joe mentioned the fact that the lot would be over our development size so they would need a variance for that.

Rich Williams: Both of those are done by the Town Board.

Mike Liguori: Oh, okay. Alright, that's...I just didn't know because my only comment was going to be...

[Inaudible – Board Member Montesano having side conversation]

Mike Liguori: if it had to be the Zoning Board, then it would make sense to have the Zoning Board do the ODA...

Rich Williams: Yes.

Mike Liguori: But if the Town can do it, then...

Rich Williams: Yeah.

Mike Liguori: that's no sense. Okay.

Board Member Montesano: It's not on a town, county or state road in the Town of Patterson.

Mike Liguori: And then I just...

Chairman McNulty: No.

Mike Liguori: Joe, can I just clarify what this...Is this piece over here this?

Mr. Buschynski: Yes.

Mike Liguori: Is that what that is?

Mr. Buschynski: Yes.

Mike Liguori: Okay. Yeah, I was having a hard time figuring out where this fit in. So this is this right there?

Mr. Buschynski: Yes. This right here is...

Mike Liguori: Okay. Is that...

Mr. Buschynski: our northern boundary, right...

Mike Liguori: Okay.

Mr. Buschynski: That's our western boundary.

Mike Liguori: Okay.

Mr. Petrillo: This is all Maplewood North now.

Mike Liguori: Okay. Alright, that makes sense. I was having a hard time figuring out where this was...

Chairman McNulty: The §280-a, run that by me again what that is. We can make a recommendation tonight on that?

Mr. Petrillo: (Inaudible) but there's also a stonewall just right here, and we're not going any where's near...

Rich Williams: Town Law §280-a says that all lots that are going to be developed have to have improved access...

Mr. Petrillo: come over to here and follow this stonewall and then (inaudible – too many talking) gives us more land on the site because it's a location...

Rich Williams: on a subdivision road.

Mr. Petrillo: Easy to identify.

Rich Williams: on a town, state, county...

Chairman McNulty: because it's a shared driveway...

Rich Williams: or private road.

Chairman McNulty: you want to make a...

- Rich Williams: Right.
- Chairman McNulty: recommendation to the Town Board to waive that...
- Rich Williams: Right.
- Chairman McNulty: requirement.
- Rich Williams: Where you don't have that access, there are provisions within State Law §280-a (3) & (4). If it's an individual lot, not a subdivision, if it's an individual lot, then you would go to the Zoning Board of Appeals under §280-a (3). If it is a subdivision, then you need an open development area approval, which you would receive from the Town Board. Being this is a subdivision, they have to go to the Town Board for that approval.
- Chairman McNulty: Do we need to make a recommendation on that as well?
- Rich Williams: Within Town Law, there is a provision that says it should come with a recommendation from the Planning Board, yes.
- Chairman McNulty: Okay. Well, I'd like to make these recommendations tonight so they can move along at the Town Board level. Does anybody have any objection to that?
- Board Member Taylor: No. Second.
- Rich Williams: So you're comfortable with recommending the variance be issued under
- Chairman McNulty: §280-a...
- Rich Williams: (a). And...
- Chairman McNulty: And §280-3, is it?
- Rich Williams: And the subdivision code requiring the open development area requirements.
- Chairman McNulty: Yes. I am in favor of that.
- Board Member Montesano: And it's already got a second.
- Board Member Ladau: Second.
- Chairman McNulty: All in favor? *Motion carried by a vote of 4 to 0.*
- Chairman McNulty: Hopefully that helps you, gentlemen.
- Board Member Ladau: Thanks.
- Chairman McNulty: Boy, it's confusing.
- Mr. Petrillo: Thank you.

Rich Williams: Hmm?

Board Member Montesano: For some people.

Chairman McNulty: Glad you know what you're doing.

Board Member Montesano: Always get confusing.

Chairman McNulty: I'm good. And then we'll have to follow up to see...Get the information on their SEQRA determination. And then the referral on GML-239.

Rich Williams: That we will take care of.

Chairman McNulty: Okay.

Mr. Buschynski: No, we've referred that to the County through Southeast, also.

Rich Williams: Yup. I know you have. Recently.

Mr. Buschynski: If that makes any difference. Yeah.

Rich Williams: I talked to Victoria this morning.

Mr. Buschynski: Okay.

Chairman McNulty: Now, one last question.

Rich Williams: And I'm working out the E-911 numbers, too.

Mike Liguori: I was going to ask you about that. What's the address, you know, the...

Rich Williams: Well, it's going to be Bradford Court.

Mike Liguori: Right.

Rich Williams: Outside of that, I need to talk to Southeast about that.

Mike Liguori: Okay. Because your post office is going to be...your box is going to be in...You're going to have a Southeast address.

Chairman McNulty: Well, that part of Town does anyway.

Rich Williams: They're going to have a Brewster address.

Mike Liguori: Brewster address. Yeah. Okay. Alright.

Rich Williams: So, but...We've got a lot of area in Patterson that has a Brewster address.

Mike Liguori: Right. That's right. That's right.

- Rich Williams: It's going to be on the Southeast Town Road. That's where it's tricky because...
- Mike Liguori: Right.
- Rich Williams: I can't...I can put the numbers on, but I don't know what they're going to do.
- Mike Liguori: Right.
- Rich Williams: So I don't want to trip over each other.
- Mike Liguori: Right. But E-911 will once you get that determination. So for instance, you know, some of the practical things that come up is, you know: what fire department responds? But once E...
- Board Member Montesano: Should be...
- Mike Liguori: Once E-911, you know, once you get that address from E-911, they make that decision, it's not a choice you have.
- Rich Williams: I think we know the answer to that.
- Mike Liguori: Yeah, I know. Yeah.
- Rich Williams: Okay.
- Chairman McNulty: One last question, if Lot B is going to be absorbed into those...the existing, contiguous lots...
- Rich Williams: Yes.
- Chairman McNulty: Will this plan then be resubmitted to reflect that? How does that work for...
- Rich Williams: No, no, no.
- Chairman McNulty: the record?
- Rich Williams: They'll file the subdivision plat. The County will see. They'll see the note, if not, we'll bring it to their attention. Then they'll just automatically merge the lots.
- Mike Liguori: Is that owner on that map?
- Rich Williams: Well, not on this. This is a subdivision plan. We have to still get a subdivision plat for which the owner will have to sign off on.
- Mike Liguori: Will have to be on it, yeah.
- Chairman McNulty: Okay, so there is another plan that would follow through to show those contiguous lots becoming one.

- Mike Liguori: Or at least a part of it.
- Chairman McNulty: Or a note. A note saying...
- Rich Williams: There will be a note on the plat.
- Chairman McNulty: Yeah.
- Mike Liguori: Yeah.
- Chairman McNulty: Okay.
- Mike Liguori: Yeah.
- Chairman McNulty: Alright. Can we set a public hearing yet or we need to wait for that?
- Rich Williams: We don't have a subdivision plat. And before you...before we do that, we need to decide whether we're going to need a subdivision plat and that's going to be determined...
- Chairman McNulty: By the Town Board?
- Rich Williams: No. Whether you decide this is going to be a major or a minor subdivision. We could talk about that a little bit if you'd like.
- Board Member Taylor: Go ahead.
- Chairman McNulty: What triggers the difference between major and minor?
- Rich Williams: A minor subdivision is four lots or less...
- Board Member Montesano: Or less.
- Rich Williams: that have frontage on a road and is in compliance with the Master Plan, the Town Map and the Zoning Code. Everything else is pretty much a major subdivision. The purpose of having the difference between a minor and a major subdivision is whether it's going to be a one-step process because it's going to be a very simple application or a two-step process where you do a preliminary plat and then you do a final plat. And you do it that way because of all the engineering involved with these more complicated plats and recognizing that an applicant needs to get part way down the road to have some insurances before they spend a ton of money to get to the end of the road and get denied. So, it's a good process.
- Mike Liguori: The significance of the preliminary plat is that when you get to that point, it's a recognizable point. It's recognizable by law when you get preliminary subdivisions approval. So, you essentially have a vested right in that design of that subdivision. And short of, you know, some significant thing coming to the attention of the Planning Board, the final plat is almost a fait accompli. So, that's why, you know, that's when a developer can really start relying on that's the design to put the money that's needed to finish it.
- Board Member Taylor: He's already done that.

- Mike Liguori: Well, that's... Yeah.
- Chairman McNulty: Yeah.
- Mike Liguori: That's it. There's not too much...
- Board Member Montesano: (Inaudible)
- Mike Liguori: You know. That one anyway. I mean, that's your construction...
- Chairman McNulty: Well...
- Board Member Taylor: So we should be able to go minor.
- Chairman McNulty: I would think we could minor.
- Board Member Ladau: Minor, yeah.
- Chairman McNulty: It's pretty straight forward and...
- Rich Williams: I would say that the Planning Board has a little bit of discretion in this area where if they have an application like this which is really, really minor, that there's no harm nor foul if you declare it a minor and let him go straight to a final plan.
- Mike Liguori: Mmhmm.
- Chairman McNulty: Now, we declare a minor and another plat comes back with some sort of change that would trigger some kind of major development. Or it really can't happen here the way this property's set up.
- Rich Williams: I can't conceive of a situation where that would happen.
- Mike Liguori: Look, it's not all in the same town...
- Chairman McNulty: Yeah.
- Mike Liguori: so the odds of, you know, if it was all in the Town of Patterson and they had the capability to put five or six more lots in, quite frankly, we would see that. That's what John would do.
- [Inaudible – laughter]
- Mr. Petrillo: Everything is cost prohibited, number one.
- Chairman McNulty: Yeah.
- Mr. Petrillo: Number two, just the grades alone which, you know, like Rich had mentioned already, it's not feasible.
- Chairman McNulty: Okay.

Mr. Petrillo: Not feasible.

Chairman McNulty: Yeah, I'd like to take a site walk on this because I'm thinking that's all level out there.

Mr. Petrillo: No.

Chairman McNulty: I can't picture where this is up and down.

Board Member Montesano: Oh, you will.

Mr. Petrillo: No.

Chairman McNulty: Okay.

Mr. Petrillo: It goes up and then it goes down.

Chairman McNulty: Alright. Well, I'll make a motion to declare this a minor subdivision.

Board Member Ladau: Second.

Chairman McNulty: All in favor? *Motion carried by a vote of 4 to 0.*

Chairman McNulty: Okay.

Board Member Taylor: Anything else, gentlemen?

Chairman McNulty: Ted?

Ted Kozlowski: I'm good.

Chairman McNulty: Ron, anything?

Ron Gainer: No.

Chairman McNulty: Okay. Alright, I guess we'll wait for the next...final plat. Whatever we're going to get.

Rich Williams: Well, we'll see how Joe wants to proceed with this.

Chairman McNulty: See what we can...

Rich Williams: Being as you've made the recommendations, it's likely he's going to address my memo and then we'll go to the Town Board and get that straightened out before he comes back here with a plat.

Chairman McNulty: Yeah.

Mr. Buschynski: Okay.

Chairman McNulty: Okay.

Rich Williams: You would agree?

Mr. Buschynski: Got the procedure.

Mr. Petrillo: Can I have Terry call you directly to discuss the line?

Rich Williams: Yeah. However you want to work it out.

Mr. Petrillo: Okay.

Rich Williams: I mean, I think, you know...

Mr. Petrillo: Because I know...

Rich Williams: What I wrote was fairly straight forward. If you look at our tax maps...

Mr. Petrillo: Okay.

Rich Williams: the orientation is different.

Mr. Buschynski: Yes.

Rich Williams: And my concern is if you're right, that throws everything else on the tax maps out.

Mr. Petrillo: Well, I know she started out on [Route] 22, because the builders left it and...  
[Laughter]

Rich Williams: Well, yeah. But you see, here's the thing. I mean, when she starts out on 22, she, you know, she picks up her survey points...

Mr. Petrillo: Right.

Rich Williams: And then brings it all the way back in and I'm sure she's probably correct on the boundaries, which is what she's doing. But there's not points for the municipal boundary for her to tie into.

Mike Liguori: I had that in the Village of Brewster. I had a project where a piece of property where the municipal boundary line ran right through. And no one could tell where that was because all we had was an old municipal map. But there is no metes and bounds on the map.

Rich Williams: No. And...

Mike Liguori: And...

Rich Williams: And it's really the surveyors call when...

- Mike Liguori: Yeah.
- Rich Williams: they're showing it on there. The problem is, like I said, what she's done is she's kind of twisted the way the lot lays out in relation to the municipal boundary, and if we put it that way back into our tax maps, I think it's going to throw all the other tax maps around it off.
- Mr. Buschynski: It's my understanding she also used points east. Subdivisions that occurred over there.
- Rich Williams: Again, all I'm asking is to confirm it.
- Mr. Buschynski: Yeah.
- Rich Williams: Yeah.
- Mike Liguori: Well, maybe...
- Mr. Petrillo: Doesn't...Oh, I'm sorry.
- Mike Liguori: Well, look, you know, the line...the municipal boundary line isn't running through somebody's house where it would be a bigger issue, right? With the location of...I guess the point I'm...Obviously you're going to need to know for one of those, for the boundary, you know, the east/west boundary of those two lots. But you could note the map to say that, that, you know, you're delineating the boundary for the purposes of these two lots only, or these three lots that are affected and you're not intending to effectuate a further change to the tax maps. You know, the surveyors can note that.
- Rich Williams: Yeah, they can but, you know, again, we still run into the problem we want that line in the correct place.
- Mike Liguori: Yes.
- Rich Williams: that line drives the whole subdivision.
- Mike Liguori: Yeah, yeah. Okay.
- Rich Williams: You know, and...You know, I just don't want to end up filing this and creating a gore parcel either.
- Chairman McNulty: Oh, no.
- Mr. Petrillo: Rich, when she went to the east she probably...Because she does have what we did in Shaylin to work off of. Because that was Southeast and Patterson...
- Rich Williams: Mhmm.
- Mr. Petrillo: right here. So she probably worked...Joe said that she worked from the east. She already had that...
- Rich Williams: Shaylin, yeah.

Mr. Petrillo: information and that's...I know he came from [Route] 22 down and then Joe just indicated that she came from the east. So the east would be Shaylin, where we had the same situation. Part of the property was in the Town of Patterson, part of it was in the Town of Southeast. That's probably where she got it.

Mike Liguori: Well, we're not going to fix it tonight. So...

Rich Williams: No, we're not.

[Laughter]

Rich Williams: Yeah, I'll be happy to if you want me to go talk with Terry. I'll talk with Terry direct, but...

Mr. Petrillo: Okay.

Mr. Buschynski: We'll let her know the issue first.

Rich Williams: Yeah.

Mike Liguori: Have Chris call her.

Rich Williams: Yeah, I'll have Chris call her.

[Laughter]

Mike Liguori: Chris Boryk.

Chairman McNulty: Okay, anything else, gentlemen?

Mr. Buschynski: Okay. Thank you.

Chairman McNulty: We give you enough to work with?

Mr. Petrillo: Thank you very much. Appreciate it.

Chairman McNulty: You're welcome. Good luck.

Mr. Petrillo: Thanks.

Mike Liguori: What?

Rich Williams: Huh?

Mike Liguori: What?

[Laughter]

Chairman McNulty: Okay. What's next that we have here?

Rich Williams: Something.

Board Member Taylor: We should build a comment on this, that it took...

Board Member Ladau: New Business. Other Business.

Rich Williams: Don't come near me. [Referring to being sick]

Ron Gainer: I know.

Board Member Taylor: It took Southeast from 2007 to now to get their end of the subdivision done and we did it in one night. Is that pretty good?

Rich Williams: Yeah, well we'll talk about that later.

[Laughter]

Board Member Taylor: Okay, next.

### 3) OTHER BUSINESS

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

Chairman McNulty: Bill Henry Tree Service. I know we had a lot of banter about this and Rich has come up with a proposed zoning amendment change, C-1. Office...

Rich Williams: And thanks for all the help from everybody who threw suggestions at me.

Chairman McNulty: That's not sarcastic, is it?

Rich Williams: No, I'm serious.

Chairman McNulty: Oh, okay.

Rich Williams: I'm serious. No, this is...There had been...There's been some good feedback from you and Bob and...

Chairman McNulty: Good.

Rich Williams: everybody about (inaudible – too many talking)...

Chairman McNulty: Yeah. Hopefully that's the way we can...

Rich Williams: zoning changes.

Chairman McNulty: get together and work this out. Now, I know I brought up commercial trade operations and you...I wasn't familiar with that term and you explained how it was setup for residential properties and...

Rich Williams: Correct.

Chairman McNulty: small artisans or craftsmen.

Rich Williams: Mmhmm.

Chairman McNulty: So, this new code...

Rich Williams: At the end of the...

Chairman McNulty: would be specific to C-1?

Rich Williams: It would be specific to C-1. It would fit in under the permitted uses within the C-1 Zoning District. It would include commercial trade operations as well as arboriculture. Arborist businesses. And then it would setup a whole list of criteria that they would have to comply with. Now, you know, going through, I based the criteria on what I would believe the Town is looking for in maintaining the streetscape along Route 22.

Chairman McNulty: Mmhmm.

Rich Williams: I don't know that Mr. Henry is going to find it all acceptable. Specifically, I think he wants outdoor storage up there. And...So you're going to have to wrestle with whether you're going to want leave that in or take it out or...

Chairman McNulty: Now...Yeah, I read that. So a special use permit can't be attached to that, for an outdoor storage, can it?

Rich Williams: Yeah, I can make it a special use permit, but it's just another step in the process.

Chairman McNulty: I know, but wouldn't that protect us from down the line if the building's sold or business, that special use permit stays.

Rich Williams: So does the site plan approval.

Chairman McNulty: Alright, before we get into the complicated stuff...

Mike Liguori: You could have a special use permit criteria that says it's...that it doesn't run with the owner. That if there's going to be a change in title...We have that in Southeast.

Chairman McNulty: That would solve a lot of problems.

Rich Williams: That it doesn't run with the land?

Mike Liguori: That's right. And in North Salem. We have it with the special permits on the horse farms. They don't run with the land. They run with the owner. And they're renewable every ten years. I've never had to...

Rich Williams: I thought there were court cases that have thrown that out.

Mike Liguori: I'll tell you, I've never had to...

Rich Williams: The renewable part of it.

Mike Liguori: had to study the legitimacy, I know it's there. But I can...I'll do the Pace Law research.

Chairman McNulty: That would be a bonus because that's exactly what we're looking for. The...

Rich Williams: I was always led to believe that, you know, land use has to run with the land and you can't...

Mike Liguori: Variances.

Rich Williams: predicate it on the...

Mike Liguori: No, you can't do that for variances. But...

Rich Williams: But I was always under the impression it was across the board.

Mike Liguori: Yeah. Yeah. No, I'll take a look. I'll confirm...Because I can't tell you how many times someone has called me and said alright, I'm, you know, I'm at nine and a half years on my farm in North Salem and I need to renew my special permit. And it's right there.

Rich Williams: And what happens when you deny that?

Mike Liguori: Well...

Rich Williams: Now there's a considerable investment made in a piece of property.

Mike Liguori: Sure.

Chairman McNulty: Well, that would be the situation, I guess, of whoever had the special permit wasn't in compliance with the terms of that permit, correct? Then you say you haven't lived up to your bargain of the deal with this special use, we're not going to renew it. And that would be at their own peril, I would think.

Mike Liguori: I'll take a look.

Rich Williams: Yeah, I'd love to see that.

Mike Liguori: Yeah. Yeah, I know I...You know, I'm not saying it's legit, I'm just saying we experience it.

- Rich Williams: Well, I'm... Yeah. Just because other municipalities are doing it...
- Mike Liguori: Right. No, I get it. I get it. So...
- Rich Williams: Right. But...
- Mike Liguori: It's worthy of researching.
- Chairman McNulty: Yeah, I would say it would be if you think that's something there.
- Rich Williams: If there's case law to support it then that's fine if everybody wants to go down that road.
- Mike Liguori: Yeah. And I, you know, for instance what they do...The Zoning Board of Appeals in the Town of North Salem that deals with the special use permits for the commercial horse boarding operation and that was in response to a petition that I brought in [20]02 based on Ag and Markets Law to say you can't require a special permit. And...Because there's a whole constitutional issue there.
- Rich Williams: Right.
- Mike Liguori: And the concession with Ag and Markets was we're going to do a special permit but we're doing it in front of the zoning board because it's a much speedier process and less onerous than in front of a planning board.
- Rich Williams: Really?
- Mike Liguori: Yeah.
- [Laughter]
- Rich Williams: Okay.
- Mike Liguori: So, the ten year review is to see if they're in compliance with the permit that was issued originally.
- Rich Williams: Yeah, okay. It...
- Mike Liguori: Now...
- Rich Williams: I've seen that done if you're just doing a compliance review and as long as they're in compliance...
- Mike Liguori: But if you...
- Rich Williams: and that's in the law...
- Mike Liguori: If you switch...
- Rich Williams: you're going to get away with that.

Mike Liguori: If you switch owners and the switch owners is what trigger the re-approval to determine whether or not you're in compliance with the original permit, that's the...that's what I think makes it legal.

Rich Williams: And we do something similar with accessory apartments where we make the new owner come in and get the permit.

Mike Liguori: Mmhmm.

Rich Williams: But it's more or less, if all the criteria are meet, you get the permit.

Mike Liguori: But if that's the case, that could be the protection that the Board might be looking for. It basically mandates a ten year review by the Planning Board. And it doesn't have to be ten years. I mean, it could be whatever you guys decide.

Rich Williams: Or it can be change of ownership, that's what you're saying.

Mike Liguori: Yeah, change of ownership. Yeah.

Chairman McNulty: Hey, it's worth looking at.

Board Member Taylor: Mmhmm.

Chairman McNulty: That would help us out and it would be good to try it. If it's legit, see how it works.

Mike Liguori: Yeah, I'll...

Rich Williams: Well, I mean, it's easy enough for me to write it. It's just a question of whether it's legal or not.

Mike Liguori: Yeah, yeah. No, I'll take a look because I think that...The legality would be exactly as you said. If they didn't...If you made the investment and then they didn't reapprove it.

Rich Williams: Yeah. I mean, that's what I'm most uncomfortable with.

Mike Liguori: But if it's only a compliance check...

Rich Williams: Right.

Mike Liguori: Then...And maybe we don't need a special permit to put a...There shall be a mandatory, you know, re-approval every change in ownership for uses in that category.

Rich Williams: Right.

Mike Liguori: Which may be even easier.

Rich Williams: But what you can't...What I think you can't do is you can't say we're going to give this special use permit to this owner and then not give it to the next owner when he comes in if he meets all the same conditions.

Mike Liguori: Yeah. Alright, I'll take a look at that.

Chairman McNulty: Well, no, if he met the same conditions it would come back to the Planning Board for review and they would be hard-pressed not to approve it.

Mike Liguori: Yeah but, see, the issue is even if they could not approve it, that's the... You're worried about discrimination...

Rich Williams: Right.

Mike Liguori: in that sense.

Chairman McNulty: Okay.

Mike Liguori: So if there's the possibility that... You're saying they'd be hard pressed. The law would say, no you can't. You can't not... You have to approve it. That's the nuance there.

Rich Williams: And the other rub on that is: changes hands, new owner, but he's still doing exactly the same thing, you know, why would you want to review it. On the other hand, regardless of ownership, whether it changes or not, if he's not in compliance with the conditions, that's an enforcement action.

Mike Liguori: Mhmm.

Rich Williams: You have that.

Chairman McNulty: Yeah. Well, I think that's worth looking at. But with that said though, I like this addition to this commercial trade operation to our Code to give us a little flexibility along [Route] 22. And kind of cover some more boundaries.

Board Member Montesano: Question, and I don't know if it's on... If it's something that we would just discuss in here. You have the apartment situation for those few that put it in legally, but they sell the property, does this come... would that come under this type of thing? The compliances are all the same. The size of the building itself hasn't changed. Would they be mandatory to get that or...

Chairman McNulty: I don't think apartments would be covered.

Rich Williams: See, here... Well, no. But I understand what he's saying. See, the thing with the accessory law... the accessory apartment law is we have a checklist and we go down that compliance checklist and if you're still compliance you get the permit.

Board Member Montesano: Now I'm just wondering because what I'm thinking of right now is I know someone was going to do it. They changed their mind because they were... because of their location of work and since the City of New York has such influence on this community due to their water nonsense, that's what he was worried about. If you buy a house that's legal at the time it's sold, will the City of New York have the right to deny it? And from what I understood at the time, they did.

Rich Williams: Well, I... You know, similar situation we had the old Texas Taco where they came in, they got the addition, they bought the property, they started doing renovations out there and they

went to repair the old septic system because they didn't want to keep using the old septic system. And it was not that it was failing. They had any notice of consent of anything, they just wanted to repair it to make a better system out there. And as soon as they did, New York City stepped in and said, wait. You haven't used this system in a year. You're a nonconforming use because you're within...

Mike Liguori: Oh no.

Rich Williams: the wetland buffer. You don't have a septic system. Submitted plans showing a legally conforming septic system or go for a variance.

Chairman McNulty: Yeah, they're all in...

Rich Williams: Basically...

Chairman McNulty: the buffer there. They can't.

Rich Williams: Yeah. Couldn't.

Board Member Montesano: Yeah.

Rich Williams: Now, fortunately, there was a lot of back and forth and a lot of push back and DEP backed off on their position. But, that's...

Board Member Montesano: Yeah.

Rich Williams: just DEP did, is they said...

Board Member Montesano: Well, this is what I understand he was told because he...He was down in the City and he was looking to do that and he changed his mind because he was told by someone apparently. He wouldn't tell me who the person was, but they said oh no, we have to approve it. If we deny it, you can't do it.

Chairman McNulty: Yeah, but I think that would only be in a wetlands situation here, correct?

Board Member Montesano: But you don't know. They can kind...walk in and say phosphorous is being created and etcetera and etcetera.

Mike Liguori: DEP has jurisdiction over every commercial septic system in the water shed. So, just as a, you know...Any application that goes to the Health Department for a commercial property...

Chairman McNulty: Gets forwarded...

Mike Liguori: Gets copied to Danny Shepo down in Valhalla. And they take a look at the septic.

Chairman McNulty: Okay.

Mike Liguori: The question is, is how does it get there, you know? Sometimes there's changes of uses that don't make it. Maybe you are doing construction and, I don't know, somebody drives by and sees it. I don't know what the...

Chairman McNulty: Okay.

Mike Liguori: you know, how else they would know, but...

Chairman McNulty: Well, look into special use, if we can put a term to it: Ten year, fifteen year, change of ownership. That could help us greatly. If it works, if not, you've introduced the commercial trade which, from what I can read, would work. Just a couple of things on arboriculture.

Rich Williams: Yeah.

Chairman McNulty: I looked it up. It said cultivating of trees and shrubs. Is there...Is it necessary to put this one word in here for one type of business?

Rich Williams: Yes.

Chairman McNulty: Okay.

Rich Williams: Because typically an arbore...an arboricultural business...And I was an arborist for twenty-five...

Chairman McNulty: I understand.

Rich Williams: years so...You know, it's a little bit more intense than I was comfortable with including as a commercial trade operation and have a tree business setup in a residential zone. So I wanted to keep arboriculture separate from the commercial trade operation.

Chairman McNulty: Okay. It's not putting a too strict...There's not another business that might pop up that maybe should be included. See, I just start to look at it and I said well it's commercial trade operations which covers a host of businesses and now we've added one to it.

Rich Williams: We haven't added anything to commercial trade operations. Commercial trade operations still is a designation for certain, specific types of businesses.

Chairman McNulty: So that's not added to commercial trade. It's just an additional business...

Rich Williams: Allowed in the C-1 Zoning District.

Chairman McNulty: With the same criteria.

Rich Williams: And what this does...Structuring it this way, it keeps it out of residential zones.

Chairman McNulty: Okay. My only I make is though, are we missing some other business that might fall in this category but not as commercial trade operation? Do we amend it later when we find that? I mean, I don't know what constitutes spot zoning at some point.

Rich Williams: Oh, we're not anywhere near spot zoning, so...

Chairman McNulty: Okay. That's all I want to make sure...

- Rich Williams: Yeah, we're not...
- Chairman McNulty: we're clear of that.
- Rich Williams: And if we're missing some...
- Chairman McNulty: I'm sure you keep...
- Rich Williams: business, we can add it in later if we think it's appropriate, unless you can think of it now.
- Chairman McNulty: Okay.
- Mike Liguori: Ron, the spot zoning...Tom, sorry. The spot zoning concern would be if, in fact, there was only one particular piece of property that all these criteria could apply to and then...The definition of spot zoning is not...zoning not in conformance with your master plan. You could spot zone 50 pieces of property, it'd still be spot zoning if it's not in conformance with the plan. But we're adding a use.
- Chairman McNulty: Yeah, okay.
- Mike Liguori: So think about it that way. At least we're recommending. We don't know.
- Chairman McNulty: Rich, one other thing, too: You stated how the setback shall be maintained along State Highway against any impervious surface or fence. Should we address Town road as well, or does that just come within the Code?
- Rich Williams: Well, it limits...It limits the use to State and County roads.
- Chairman McNulty: Yeah, but you have Ballyhack and [Route] 22 that meet.
- Rich Williams: Right.
- Chairman McNulty: So, a corner lot on that intersection...Okay. [Referring to Rich Williams and Ted Kozlowski having a conversation].
- Rich Williams: (Inaudible – too distant).
- Ted Kozlowski: Yeah, I just told him.
- Rich Williams: Oh.
- Ted Kozlowski: I was telling him get out of here.
- Rich Williams: I just realized he was back here.
- Chairman McNulty: I was wondering why Joe was sitting here, too. My concern is you get in a situation where you have a corner lot on a State road like Ballyhack and 22. Does then our local Code kick in to that setback? Or do we want to simply...

Rich Williams: Well, we certainly have... We have a setback for building but not for impervious surface. So, it's not that hard. I can add Town roads in here.

Chairman McNulty: Anybody else any thought on that?

Board Member Taylor: And you said you were thinking of it as State and County?

Rich Williams: Yeah. C-1 basically runs along...

Board Member Taylor: State and County.

Rich Williams: State Route 22.

Board Member Taylor: Yeah, what you stated, was just State highway.

Rich Williams: Oh, State. Yeah, the County. Forget the County.

Board Member Taylor: Okay.

Chairman McNulty: Umm...

Board Member Taylor: You had a question here about allowed material storage bins?

Rich Williams: Correct. That was one of the issues... Again, I think Bill is looking for outdoor storage on the site.

Board Member Taylor: Well, I think we should. Nurseries use it. We were proposing it for, what's his name? Boniello's.

Chairman McNulty: Boniello.

Board Member Taylor: Umm...

Chairman McNulty: Well, we were reviewing what was put in place, except...

Board Member Taylor: And what we were going to approve.

Chairman McNulty: And also, didn't we allow some because they had to pull it away from the stream...

Rich Williams: Sure.

Chairman McNulty: up here on [Route] 22.

Rich Williams: Yeah.

Board Member Taylor: Yeah, the nursery.

Rich Williams: We've allowed them for nurseries and that type of operation. And we certainly can set them up, you know, we can allow them in this Code. The question is do you want to have blanket outdoor storage or do you want to set it up in storage bins or not at all?

Chairman McNulty: No, I think storage bins will be good, but the same criteria of screening, setback and placement and size, I guess. I mean, you don't want something where you have a three story pile of woodchips. I wouldn't have... You know, I don't have a problem with the bins as long as we can lay them out properly.

Rich Williams: Okay.

Board Member Taylor: Yeah. Yeah, let's limit them in size so it doesn't end up being one of these landscape yards where they're storing 4,000...

Chairman McNulty: Yeah.

Board Member Taylor: tons of something.

Chairman McNulty: You know... I don't know, maybe you limit to how many cubic yards per bin. I mean, what's that? 20' x 20' x 8' high bins store.

Rich Williams: It would probably just be easier just to limit the height, length and width.

Chairman McNulty: Okay.

Rich Williams: It's easy to measure.

Board Member Taylor: Yeah.

Chairman McNulty: I mean, and we can base that on existing businesses and how they've managed on their lots within the Town, which what seems to have worked.

Board Member Montesano: What about a height difference?

Chairman McNulty: What do you mean? Height difference of?

Board Member Montesano: Well, we have... You're allowed to have a bin. Now I come in and I have bins on the bottom and go ahead and put them up... for a second one.

Board Member Taylor: Oh, we said that. We said that.

Board Member Ladau: Yeah. Said...

Board Member Taylor: Height dimension would be there, too.

Chairman McNulty: Yeah.

Board Member Montesano: Right.

Board Member Taylor: Yeah.

Board Member Montesano: Yeah, that's what I wanted to make sure I understood.

Board Member Taylor: Yeah.

Board Member Montesano: Because that always (inaudible). Air space is also something...

Chairman McNulty: So Rich, we're looking to recommend this to the Town Board, correct?

Rich Williams: Mmhmm.

Mike Liguori: Just a couple of questions, Rich.

Chairman McNulty: Give him the microphone, please. I'm helping Sarah out.

Rich Williams: Huh?

Chairman McNulty: I'm just helping Sarah out. Keep the help happy.  
[Laughter]

Board Member Montesano: Boy, he's well trained.

Mike Liguori: Do we define outdoor storage? I don't know if we do.

Rich Williams: No, we don't.

Mike Liguori: Do we need to? Or...I don't want to open up a wormhole here. I just want to ask, that's all.

Board Member Taylor: You're a lawyer. You always open up wormholes.  
[Laughter]

Mike Liguori: Yeah.

Chairman McNulty: Bottomless.

Rich Williams: You know, listen, if you want to...I don't know that we need to define outdoor storage because...

Mike Liguori: Okay.

Rich Williams: because I think it's...the plain meaning is...

Mike Liguori: Yeah, well...

Rich Williams: right there. It's the question of you want to limit the materials that you can have in outdoor storage.

Mike Liguori: Yeah. No, no, no. I get that. So, I guess...

Rich Williams: Like, not salt.

Mike Liguori: The parking of work vehicles, is that different than the outdoor storage of work vehicles?

Rich Williams: Say that again.

Mike Liguori: There shall be no outdoor storage of work vehicles, equipment or product.

Rich Williams: Right.

Mike Liguori: Alright, at first blush I'm reading that to mean that all the work trucks need to be inside.

Rich Williams: Yes.

Mike Liguori: Okay.

Rich Williams: That's the intent.

Mike Liguori: Okay. They can't be parked outside?

Rich Williams: Correct.

Board Member Taylor: That's right.

Mike Liguori: Okay. Alright. That...So I just wanted to clarify that because...And I hate...I'm sorry for relating everything to other codes but in Southeast you can't have...They consider parking a vehicle to be outside storage for your business and you get caught up in these very restrictive outdoor storage situations where your truck parking ends up taking up all the place where you could possibly have material. So I just wanted to make sure that it was being considered correctly.

Rich Williams: Well, I assume that once I get this finalized you're going to take a final run at it...

Mike Liguori: Yeah, yeah. No, I...

Rich Williams: and make it all legally right.

Mike Liguori: Only one principal building shall be permitted on site which shall meet all the architectural standards of §154-81, and shall not have an appearance of an industrial warehouse. Same for your accessory buildings, or does that not apply?

Rich Williams: I wasn't going to apply it to the accessory buildings.

Mike Liguori: Okay.

Rich Williams: Now, having said that...

Chairman McNulty: But you said to screen the accessory building.

Rich Williams: You screen... Yes. Screen everything.

Chairman McNulty: Yeah.

Rich Williams: Screen the accessory buildings. Now, while we're right there...

Mike Liguori: Mmhmm.

Rich Williams: you know, just so everybody's aware, you know, our architectural code does not permit metal sided buildings.

Chairman McNulty: In a commercial zone.

Rich Williams: Right. Bill Henry mentioned that he's looking for a metal sided building.

Mike Liguori: Mmhmm.

Rich Williams: He also mentioned that the accessory building was going to be shipping containers with a canvas top.

Board Member Taylor: That's not allowed.

Chairman McNulty: He didn't mention that in the meeting. He had that conversation with you?

Rich Williams: Yeah. I thought he did, no?

Chairman McNulty: No.

Board Member Taylor: Yeah, I remember it.

Ron Gainer: I think it may be shown on a set of plans.

Chairman McNulty: The storage containers that are canvas? I remember the metal building...

Board Member Ladau: Yeah.

Chairman McNulty: for his principal building.

Rich Williams: Yeah. I don't remember him saying the...

Board Member Montesano: One of the things they're pushing right now, all these storage companies, is trying to see those containers and putting them four together and then they have architecture for it. They also have them being made into housing because...

Chairman McNulty: Oh, I have seen that but...I don't...

Board Member Montesano: And this is what they're trying to do. They're trying to set it up in each town and...

Board Member Taylor: Modular.

Chairman McNulty: There's a number of ways of outdoor storage, too. There's big canvas huts.

Rich Williams: Well specifically, Bob might know this, this is going... What he's proposing to do is put a clear span building on top of storage containers as the base.

Board Member Ladau: Yeah. Is he talking about one of these membrane or...

Rich Williams: Mmhmm.

Board Member Ladau: They're ugly as hell.

Rich Williams: Mmhmm.

Chairman McNulty: But is he talking one container high? Six containers high?

Rich Williams: One.

Board Member Montesano: Yeah.

Chairman McNulty: One.

Board Member Montesano: (Inaudible - mumbled).

Chairman McNulty: So it depends on the visibility...

Board Member Ladau: Yeah.

Chairman McNulty: from the road.

Rich Williams: And at least, you know, it gets his whole operation inside. Or at least potentially it gets his operation inside; splitting the wood and everything.

Mike Liguori: So explain that to me. I'm missing something.

Chairman McNulty: The clear span building?

Mike Liguori: Yeah. How does that work?

Rich Williams: It's a clear... It's a shipping...

Board Member Ladau: It's a...

Rich Williams: containers all stacked up in a square.

Mike Liguori: Okay.

Rich Williams: With the front open.

Mike Liguori: Okay.

Rich Williams: Alright. And then there is a...

Board Member Ladau: A membrane.

Rich Williams: A...Yeah. It's like putting...

Chairman McNulty: It's a tarp, canvas.

Rich Williams: a canvas tent. But it's not canvas, it's a heavy plastic.

Board Member Ladau: Yeah.

Rich Williams: That goes on a frame, an arched frame.

Mike Liguori: Okay.

Rich Williams: Over the top of it.

Mike Liguori: I see. Got you. I was missing...I didn't know how this was going to work so...

Board Member Ladau: If you...

Mike Liguori: now I know.

Board Member Ladau: If you want to see one, right at the end of Harmony Hill Road...

Ron Gainer: Right. Right.

Board Member Ladau: as it butts into Route 55 in Pawling...

Mike Liguori: Okay.

Board Member Ladau: There's a horse farm there and there's...Well, the lady who owns it uses kind of a structure over...to provide...to create an indoor ring. And if I lived next door, I'd burn the house down and the ring.

[Laughter]

Board Member Ladau: I mean, it truly is unattractive.

Chairman McNulty: The thing is, the visibility of it from the road after...

Ron Gainer: Yeah, it's off the road but it's still very visible.

Board Member Ladau: I'm sorry.

Ron Gainer: It's off the road, but it's still very visible.

Board Member Montesano: Yeah, you could see it.

Board Member Ladau: Oh yeah. It's way in the back end.

Ron Gainer: Yeah.

Chairman McNulty: Standalone building by itself?

Ron Gainer: Yeah.

Chairman McNulty: Yeah.

Ron Gainer: But it's very evident from the road.

Board Member Ladau: Yeah.

Board Member Taylor: In number 4, Rich [referring to the proposed zoning amendment]: Any accessory building shall be to the rear of the principal structure which shall be suitably screened...

Rich Williams: Mhmm.

Board Member Taylor: Are you talking about the accessory building being suitably screened or the principal structure being suitably screened?

Rich Williams: The accessory building.

Board Member Taylor: Then you need to say and instead of which, I think. Any accessory building shall be to the rear of the principal structure and shall be suitably screened from the street.

Chairman McNulty: Yeah. I follow the intent thought, that you wanted to screen everything. And there's a setback for Town roads and...Back to metal buildings. I guess what we don't want to see is the metal...exposed metal or to look like exposed metal. Because you can do a lot with metal buildings now. They can surface them with...

Rich Williams: Well, when I say metal buildings, yeah, I'm really talking about, you know, a butler building...

Board Member Ladau: Butler building.

Rich Williams: look with metal siding.

Chairman McNulty: Yeah. You're talking about the exterior architectural look of it.

Rich Williams: Right.

Chairman McNulty: And there's a lot that can be done with a butler styled building, pre-engineered building and make it look so it's not so...

Rich Williams: I don't know. I've never seen one that I didn't...Everybody keeps telling me...

Mike Liguori: At the end of...If you find yourself next to the Danbury Mall...

Rich Williams: Yup.

Mike Liguori: Off of Kenosha is a road called Precision Drive.

Rich Williams: Mmhmm.

Mike Liguori: So if you're heading to the mall, you're on Kenosha, Precision is on the left...

Rich Williams: I know Precision.

Mike Liguori: Drive to the very end of Precision, there's a metal building. Three sides are metal, the fourth side is also metal, but it's got a colonial siding, and from a straight on, it looks like a colonial.

Chairman McNulty: Yeah, there's a lot you can do on it.

Mike Liguori: And you get there, and it's a metal warehouse.

Chairman McNulty: I'm in the midst now of building a, with my company, a pre-engineered metal building. The front's going to be all double four...aluminum siding with white trim.

Board Member Taylor: Can he ask for a variance?

Rich Williams: He can ask for a waiver from the Board...

Board Member Taylor: A waiver.

Rich Williams: if he shows...

Board Member Taylor: If he shows us things and makes...

Rich Williams: Yeah, shows the suitable, you know, facility.

Chairman McNulty: We need an architectural rendering...

Board Member Montesano: 111 siding...

Chairman McNulty: of what he wants to do. An elevational.

Rich Williams: I get very concerned with that because...

Board Member Taylor: Yeah.

Rich Williams: you know, originally everybody said no, we don't want any more metal buildings. And then somebody was allowed to build a metal building even though it violated the site plan and the Planning Board came in, okay. And then...

Board Member Montesano: Yeah, but that had...

Rich Williams: ever building after that...

Board Member Montesano: special circumstance.

Rich Williams: has been, okay.

Board Member Ladau: Yeah.

Board Member Montesano: That's been special circumstances. It should have...

Chairman McNulty: Well...

Board Member Montesano: been only one place that it was allowed.

Chairman McNulty: The tile building up on Commerce Drive.

Board Member Montesano: But it wasn't.

Chairman McNulty: Metal building.

Rich Williams: Oh yeah, speak of the devil.

Chairman McNulty: But from the front, it's well done (inaudible – coughing).

Rich Williams: I don't know. For me, it still looks like a metal building. It's, you know, it's not a masonry. It's not a wood frame. It's not as...

Chairman McNulty: Well, I know from the sides...

Rich Williams: attractive.

Chairman McNulty: it's a big exposed metal.

Rich Williams: It's a...Listen, it's a...

Chairman McNulty: But from the front, he's added stone. He's got the glass.

Rich Williams: It's a very attractive, very attractive, metal building.

[Laughter]

Board Member Ladau: What Rich is saying, a rose by any other name...

Chairman McNulty: Well, that's what I'm saying. It...

Board Member Ladau: still smells.

Chairman McNulty: Attractive metal building.  
[Laughter]

Board Member Taylor: Well...

Rich Williams: Maybe it's just me.

Mike Liguori: Is it lipstick on a pig?

Board Member Taylor: I think we're covered.

Mike Liguori: Because I think that's a good phrase.

Board Member Montesano: Yeah, we did. We covered the...

Board Member Taylor: We can give them a variance.

Chairman McNulty: Yes.

Mike Liguori: Lipstick on a pig.

Board Member Taylor: So then...

Rich Williams: Yeah. Lipstick on a pig.

Chairman McNulty: Based on what's presented to us.

Board Member Taylor: Yeah.

Board Member Ladau: Yeah.

Chairman McNulty: Yeah.

Board Member Taylor: So I don't think we need to be debating this.

Chairman McNulty: Okay. I just like toying with him.  
[Laughter]

Rich Williams: That's alright. Just wait until the end of the meeting.

Board Member Taylor: I know, but she has to write this down, so.

Chairman McNulty: I don't know.

Board Member Montesano: But he said he was going to help her.

[Laughter]

Rich Williams: You better hope Sarah doesn't (inaudible – too many talking). That's all I can say.

Chairman McNulty: Alright, so you're going to tune this up and we're get on the work session. Maybe we can make a recommendation.

Rich Williams: Yeah.

Chairman McNulty: Okay. Have you heard from Bill at all? Has there been any word on...

Rich Williams: Not on this.

Chairman McNulty: Where he's at or...No. Just on his project. With plans or building types or...

Rich Williams: He's kind of...He's waiting for this.

Chairman McNulty: He's waiting for this?

Rich Williams: Yup.

Chairman McNulty: And then he has to go to the Zoning Board as well, correct? Still? For the shared driveway?

Rich Williams: No. Yes. Yes. Yes.

Chairman McNulty: But he's not moving on that until he hears from us.

Rich Williams: Right.

Board Member Ladau: Yeah.

Ron Gainer: And you were waiting on a site walk.

Chairman McNulty: Yeah, we were going to do a site walk, which there is enough snow melted now that we could set that up.

Board Member Taylor: Yup.

Board Member Montesano: Yeah.

Chairman McNulty: We waiting for him to call and see...

Rich Williams: Don't want to wait till it gets a little warmer?

Chairman McNulty: It's pretty nice today.

Ron Gainer: Yeah.

Board Member Montesano: Don't you have your waiters?

Chairman McNulty: I had the windows wide open today.

Board Member Montesano: Do a little fishing (inaudible – too many talking).

Chairman McNulty: Yeah, I'm up to schedule a site walk when we can.

Rich Williams: Alright.

Chairman McNulty: So, talk to Bill first. I guess he's going to stake out the corners and center of driveway.

Board Member Ladau: Mmhmm.

Rich Williams: I'll push him on that.

Chairman McNulty: Okay. Anything else for Bill Henry?

Board Member Taylor: Nope.

Board Member Montesano: Nope.

**b) Illescas Wetland Permit Correction**

Chairman McNulty: Okay. Move on to...

Board Member Ladau: Illescas.

Chairman McNulty: Illescas. We took care of that.

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

Chairman McNulty: We took care of Ice Pond.

Board Member Montesano: Yup.

**d) Zoning Code – Restaurants**

Chairman McNulty: We have restaurants. Rich has done some work here with definitions. And he's added catering as a definition that we asked for. Also delicatessen and taverns.

Board Member Taylor: And pubs and bars and...

Chairman McNulty: I asked him earlier today, I didn't see café.

Board Member Taylor: Oh, that's true. He missed it.

Board Member Montesano: Oh, you missed that, Rich.

[Laughter]

Chairman McNulty: We didn't quite know what a café is. It's a mix between a bar and a restaurant, isn't it?

Board Member Montesano: It's...

Mike Liguori: It's got to be.

Board Member Montesano: It used to be motorcycle.

Chairman McNulty: It's a restaurant.

Mike Liguori: It's a restaurant.

Chairman McNulty: Umm...

Board Member Montesano: It's a motorcycle.

Board Member Ladau: I'm just curious when I look at this: There seems to be an awful lot of definitions all kind of circling around the same idea of food service. Do we need to break out each type?

Rich Williams: Well, I didn't think so and that's why we are where we are is, you know, I put in some definitions that were very...

Board Member Ladau: Yeah.

Rich Williams: somewhat flexible.

Board Member Ladau: No, I understand we singled out catering and that's different for a bunch of reasons that I can talk about. But I don't know whether a delicatessen is significantly different from a fast-food establishment.

Rich Williams: Well, you know, I'm having a conversation with somebody and, you know, we're talking about take-out restaurants.

Board Member Ladau: Yeah.

Rich Williams: And the next thing I hear is well, you know, isn't that a delicatessen? So, now I'm saying now we've got more confusion. So, do I need to add in delicatessen?

Board Member Ladau: I don't know.

Rich Williams: And, you know, again, I put in a couple of codes. I thought they were going to be fairly simple and straightforward and yet leave enough flexibility so you could do what you got to do, and it hasn't worked out that way. So, now we're trying to more clearly define exactly: What is a restaurant? What is our intent? What is a fast-food takeout establishment?

Board Member Ladau: I just wonder if this clarifies it or just complicates it. That's...I'm eliminating catering for a sec...

Rich Williams: Sure.

Board Member Ladau: for a moment.

Rich Williams: Well, you know, I've been doing this by example. You know, with...

Board Member Ladau: Yeah.

Rich Williams: with Abruzzi's as a restaurant versus, you know, the Chinese versus Sauro's Deli, you know, versus something we don't really have around here anymore which is strictly a bar. You know, when I grew up there was nothing, you know, there were quite a few just bars. They didn't do a lot with food but they were there.

Chairman McNulty: Had a vending machine.

Board Member Ladau: Doesn't the State Law...State Liquor Law require bars to serve food?

Board Member Montesano: Yes.

Rich Williams: I don't know that.

Board Member Montesano: Yes.

Rich Williams: They do?

Board Member Montesano: That's how you got you, quote, "Tavern", unquote. Because at one time it was mandatory that you had some kind of food. That's why they used to have a lunch from the beginning.

Rich Williams: Or those bottles of eggs.

Board Member Montesano: Yeah.

Board Member Ladau: Yeah.

Rich Williams: Pickled eggs that nobody ever touched.

Board Member Montesano: And you had to serve food. They had to have a kitchen that was functioning so that you can go in and theoretically go in and open a can, throw the beans in a pot, heat it up, and that was food.

Rich Williams: Okay.

Board Member Montesano: But that's...

Board Member Ladau: Or volcanize the rubber ham.

Mike Liguori: The last...I've done about a dozen liquor license applications. I've never done one without a food component.

Board Member Ladau: Yeah.

Mike Liguori: Every application I've worked on had a requirement for the service of food. The actual menu that was going to be used.

Board Member Ladau: Yeah.

Mike Liguori: And that's where I had left off. I could take a look but...

Board Member Montesano: We used to have a gentleman that was on the State Liquor Authority and he used to, every so often, he would sit down and discuss the latest in information on what necessary to have an establishment because one of the people in town son step on...had the establishment at the time. I wouldn't eat there if my life depended on it.

[Laughter]

Chairman McNulty: Okay. I was just waiting for Rich to come back and he left. But his original restaurant, or the last one he did before this, I didn't have really much objection to other than the word consume or served. I don't know if you have that earlier version, Mike. Rich, I was just saying that the other restaurant definition you had come up, before the work session, I had questioned just the word serve verse consume. That overall definition, outside of that, I really didn't have any concerns with it. I thought it covered it. And now...

Rich Williams: Yeah. The...

Chairman McNulty: And then you, I know you expanded on it quite a bit.

Rich Williams: I expanded on it quite a bit. You know, one of the problems that we had with that, and I threw it in as a placeholder and I fully admitted that, was, you know, the issue about catering and actual seated restaurant service.

Chairman McNulty: And that's where I think we asked to have a catering definition added.

Rich Williams: Right. But then how do you...And this leads back to some of Bob's questions that I want to go through at some point: How do you define the difference between a restaurant, a take-out restaurant that really doesn't have any tables such as the Chinese restaurant right next door, and a catering facility? And, you know, certainly I threw in there that the percentage of business, I think it was...

Chairman McNulty: 65%, yeah.

Rich Williams: a percentage of income, and it's impossible to quantify that.

Board Member Ladau: No, Rich...

Rich Williams: You know, nobody keeps...

Chairman McNulty: And you can't enforce it.

Rich Williams: receipts. Yeah.

Board Member Ladau: Well, but it seems to me that catering implies consumption of...preparation of food for consumption off site as opposed to the Chinese.

Rich Williams: Which is take-out.

Board Member Ladau: Which is take-out, yeah.

Rich Williams: Now, would you consider this type of facility the same as that type of...Abruzzi's. Abruzzi's people show up, they go in, they sit there for an hour, an hour and fifteen, twenty minutes at tables. They get served. People drive up here, they're in five minutes, they're out the door.

Board Member Ladau: You're talking about the Chinese restaurant.

Rich Williams: Chinese place.

Board Member Ladau: Yeah.

Rich Williams: So, there's different traffic impacts. There's different traffic implications.

Board Member Ladau: Mmhmm.

Rich Williams: There's different service implications.

Board Member Ladau: Let's get...But in talking about catering for just a moment, I realize...

Rich Williams: Go ahead.

Board Member Ladau: I'm diverting. Not only do you have the preparation of food, but most catering operations also have major equipment storage: tables, chairs, will have delivery vans and so on, which puts them in a...

Chairman McNulty: Trailers.

Board Member Ladau: Hmm?

Chairman McNulty: They could have trailers.

Board Member Ladau: Trailers.

Rich Williams: Yeah. Depending on the service that they provide. Absolutely.

Board Member Ladau: Yeah. I mean the tent people out here...

Rich Williams: Cartwright.

Board Member Ladau: Could just as easily, you know, add a kitchen in there and provide food. Or they could get food from someplace else: Bring it in and then deliver it.

Rich Williams: Right.

Board Member Ladau: So it becomes, on the face of it, it becomes a very, very different operation than the Chinese restaurant.

Rich Williams: Mmhmm. Agreed.

Board Member Ladau: I mean, I think that was the...At least that was my understanding of the thinking behind separating out a definition for catering as opposed to restaurants, whether it be take-out, eat-in. Do whatever.

Rich Williams: That's where...That's where it kind of started. But again, then as we looked at the specific circumstance surrounding what the complaint was, it wasn't just that, you know, they're doing a lot of catering. But it's more of a fast-food takeout place than it is...

Chairman McNulty: A sit down.

Rich Williams: an actual sit down restaurant.

Board Member Ladau: Mmhmm.

Rich Williams: And, you know...So the argument came up, well, they're not a restaurant. They're a take-out, fast-food place. And the definitions were kind of nebulous so...

Board Member Ladau: So you're adding.

Rich Williams: So we're clarifying so that going forward...

Board Member Ladau: Yeah.

Rich Williams: we, you know, we don't have that issue.

Board Member Ladau: Yeah.

Rich Williams: So, can I run through Bob's comments here.

Chairman McNulty: Sure. Go ahead.

Rich Williams: We can see what everybody feel about them and...First one had to do with catering. He wants me to take out individual portions. I don't have a problem with that. Every definition I've looked at for catering all included individual portions. I, you know, so I left it in there.

Board Member Ladau: Yeah. Alright.

Rich Williams: But I don't think it adds anything really.

Chairman McNulty: Okay.

Rich Williams: Unless Mike thinks...

Mike Liguori: No. I, you know, I looked at that and I don't think it really matters. The fact of the matter is that it's...

Chairman McNulty: It's consumed or...

Mike Liguori: prepared...

Chairman McNulty: prepared...

Mike Liguori: Prepared and then sent out.

Rich Williams: Yeah.

Chairman McNulty: Yeah.

Board Member Ladau: Yeah.

Mike Liguori: You know. But...

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

Mike Liguori: In mass.

Rich Williams: Right. Delicatessen. Bob suggested I add in there retail facility. Well, in fact, our definition in the Code of a retail operation includes delicatessens so...

Board Member Ladau: Yeah. Alright.

Rich Williams: So that's fine. He also wants me to take out small establishments of less than 3,500 square feet. Now, the reason I put that in there was to try to, again, try to define between a Sauro's and an A&P. Now an A&P certainly has a delicatessen within it and the delicatessen is small...

Board Member Ladau: Mmhmm.

Rich Williams: but, you know, you don't want confusion where, you know, you...And again, I was trying to figure out what elements were different between the two and basically it came down to the easiest thing to identify was the size. Delicatessen is usually very small in size.

Board Member Ladau: Mmhhh.

Rich Williams: You know, I looked at a couple of different delicatessens. They were all under 3,500 square feet. Sauro's, I think, is about twenty-four, twenty-five hundred square feet. And so that's why, you know, I put that size requirement in there.

Chairman McNulty: So you were quantifying small establishments.

Rich Williams: Right.

Board Member Ladau: Yeah. Alright.

Rich Williams: As opposed to an A&P.

Board Member Montesano: But one...One question that I...Mobil, Patterson Auto...

Board Member Ladau: Sunoco.

Rich Williams: They have a...

Board Member Montesano: has food service...

Rich Williams: They have a retail grocery component. You know, I don't know if you've ever had one of their hotdogs. I don't know if you can consider it food service.

[Laughter]

Board Member Montesano: Let's put it this way, there are certain establishments that are considered very hoy polloy if you go in there to eat. But, they do serve food...

Board Member Ladau: And they do consume it on site.

Board Member Montesano: And they...Well, you have the option of walking out the door.

Board Member Ladau: Yeah.

Chairman McNulty: There's no tables setup though.

Board Member Montesano: The object is...Mobil you can go in and...

Board Member Ladau: There is at Mobil; outdoors.

Board Member Montesano: get one of those, the same thing the old taverns used to have where you put it in a nuclear oven and get a hotdog, if you can call it that.

Rich Williams: Most...

Board Member Montesano: And the dog was hot.

Rich Williams: Most codes will define that type of an operation as a convenience store.

Ron Gainer: Right.

Chairman McNulty: Yeah.

Board Member Montesano: Okay.

Board Member Ladau: Okay.

Rich Williams: And I can come up...I'll give you a definition...

Board Member Montesano: I'm just...I'm not looking to put anything else in. I just wanted to make sure we didn't.

Board Member Ladau: Okay. Well...

Chairman McNulty: Yeah, that would be definitely considered convenience store.

Rich Williams: Yeah, so I...

Board Member Montesano: Alright.

Rich Williams: You're okay with no having a definition.

Board Member Montesano: Yeah.

Board Member Ladau: Yeah.

Board Member Montesano: I just...

Chairman McNulty: We're okay with that.

Rich Williams: Yeah, you know...

Board Member Montesano: I didn't want to plant a tree where we couldn't have it.

Chairman McNulty: I think, back on the delicatessen, I don't...I understand what you did to try small establishment. But I'm reluctant to put a fixed number on it. I don't know how anybody else feels about that. Fixed square footage.

Rich Williams: Okay, if you don't have a fixed square footage, then...

Chairman McNulty: Is that variable for us as a planning board? Are we...Is that a hard number to live by?

Rich Williams: Well it's, yeah. It's a hard number for somebody to live by if they were coming in and saying I want to open this store and, you know, it's 4,000 square feet. Well then maybe it's not a delicatessen because you're only going to have a limited counter space where you're serving prepared foods and processed meat. So at that point, maybe it's more of a convenience store like an A&P.

Board Member Ladau: How big is Panino?

Rich Williams: How big is Panino?

Board Member Ladau: The one on Route 22.

Chairman McNulty: Yeah, that's a deli.

Rich Williams: I don't really know.

Chairman McNulty: More than...

Ron Gainer: It can't be 3,500 square feet.

Board Member Ladau: That's more than...

Rich Williams: No. It's not 3,000 square feet.

Board Member Ladau: It's not?

Rich Williams: No.

Ron Gainer: No.

Mike Liguori: No, that's a big...

Board Member Ladau: Because they've got a huge kitchen in the back...

Chairman McNulty: It's pretty big.

Mike Liguori: It's huge.

Board Member Ladau: which they're now serving...

Chairman McNulty: The whole building.

Rich Williams: The pizza.

Board Member Ladau: and they're now preparing pizza.

Rich Williams: Yeah. But the first floor, I don't believe, is 3,500 square feet.

Ron Gainer: Yeah.

Mike Liguori: No. I know, I just walked in a house that was 3,000 square feet.

Chairman McNulty: Yeah, that's pretty big.

Mike Liguori: You can echo in the hallways.

[Laughter]

Chairman McNulty: Did you buy it?

Mike Liguori: No. It cost too much to carry.

Chairman McNulty: How does everybody feel with that, if it's...If that's a reasonable number? I just don't want to get stuck later with something. But I guess we have...

Board Member Taylor: Well, change it.

Board Member Montesano: We can always change it to plus or minus and whatever...

Board Member Ladau: If you don't...

Board Montesano: and whatever minus or plus you want to add.

Chairman McNulty: That's what I was thinking, a range. Thirty-four, thirty-five hundred to four thousand. Or three thousand to four thousands.

Board Member Taylor: Well then say less than 4,000 [square feet].

Chairman McNulty: Less than 4,000.

Board Member Ladau: Or put down approximately 3,500 square feet.

Chairman McNulty: I just...

Rich Williams: Listen, you want to bump it up to 4,000 [square feet], I don't have a problem with that.

Mike Liguori: The confusion I have, Rich, is it's retail regardless of whether it's a deli or not, right?

Rich Williams: Right.

Mike Liguori: So then...

Rich Williams: Why am I putting it in there.

Mike Liguori: Yeah. What's the difference if it's already retail?

Rich Williams: Again, I had people coming up to me starting to talk to me about delicatessens being take-out food...

Board Member Ladau: Restaurants. Yeah.

Rich Williams: operations. Fast-food operations.

Mike Liguori: Yeah. Yeah.

Rich Williams: So I said...

Chairman McNulty: What came up, yeah.

Board Member Ladau: Yeah.

Rich Williams: Now I really need to define it so people know what a delicatessen is so they don't...

Board Member Montesano: What, do they all go to Grand Central Station?

Rich Williams: start calling it a fast-food operation.

Board Member Ladau: Yeah.

Board Member Montesano: Grand Central Station has fast-food.

Mike Liguori: Even though it could be.

Rich Williams: Yeah. You know, the problem with trying to define these things...

Mike Liguori: I know. It's impossible.

Rich Williams: Well, yeah. They're overlapping.

Chairman McNulty: Yeah, well the...

Rich Williams: They're so grey.

Mike Liguori: Yeah.

Board Member Montesano: that's why they make catch 22.

Mike Liguori: Well, I look at a deli and I say, well what do delis do? They cater. They have fast-food. Because they do.

Board Member Ladau: Yeah.

Rich Williams: They do.

Mike Liguori: You know.

Rich Williams: Absolutely. That's why I try to define it as best I could based on my knowledge of delicatessens.

Chairman McNulty: Could we just say a deli is a retail establishment? Keep it simple?

Rich Williams: Right now we can define it as a retail establishment. Our definition of retail includes delicatessen. What I was trying to avoid by putting the definition in here...

Board Member Montesano: Quack, quack, quack, quack, quack, quack, quack.

Rich Williams: is somebody coming back and saying, oh well that's really a restaurant or a fast-food establishment. Because that's what I was hearing. We don't have to put it in. I, you know...

Board Member Taylor: Even if they come back and say it's a restaurant or fast-food establishment, what effect does it have on what we're trying to do or what the zoning code is trying to do?

Rich Williams: I'm just trying to clarify the Zoning Code as best I can. There's... You know, for me the Zoning Code, you do the best you can. You create a little bit of flexibility and then you have to use a whole lot of common sense and practicality.

Board Member Taylor: Right.

Rich Williams: And unfortunately, it doesn't seem to work that way. People can't be practical.

Board Member Montesano: Wait, wait. Not you're starting to try to...

Rich Williams: You know, it's like pornography. You know, I know pornography when I see it. Well, I know a delicatessen when I see it.

Chairman McNulty: Yeah.

Rich Williams: You know, I don't need to have somebody tell me what it is.

Board Member Montesano: Now that depends. What neighborhood are you in...

Chairman McNulty: So...

Rich Williams: But others do.

Board Member Montesano: when you're looking at the delicatessen.

Rich Williams: So, I'll be happy to take it out if nobody wants it in there.

Board Member Ladau: I don't.

Board Member Taylor: I can understand why we have catered. But I don't see why we have...need to have delicatessen and fast-food and tavern and restaurant separated out.

Board Member Ladau: Yeah.

Chairman McNulty: I could see restaurant kind of umbrella-ing...An umbrella to all of those. Well, it's not though because...

Rich Williams: It's not.

Board Member Montesano: What does Webster's have to say?

Board Member Taylor: We don't...Let's not...

Chairman McNulty: I didn't look up Webster's.

Board Member Taylor: Let's not look at Webster.

Chairman McNulty: Maybe fast-food...should it encompass delicatessen?

Rich Williams: If I was going to do something, I would leave delicatessen in with retail.

Board Member Montesano: What did the judge say about going to the delicatessen or the restaurant? Because that's where it would end up.

Chairman McNulty: I don't have a problem with it. It was just the square footage, kind of locking it in. But I understand now why you did it.

Rich Williams: And if you want to bump it up to 4,000 [square feet], I'm okay with that.

Chairman McNulty: Make it 4,000 or less?

Board Member Montesano: Or plus or minus 3,500.

Chairman McNulty: I just read it and I immediately thought of the A&P. You have a deli within this huge space.

Rich Williams: That's true. But the deli is very small compared to the huge space...

Chairman McNulty: Oh, yeah.

Rich Williams: which is grocery.

Chairman McNulty: I understand.

Rich Williams: For which I don't have a definition for.

Chairman McNulty: Yeah. I just don't want to over-complicate this.

Board Member Taylor: Well, that's what I think we're doing.

Mike Liguori: Too late.

Rich Williams: Yeah.

(Inaudible – too many talking)

Ron Gainer: Past that.

Board Member Montesano: I think we're doing that with every other phrase and statement.

- Chairman McNulty: We're past that?
- Rich Williams: Oh, we are so past that.
- Chairman McNulty: Now as far as...Off the track, just a second. We made a recommendation on the Zoning Law to trigger change in use, correct? Has that been sent up to the Town Board?
- Rich Williams: Well, the recommendation went up.
- Chairman McNulty: Okay.
- Rich Williams: Right.
- Chairman McNulty: Yeah. As you wrote the conditions...
- Rich Williams: There's a lot of difference...
- Chairman McNulty: for which approvals required, §154-77.
- Rich Williams: Yeah.
- Chairman McNulty: You modified that? That's at the Town Board level at this point?
- Rich Williams: Yeah.
- Chairman McNulty: Okay.
- Rich Williams: But right now, they're kind of waiting on a couple of different things. So we have an opportunity to...It costs us a lot of money to do a Code change. So if we're going to do a Code change, we're going to do them all at the same time.
- Chairman McNulty: Okay.
- Rich Williams: And...So...
- Board Member Montesano: Michael, what does the union say...Restaurant workers' union and all that. How do their definition read between delicatessen and restaurant, etcetera?
- Mike Liguori: That's a great question. I really don't know. I've never had to look...
- Board Member Montesano: Because...
- Mike Liguori: at any union...
- Ron Gainer: They probably don't care. They just want the membership.
- Mike Liguori: Yeah.
- Board Member Montesano: They want the membership, but it's got to be a good cover, okay. Because then can say oh no, you can't do that...

Rich Williams: Are we moving on here?

Board Member Montesano: because there's...

Ron Gainer: Right.

Board Member Montesano: there's...we covered.

Ron Gainer: Moving right along.

Chairman McNulty: Your original restaurant place holder...

Rich Williams: Yup.

Chairman McNulty: Outside of the word consume verse served, I don't have a problem with that definition.

Rich Williams: The problem I had with...Are we talking about the one where I had inserted about looking at the gross profits from...

Chairman McNulty: No.

Board Member Ladau: No.

Chairman McNulty: This one right here.

Rich Williams: Okay. Alright. Alright.

Chairman McNulty: Do you have that copy?

Rich Williams: Yup, no I have that.

Board Member Taylor: Yeah, I have it. I saw it.

Board Member Ladau: It's a building or portion thereof where food is prepared in a kitchen onsite...

Chairman McNulty: Are you comfortable with that one?

Board Member Taylor: Yeah, I'm cool with that one.

Chairman McNulty: Yeah, I was, too.

Board Member Ladau: and was sold for consumption...

Chairman McNulty: I thought that one...

Board Member Ladau: and John...Tom's talking about and are served customers...

Rich Williams: Right.

Board Member Ladau: seated at.

Rich Williams: And, you know, again, I was trying...One of the h=things I put in there with this latest version was when more than 65% of the interior of the building is available and used for seating of the customers. Trying to find some mechanism to define Abruzzi's and how they're different from the Chinese restaurant.

Chairman McNulty: Fast-food or...

Rich Williams: And I came up with the 65% going onto one of the restaurant.com sites, you know...

[Laughter]

Rich Williams: Actually, I went on to a bunch of sites. And to look at recommendations on if you're going to open up a restaurant, how much of should be for seating versus how much you need for kitchen space. And that's where I came up with that number. So...

Chairman McNulty: Well...

Rich Williams: You know, that's why I left it in there.

Chairman McNulty: I think we're all fine with that original, smaller version of restaurant.

Rich Williams: Okay.

Board Member Ladau: Yeah.

Rich Williams: Okay, that's fine. We're going to...Alright. That's fine. The only thing I would like to add in there is, again, you know having conversations with people one of the things that came up was, you know, the snack bar down at the Rec Center. Is that a restaurant?

Chairman McNulty: No. Close it down.

Rich Williams: Which is why I added the line in, which Bob suggested I take out, which says a restaurant shall not be deemed to include a snack bar or refreshment stand at a public or not-for-profit recreation facility.

Board Member Ladau: Yup.

Rich Williams: Yadda-yadda-yadda. So, again, trying to more clearly define...

Chairman McNulty: How many snack bars do we have in Town?

Rich Williams: Huh?

Chairman McNulty: Does the ski lodge have one?

Board Member Ladau: Who knows?

Rich Williams: I would think the ski lodge has kind of a fast-food restaurant associated with it.

Chairman McNulty: They have a cafeteria. We haven't defined that yet.

Rich Williams: No, we haven't.

[Laughter]

Board Member Montesano: (Inaudible – too many talking).

Chairman McNulty: I'm sorry.

Board Member Montesano: They just turned the fan on...

Mike Liguori: You better let Ron go.

Chairman McNulty: Yeah.

Board Member Montesano: and put the paint in it.

Chairman McNulty: I think we're all comfortable with that smaller version of restaurant.

Board Member Ladau: Yeah.

Rich Williams: Alright.

Chairman McNulty: Delicatessen, I'm okay leaving it in there. It helps just define a little bit further. Catering, I was okay with the catering (inaudible – coughing) except Bob brought up the aspect of storage. I guess that would be through a site plan approval if they're asking for a warehouse. You know...

Rich Williams: It would be a warehouse.

Chairman McNulty: we would address...We would address...

Rich Williams: Right.

Chairman McNulty: it at that point.

Board Member Ladau: Alright.

Rich Williams: Right.

Chairman McNulty: Okay. And tavern.

Rich Williams: What do you want me to do with tavern?

Board Member Taylor: Take it out.

- Chairman McNulty: Yeah. We don't have enough of them.
- Ron Gainer: I think we should visit one.
- The Secretary: Sounds good.
- Board Member Ladau: I mean, it doesn't (inaudible – too many talking) a tavern as a restaurant.
- Rich Williams: Leave it out?
- Board Member Montesano: I think we ought to take a field trip and go visit all of these places.
- Chairman McNulty: I think it could come out, Rich.
- Rich Williams: Alright.
- Chairman McNulty: I don't think it's necessary. I agree. Does that cover restaurants in Code?
- Rich Williams: That would cover it all.
- Board Member Montesano: Do we cover the trains? [Referring to a train passing by]
- Chairman McNulty: Okay. Then we have...
- Board Member Taylor: Do they serve meals on the trains?
- Board Member Montesano: Some of them did. (Inaudible – too many talking)

#### **e) Site Walks**

- Chairman McNulty: So we're looking at RP Development. We wanted to get a site walk with him, too, if we setup Bill Henry.
- Rich Williams: Right.
- Board Member Ladau: Maybe we could do both on the same day.
- Board Member Taylor: Yeah.

#### **f) Tri-Boards Meeting Comments**

- Chairman McNulty: Also just wanted to comment on the Master Plan. We had that All Boards Meeting. Three Boards Meeting. Does anybody have any...I didn't get a chance. I had some comments I want to put on paper, send over for everybody to look at. Anybody have any comment on that?

Board Member Taylor: Well, I would suggest we reserve those kinds of comments to when we're off the record because...

Board Member Montesano: Yeah.

Board Member Taylor: I don't think Sarah need to be typing these things up. It's...

Board Member Montesano: Yeah, ideas can cause problems.

Board Member Taylor: It's...now we'd get down to the point of actually making a decision about something.

Rich Williams: Anytime you've got a quorum of the Board, you have to have minutes.

Board Member Taylor: Even if we're not discussing a particular project?

Board Member Montesano: We're talking about hypothetical questions in other areas.

Chairman McNulty: No, but a quorum is a quorum.

Board Member Montesano: Unofficially.

Board Member Taylor: Alright, well no. I guess we say that...

Mike Liguori: It's business of the Town?

Chairman McNulty: How does that affect email if we shoot emails back and forth?

Board Member Taylor: Same thing.

Chairman McNulty: Comments and then address them at a work session.

Mike Liguori: Well, they're FOILable.

Rich Williams: They're FOILable.

Chairman McNulty: Yeah.

Mike Liguori: Just know that they're FOILable.

Board Member Montesano: And everything else you have on your computer is FOILable.

Rich Williams: Well, no. It's not FOILable, but it's subject to review...

Mike Liguori: Right.

Rich Williams: to see if it is FOILable.

Mike Liguori: Hilary.

Board Member Montesano: Well, that's...

Chairman McNulty: Well, that's...

Board Member Ladau: Some of my best porn sites.

Chairman McNulty: good, good advice.

Board Member Montesano: Just go on about my day...

Chairman McNulty: Alright, so we'll work on some comments and we'll discuss it at a work session coming up. Let's see if we can have something together and get a start on this. Again, I don't think we're looking to overhaul the whole Master Plan, but let's tweak it up and...I have some ideas. I know these gentlemen do as well.

Board Member Ladau: Yeah.

#### **g) Training**

Chairman McNulty: Also, wanted to comment on training. Ron, myself and Bon attended the Land Use training at the Putnam County Golf Course on Monday. I'm glad we didn't have to pay for it.

Rich Williams: They just let you in, huh?

Chairman McNulty: They even gave us a certificate and fed us.

Rich Williams: Wow.

Board Member Montesano: When are you holding the class now?

Chairman McNulty: I didn't learn anything from the class.

[Laughter]

Chairman McNulty: The highlight of the night was to meet, what's her name, Lauri Taylor...

Board Member Ladau: Lauri Taylor.

Chairman McNulty: from the economic side of the County.

Board Member Taylor: Agriculture.

Chairman McNulty: Agriculture.

Ron Gainer: Right.

- Chairman McNulty: Agriculture.
- Board Member Montesano: Yeah (inaudible – coughing).
- Rich Williams: Lauri Taylor is the County Representative to the soil and water...
- Ron Gainer: Yeah.
- Rich Williams: water and the agriculture Protection Board.
- Chairman McNulty: Yeah. She was...She had energy. She was nice. She sat at our table at our work session that we had.
- Board Member Montesano: Oh. See that.
- Chairman McNulty: Took the notes. But after speaking with her and what she's doing to promote farming in the County and some other things, it sounded interesting. She says she talks to you regularly, Rich. So she knew you well.
- [Laughter]
- Rich Williams: We go back.
- Chairman McNulty: Yeah. But that was the highlight of the night for me.
- Board Member Ladau: We didn't pursue that portion, Rich.
- Chairman McNulty: Also, I just want to note we received a letter for a request for a dog park in Town. Just came in tonight. We'll have to think about that.
- Mike Liguori: Is that on the list?
- Chairman McNulty: Have some discussion.

#### 4) MINUTES

- Chairman McNulty: Also, we have minutes on the list. Everybody get a chance to review February 5<sup>th</sup>, 26<sup>th</sup> and March 5<sup>th</sup>.
- Board Member Montesano: I abstain.
- Chairman McNulty: I make a...Oh, three of us. I make a motion to approve the minutes for...
- Board Member Ladau: Second.
- Chairman McNulty: February 5<sup>th</sup>...

Board Member Ladau: Second.

Chairman McNulty: February 26<sup>th</sup> and March 5<sup>th</sup>. All approved. Aye. *Motion carried by a vote of 3 to 0.*

Chairman McNulty: Okay. Ted, do you have anything for us.

Ted Kozlowski: Nope.

Chairman McNulty: Anybody else?

## OTHER BUSINESS CONTINUED

### h) Discussion on Planning Board Review of Architectural Standards

Rich Williams: We had a request in for a building permit in the Building Department to place solar panels on a commercial building. And the question is: Planning Board approves a building, they approve the architectural style of the building. We have architectural standards. They are essentially the default architectural board. If somebody wants to change the architecture on the building, do they need to come back in to have that reviewed by the Planning Board?

Mike Liguori: I had written an email over to Cheryl...

Rich Williams: That said they're not exempt.

Mike Liguori: Right.

Rich Williams: Right. But is that a yes?

Mike Liguori: I'm reading it that the installation of solar panels, you're amending a commercial piece of property. So we run through our Code just like anything else and...

Chairman McNulty: Mike [referring to using the microphone].

Rich Williams: Yeah, you took it away from me. You got to use it.

Mike Liguori: I read the scenario as being required.

Rich Williams: Okay.

Mike Liguori: It doesn't mean they couldn't come get a waiver, but I wasn't going to opine that they could just go change, you know, add the solar panels to the roof. Because taking a look at the Code, even if it's not specifically referenced, my thought was we're going to err on the side of caution and not end up in a potential situation with glare and whatever else goes on with solar panels. So, I'd rather have someone come in front of you and say, okay, we're waive a through d, you know. No free pass and now there's solar panels everywhere and you guys are wondering what's going on.

Chairman McNulty: Similar to wind turbines. How would we treat a wind turbine if somebody wanted put it on their property?

Mike Liguori: It's a structure. You'd have to see...

Rich Williams: It's a structure. I mean, that's clear because that's usually is going to be a separate and very few are roof mounted.

Mike Liguori: Yeah.

Ron Gainer: Right, you're going to try...

Rich Williams: But...

Chairman McNulty: But solar panels could be a structure, too, if remotely placed.

Mike Liguori: If they...

Chairman McNulty: Might be a landfill.

Rich Williams: But we ran into this a few years ago where somebody wanted...has a commercial building, they wanted to change the color of the outside of the building.

Mike Liguori: Mmhmm.

Rich Williams: And, you know, it was my opinion at the time they're changing the color of the outside that was approved by the Planning Board, they need to get Planning review. So...

Chairman McNulty: Well, if it's within the Hamlet, for sure right?

Rich Williams: No. It was not in the Hamlet.

Chairman McNulty: Oh.

Board Member Montesano: (Inaudible – too distant).

Rich Williams: But they did want to do yellow cab red...Yellow cab yellow.

Chairman McNulty: So you're review, Mike, it...

Rich Williams: Cab yellow.

Chairman McNulty: really does come under a review legally for the Code the way you see it.

Mike Liguori: The way I read it is it requiring site plan approval. And...

Ron Gainer: Or a waiving, right.

Chairman McNulty: Or...

Ron Gainer: Or at least a check-in.

Chairman McNulty: Or at least...

Mike Liguori: Yeah, exactly.

Chairman McNulty: Or at least that. Run it by us.

Ron Gainer: Right.

Mike Liguori: Right. Right. I'd rather err on the, you know...I'm looking at the impact and I'm saying to myself there could be zero impact but there could be great impact. I don't know what that is. You guys aren't going to know what...To render an opinion...Look, if it was clear in the Code, we wouldn't be discussing it. But, you know, life evolves way faster than Zoning Code does.

Chairman McNulty: Well, that's something maybe we're going to have to think about is renewable and sustainable energy. I mean, how does geothermal tie into a site plan? Somebody has an existing building and now they want to put geothermal wells in.

Rich Williams: Yeah. It depends on what they want to do. But if they are putting in wells, wells are subject...

Ron Gainer: Yeah.

Rich Williams: to review by agencies.

Mike Liguori: Right. Right.

Chairman McNulty: But our agency of this Town?

Board Member Ladau: No.

Rich Williams: Perhaps not our agency but other agencies.

Ron Gainer: Right.

Board Member Ladau: Yeah.

Mike Liguori: But, you know, a well doesn't give off a glare. You know, there's impacts from...

Board Member Montesano: We had a discussion with the plastic buildings for the nursery.

Board Member Taylor: Right.

Board Member Montesano: You imagine if the guy angles them up, let's say they're, instead of being 3' they're 6' and they're shining into the poor guy's house next door?

Mike Liguori: But take a, you know, aside from the potential impacts, the Code isn't specific about that. So, my preference is, is hey we're going to take the view that...we're going to err on

the side of caution. If you want to fight us, fight us. That's fine. You know, if you want to duke it out or you go get an interpretation as to what the Code requires, so be it. That's fine, too. But considering where they're proposed to be going and, you know, the fact that you guys are very accessible, I think it's a lot easier to just come and analyze...

Chairman McNulty: Review it.

Mike Liguori: those things.

Chairman McNulty: Yeah. So Rich, what are you looking for the Board for on this? Just... You're just notifying us?

Rich Williams: I just...

Chairman McNulty: General information?

Rich Williams: The problem is, the request came in. Mike rendered an opinion. I thought it was okay. I thought it was a really good opinion but then the Building Department was in my office saying now what do I do? So, I just wanted it on the record so we were all clear. We're all on the same page and moving forward.

Chairman McNulty: So it's referred to, it will be a site plan amendment application.

Rich Williams: Yeah, we'll get the information in. We'll direct them as to whether it's going to be an actual application or more than likely it's going to be an amendment because it's less than a 10% expansion. It probably isn't going to be a big deal.

Mike Liguori: Yeah.

Chairman McNulty: Now question, we had a landfill in Town...

Mike Liguori: That's owned by the Town though.

Chairman McNulty: Town. So the Town's exempt from that.

Mike Liguori: It's exempt.

Board Member Montesano: You're going to lose the exempt date... You're going to lose grant money. This is the last year from New York.

Chairman McNulty: Yeah, the benefits. Yeah.

Board Member Montesano: So that's why everybody suddenly going to start pushing because when you used to get 90% and now you're down to about 10% and then that's ending.

Chairman McNulty: Anything else, Rich?

Rich Williams: Nope.

Chairman McNulty: Make a motion to adjourn.

Board Member Montesano: Second.

Chairman McNulty: All in favor? *Motion carried by a vote of 4 to 0.*

Meeting was adjourned at 8:44 p.m.