

**PLANNING DEPARTMENT**

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**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**ZONING BOARD OF APPEALS**

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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  
May 28, 2015 Work Session Meeting Minutes**

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

Present were: Chairman Thomas E. McNulty, Board Member Ron Taylor, Board Member Edward Brady, Jr., Board Member Robert Ladau, Board Member Michael Montesano, Rich Williams, Town Planner, and Ron Gainer, Town Engineer.

The meeting began at 7:00 p.m.

Sarah Mayes was the Secretary and transcribed the following minutes.

Chairman McNulty called the meeting to order.

**1) RP Development – Public Hearing**

Chairman McNulty: Okay, it's the May 28<sup>th</sup> work session: Patterson Planning Board. And...We have RP Development public hearing this week.

Rich Williams: Correct. It was scheduled at the last Board meeting for a public hearing. There's no new materials that have been submitted with the exception of the Environmental Assessment Form. They got the EAF in.

Chairman McNulty: Short form, wasn't it?

Rich Williams: Short form.

Board Member Taylor: Yeah. Mmhmm.

Rich Williams: I looked through it. There's perhaps a couple of responses that could have been tweaked a little differently but I think for the most part it's complete.

Ron Gainer: They're still offering it as a three-bedroom.

Rich Williams: Yeah.

Ron Gainer: Right.

Chairman McNulty: Okay, well we still have to do SEQRA on this. We've done a site walk.

Rich Williams: Yes.

Chairman McNulty: Is there a lead agency we have to declare?

Rich Williams: Well, that's the 64-dollar question, is whether you want to do a lead agency or just want to do an uncoordinated review.

Chairman McNulty: Okay. And then we haven't seen any paperwork come back. Did they move the house like we asked them to? After the site walk, did they reposition it at all to the south and to the west?

Rich Williams: No. I don't believe they did.

Chairman McNulty: Yeah, I didn't see it. I wasn't here at the last meeting. So I don't know if I missed anything.

Board Member Brady: No, I don't think he did.

Board Member Taylor: He said they couldn't.

Board Member Brady: Yeah.

Board Member Taylor: They were at their limits because of the septic. They needed a certain distance away from the septic. They needed a certain distance away from the septic so that he really couldn't do any more.

Chairman McNulty: Okay.

Board Member Taylor: You know, unless they turned the house endwise, but they weren't willing to do that.

Chairman McNulty: He wanted to keep it facing out?

Board Member Taylor: Yeah.

Chairman McNulty: What about a fence or a wall...

Board Member Taylor: Well, we...

Chairman McNulty: along the wetlands?

Board Member Taylor: We discussed that. They would prefer to put boulders along in lieu of Ted's...

Chairman McNulty: Stonewall.

Board Member Taylor: stonewall footings.

Chairman McNulty: Okay. I can understand that.

Board Member Taylor: So, and that seemed alright with us. And I think leave it.

Board Member Ladau: Mmhmm.

Board Member Taylor: Yeah, I mean it's...

Chairman McNulty: And you talked about separation of the boulders or...

Board Member Taylor: We would probably tell him that. I mean, we...

Chairman McNulty: Yeah.

Board Member Taylor: We had a formula for somewhere. Didn't we work something out?

Chairman McNulty: I think we did that for AMAXX, didn't we? Or Jay Maxwell's place.

Ron Gainer: Yeah, you're right. Maxwell.

Board Member Taylor: Right, Maxwell.

Rich Williams:  
ATVs between them. You probably want them about three feet apart that way you can't get any

Chairman McNulty: Yeah.

Board Member Brady: Mmhmm.

Chairman McNulty: Okay. And I believe there was a phone call or two on the property, too, that was...

The Secretary: Yeah, we got a couple of calls in the office. Concerned about entrance...placement of the driveway and about the bedroom count. They wanted it four or more, the calls.

Chairman McNulty: Yeah, there's not much we can do with that though. The property dictates the house.

Board Member Brady: Yeah, if they go to four bedrooms, their septic is going to be a real disaster.

Chairman McNulty: Yeah, they're not going to get four bedroom in there.

Board Member Brady: I asked them about going to two-bedroom.

Chairman McNulty: Yeah. And he...

Board Member Brady: No. That was going to be...

Board Member Taylor: It wasn't marketable at two.

- Chairman McNulty: No.
- Board Member Brady: No, it's not. No.
- Chairman McNulty: I'm surprised that we...I guess we don't really have senior housing separated like that. You know, a two-bedroom ranch style home. Split level or something, for senior. But there's no market for that I guess. I don't know.
- Board Member Taylor: He seems to think there's no market for two-bedrooms.
- Board Member Brady: Did you really want to put a senior on that...coming out of that driveway on that road? You know.
- Chairman McNulty: Okay. So we'll address the public hearing and...
- Board Member Taylor: Alright.
- Chairman McNulty: And then we'll think about the uncoordinated review. Rich, any recommendation on that? Whether it's a minor...
- Rich Williams: Well, I think we should talk about it with the applicant in the room, but it would seem to me to be in their best interest to do a coordinated review because they still have the Health Department and DEP as agencies and the DEC is...
- Chairman McNulty: And Putnam County, too, because it's a County road, correct?
- Ron Gainer: Right.
- Rich Williams: That's true. Yes. Yup. So, there's a number of agencies that still have to review this and it would be in their interest to have SEQRA taken out of the way.
- Chairman McNulty: Okay. I tend to agree, so...

## 2) Station-Glo of New England – Sign Application

- Chairman McNulty: Alright, so next on the agenda we have Station-Glo of North East sign application [Editor's note: Station Glo of New England].
- Rich Williams: This is the existing Citgo station over in Putnam Lake on Fairfield Drive just before you get into New Fairfield. They're looking to reface the existing sign that they have out there and they want to put up LED lit pricing so that they don't have to go out and, you know, they can change it from inside the store as the prices of fuel changes rather than constantly having to go out there and change it. I think, you know, the sign appearance meets the criteria. I wouldn't call this an animated, flashing, neon sign.
- Board Member Taylor: Yeah.

Rich Williams: So I think we're okay that way. I did try to do some research on the site as far as a site plan. There were two site plan waivers issued by the Planning Board. I find no record that there was ever a site plan and I find no record that there was ever a sign application put into the Planning Board. And where it's relevant is that the sign application...excuse me. Says that they're looking to put up a 48-square foot sign and our Code limits the maximum size of a sign to 25 square feet for a freestanding sign. I want to point out though, when you look at the actual sign detail, right up in the top left corner identifies the sign as being 7 [feet] by 10 [feet].

Board Member Taylor: Well.

Chairman McNulty: Seventy square feet. That's both sides?

Rich Williams: That's one side.

Board Member Montesano: Is that millimeters?

Rich Williams: That is not millimeters.

[Laughter]

Board Member Taylor: Yeah, true.

Rich Williams: And then if you turn the page to see the existing sign, you will see that there is actually another sign on pole in addition. So, again, with no permits.

Chairman McNulty: How does the existing sign match in size to the proposed sign? Do we know?

Rich Williams: I don't know because I haven't a change to go out and measure the existing sign.

Chairman McNulty: So, what do we do in these situations now? We talk about how we want to clean things up, put them on the record. Do we call them on this say listen, we can't approve a sign. You don't even have a site plan.

Rich Williams: I haven't finished a memo yet. What memo is going to say the sign does not appear to be a pre-existing non-conforming sign. I come to that conclusion because part of the sign says ATM. Now, our Codes where the size of the sign goes back to the '70s. And in the '70s there were not ATMs. So...

Chairman McNulty: But there was a gas company ATM. Is it leftover from that or does it mean ATM?

Rich Williams: You know, I really dislike you a lot.

Board Member Brady: Anthony Tarricone.

Chairman McNulty: Yeah, that's why I'm wondering.

Board Member Brady: ATI I think it was.

Chairman McNulty: Oh, is it? Yeah.

Board Member Montesano: Yeah.

Chairman McNulty: Tough Italian.

Board Member Brady: Yeah.

Chairman McNulty: ATI. I stand corrected.

Board Member Brady: Anthony Tarricone Incorporated.

Chairman McNulty: It's a money machine.

Board Member Brady: Same difference. It was a money machine.

Board Member Montesano: It was a money machine.

Rich Williams: We're good to go here.

Board Member Montesano: No, tax machine.

Rich Williams: So, I'm going to say that it is a...not a pre-existing nonconforming sign. It does need to get a variance and, you know, if they can prove otherwise then, you know, submit the paperwork on that.

Chairman McNulty: What about a site plan? What do we do?

Rich Williams: I...

Chairman McNulty: Do we go and waiver it and...

Rich Williams: I have...

Chairman McNulty: just get them on record, similar like we did with Wilkins?

Rich Williams: There's no reason for you to say that they need a site plan at this point. There's an existing facility; they're not proposing any changes to it. They were before the Planning Board in '86. They were before the Planning Board in '89.

Chairman McNulty: Okay.

Rich Williams: Both times...In both of those instances, the Planning Board granted them site plan waiver. Did not require them to...

Chairman McNulty: Okay. So they have...It's not like there's no record of the property. It's been recorded.

Rich Williams: There's no plan.

Chairman McNulty: There's no plan but it's been in front of the Town and it's established. Okay. But the sign's an issue. And is that little spot where it is? Where it says sign, that little round hole? [referring to the plans].

Board Member Brady: I was just looking for it.

Chairman McNulty: Yeah, it took me a while last night, I was looking for it.

Rich Williams: I did point out to the Building Department, the Building Department allowed them to change the canopy and pumps out a few years back, and I did point out to today to the Building Department that you look at the survey the canopy's in the County right-of-way.

Ron Gainer: Minor detail. That's why site plans are good.

Rich Williams: It does help.

Ron Gainer: Yeah.

Chairman McNulty: Oh, around where it says...What is that, concrete? In that little square here on the road?

Board Member Taylor: Here.

Board Member Brady: Yeah.

Chairman McNulty: Pumps.

Rich Williams: Yeah.

Chairman McNulty: So the canopy extends that far?

Rich Williams: Yeah.

Chairman McNulty: It looks like it's right in the road.

[Laughter]

Board Member Taylor: It's close.

Rich Williams: It's close.

Board Member Montesano: Yeah, you guys are very picky.

Board Member Taylor: Yeah, but look at it.

Chairman McNulty: Okay, so there's not much we can do with this until the variance gets...goes through.

Rich Williams: Right.

- Chairman McNulty: Okay.
- Rich Williams: The plan submitted to the Building Department (inaudible) showed the same thing.
- Board Member Taylor: Do we want to make a recommendation on the variance?
- Rich Williams: It's up to the Board to whether you think a 70 square foot sign is appropriate out there.
- Chairman McNulty: Well, I'd have to compare it to what they have now.
- Board Member Brady: Yeah, well...
- Chairman McNulty: We don't know what their current sign is.
- Board Member Montesano: What's the speed limit going by there? About 150 [mph]? Then you need it.
- Rich Williams: I can go out and measure it.
- Chairman McNulty: Or just limit it to a max no larger than the existing sign, if the existing sign's not less than 25 square feet.
- Rich Williams: Yeah, question is, is the existing sign even appropriate?
- Board Member Brady: Right.
- Board Member Ladau: Yeah.
- Board Member Taylor: We gave Patterson Auto Body a hard time about their signs.
- Board Member Brady: Yeah.
- Board Member Taylor: Not that they didn't put up signs that were over what we allowed. But still, how do we justify giving these people a larger sign than they're supposed to have.
- Board Member Montesano: It's a smaller piece of property.
- Chairman McNulty: I know it's not pre-existing, technically, but that's...I'm basing it on what's there.
- Board Member Taylor: Well, but...
- Rich Williams: That's 300% larger than what's permitted.
- Board Member Montesano: Let's put it this way, it may be pre-existing but it's not a legal pre-existing. So you're going to make up your mind, you want to start changing stuff?

- Chairman McNulty: Well, why don't we make a recommendation possibly to the Zoning Board to say that the...
- Board Member Taylor: Not grant a variance.
- Chairman McNulty: Well, to consider that...The limited size is 25 square feet and...
- Board Member Montesano: And there should be no variance for a larger sign than 25 square feet.
- Ron Gainer: Rich will also check in and tell you what the existing sign is.
- Board Member Ladau: Just judge...
- Ron Gainer: So you'll have all the facts.
- Board Member Ladau: Judging from the photograph of the existing sign and comparing it to what they're proposing, my guess is that there's not a substantial difference in size.
- Chairman McNulty: Yeah, I don't think...It looks like it's similar but it's hard to tell.
- Board Member Ladau: Yeah.
- Chairman McNulty: Well, we have granted, though, we have granted signs that are maybe 10 to 15 percent larger. So, I don't want to flat out say not larger than 25 square feet, but to consider the limitations of the Code at 25 square feet and not to over exceed some...
- Board Member Ladau: Yeah.
- Board Member Brady: With...
- Chairman McNulty: variance by a larger amount.
- Board Member Brady: With their picture on here of the existing sign, it says they're simply looking to reface existing sign cabinet. So that means they're planning on using what's there so I guess it really depends on which dimensions are right.
- Board Member Montesano: I think Citgo is going to give them the sign that's...
- Board Member Brady: Yeah.
- Board Member Montesano: the standard sign.
- Board Member Brady: Which set of dimensions is right?
- Chairman McNulty: Mine says a hundred and seventeen by...
- Board Member Brady: And then the pole beer...cold beer sign, is that going to stay? It's got to come down. I mean...
- Board Member Montesano: Well, what do you want...

Rich Williams: It's got to come down. Unless everybody approves a variance to allow it to stay.

Chairman McNulty: And what about signs on the building itself? You don't have... We don't know what the face of the picture looks...

Rich Williams: I don't have anything, so... Everybody's okay, though, with the rest of the sign application?

Board Member Taylor: I'm ok.

Chairman McNulty: I'm okay with the LED lights. I mean...

Board Member Montesano: I'd like to know if they're going 7' by 10' or what.

Chairman McNulty: Well, there's no signature on it though, for the property owner.

Rich Williams: No, I just thought the name of the business was amusing.

Board Member Taylor: What's that?

Board Member Montesano: The Food and Beverage...

Chairman McNulty: Station-Glo of N.E.?

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

The Secretary: She did email me the signature with the property owner.

Board Member Taylor: Station-Glo of New England?

Rich Williams: No.

Board Member Montesano: Borderline Food and...

Rich Williams: It's Borderline Food and Beverage.

Board Member Montesano: Beverage.

[Laughter]

Ron Gainer: That is good.

[Laughter]

Board Member Taylor: Where's that? Oh, oh. On the sign.

Chairman McNulty: On the sign. I was looking on the application.

- Board Member Taylor: Yeah.
- Ron Gainer: You had a sly smile that I knew there was something behind it.
- Board Member Brady: Yeah.  
[Laughter]
- Rich Williams: That's where I want to shop.
- Ron Gainer: Borderline. Right.
- Chairman McNulty: It's like that restaurant in New Fairfield you go the back way into Danbury. It's a, I think, it's an Indian restaurant. It's spelled S-O-R-E. And all I think of is sore.
- Board Member Taylor: Yeah.  
[Laughter]
- Chairman McNulty: I'm not going in there. I don't know how you pronounce it but.
- Board Member Taylor: Sore.
- Board Member Montesano: Well, I've got a good one for you if you want a...
- Chairman McNulty: So there's a couple of things we've got consider here: What's on the existing building, I guess. That has to calculate into the signs, correct?
- Rich Williams: No. No.
- Chairman McNulty: Oh, the freestanding sign.
- Rich Williams: The building mounted and freestanding are different.
- Chairman McNulty: Well, maybe we should bring them in to conformance. Does it matter at this point? Can we apply that in this application?
- Rich Williams: On the freestanding?
- Chairman McNulty: And on the building. Consider everything?
- Rich Williams: You know, you can.
- Chairman McNulty: It should be something the Zoning Board should think about if they're asking for a sign it's such...so large over-sized variance, and if they have excessive signs on the building, now it's...it compounds everything.
- Board Member Montesano: Suggestion, since we're going on a field trip Saturday...
- Chairman McNulty: We should look at the whole package.

Board Member Montesano: why don't we just drive passed it and see what it looks like?

Chairman McNulty: I'm okay with that.

Board Member Montesano: I mean, I know it's a pain in the neck but we'll be out anyway. A quick ride passed it just to see what we're looking at. Either that or we can...If Richie's going out, he can take pictures of it and we can compare it.

Chairman McNulty: We can measure the sign while we're there.

Board Member Taylor: I would leave them alone on the signs they're not changing unless the Building Department wants to go after them for...

Ron Gainer: No, let the CEO go after that. Code Enforcement.

Chairman McNulty: Yeah. Alright.

Board Member Taylor: But I would clearly not approve...I would suggest to the Zoning Board that they not approve this sign because it's way beyond...

Board Member Brady: Yeah.

Board Member Taylor: I mean, we've been fighting with people over sizes of signs. Thunder Ridge we approved a larger sign because...

Board Member Montesano: It's a unique situation.

Board Member Taylor: they had 2-acres. It was different and, you know, it's...This is no different from, what, Justin's or the Mobil station down here or...How do you start...

Chairman McNulty: Getty.

Board Member Taylor: making exceptions for all of these...

Rich Williams: Well, I would just, you know, recommend, think about craft...how you're going to do the recommendation to provide justification for why you think size of the sign should be limited.

Board Member Ladau: Well, I think Ron just did. That there's a 300% overage and there's no reason to do it.

Board Member Montesano: It's a small road...

Rich Williams: I don't...For me, I would want to see it a little bit more detailed such as the appearance of the community...

Board Member Ladau: Oh, okay. Yeah.

Rich Williams: outweigh the appearance of the community...

- Board Member Ladau: Yeah, agree.
- Rich Williams: Whether it's appropriate for that stretch of the road look like.
- Board Member Montesano: Does it have a (inaudible – too many talking).
- Chairman McNulty: Well, let's take a...Let's do that. Let's add it to the site walk and ride by.
- Board Member Ladau: Yeah, we'll drive by.
- Chairman McNulty: Because it's hard to...Without...I'm not familiar enough with that stretch of road there other than I know where Zegarelli's is.
- Board Member Montesano: Well, follow the barbeque sign.
- Chairman McNulty: Yeah. Just before the barbeque place, isn't it? Just beyond it?
- Rich Williams: Depends which way you're going.
- Chairman McNulty: Heading out...
- Rich Williams: It's right next...
- Chairman McNulty: Heading out of Town.
- Rich Williams: It's right next to it.
- Chairman McNulty: Right next to it? Okay.
- Board Member Montesano: On the other side of the street.
- Chairman McNulty: Alright, so let's add that to our...
- Rich Williams: Same side. Right next to it.
- Chairman McNulty: site visit on Saturday.
- Board Member Montesano: That's why we need a bigger sign, smoke keeps taking the sign away.

### **3) Bill Henry Tree Service, Inc. – Site Plan**

- Chairman McNulty: Okay, Bill Henry Tree Service.
- Rich Williams: Mr. Henry has submitted a revised site plan which shows the clear span building has been removed from the site, shift the principal building back 20 feet. Provides bins for outdoor storage of wood and woodchips. He did not show the trees along the road frontage as requested.

Chairman McNulty: Yeah, he didn't plot any of the trees out here in the lower front that could be affected by the grading. Although he shows this all to remain. Existing.

Board Member Taylor: What about he just plants some evergreens out here and then it's not so important what survives in here.

Rich Williams: Umm...

Chairman McNulty: Create a screen.

Rich Williams: You'd have to take a look at the existing treescape out there. There's a lot of young sugar maples, I believe, right along the road interspersed with field junipers, red cedar. You know, if you go out there and start planting pines, plant a row of pines, it may interfere with the future growth of those maples. So you have to be cognizant of that when you're doing it if you're going to make that recommendation.

Board Member Taylor: Well, what about planting more juniper out there?

Rich Williams: That's fine.

Board Member Taylor: Or cedar or something like that?

Rich Williams: You can do that.

Ron Gainer: And the building's going to be 20 feet higher than the road. I mean, the finished floor.

Board Member Taylor: Yeah, so we need something a lot taller.

Ron Gainer: You're (inaudible – too distant) to do it.

Board Member Taylor: Yeah.

Ron Gainer: You'll never hide that.

Chairman McNulty: Bill was at the work session. Did he or Insite come to the regular meeting?

Rich Williams: No.

Chairman McNulty: So we still haven't seen any kind of renderings or elevations of what the building's going to look like.

Rich Williams: No.

Chairman McNulty: I was looking at this last night, Rich, and I personally kind of like the bin area verse the alternative he was talking about with the storage trailers and the cover. I think this is going to be less visible behind the building.

- Rich Williams: Right. It's probably going to be less visible. But now it's making a little bit difficult to differentiate between this and a contractor's yard.
- Chairman McNulty: You think this is that much different than if he had storage containers and a cover over it?
- Rich Williams: If everything was inside that's different from a contractor's yard that wants to keep everything outside. It's subtle but it's still a difference.
- Chairman McNulty: If it's just wood, it doesn't fall under that definition you've been crafting and, what was it, arbor?
- Rich Williams: Arborist?
- Chairman McNulty: Arborist.
- Rich Williams: No, that wasn't the definition. But...No.
- Chairman McNulty: That wasn't the word. What was the word you used? I forget. I don't remember either. I never heard of the word before so...
- Board Member Ladau: Agribusiness? Is that what you...
- The Secretary: Arboriculture?
- Rich Williams: Arborist or...
- The Secretary: Isn't it arboriculture?
- Rich Williams: arboriculture? Is that what the word you're talking about?
- The Secretary: Arboriculture I think it was.
- Chairman McNulty: No. I looked it up, too. It didn't make sense to the application but I trust you. I have it here somewhere.
- Board Member Brady: He's got what, seven parking spaces there?
- Rich Williams: His what?
- Board Member Brady: How many parking spaces are you...
- Ron Gainer: Yup. Seven. Right.
- Board Member Brady: How many is he required for the size of the building?
- Rich Williams: I don't know. I haven't looked yet.
- Board Member Taylor: Did he give a reason why he went from the covered to the bins? I mean, we didn't ask him to do that, right?

- Rich Williams: No.
- Chairman McNulty: Insite made a note in their comments.
- Rich Williams: Can I see it?
- Ron Gainer: They've also wound up expanding that asphalt parking in the rear of the building.
- Chairman McNulty: Say that again, Ron.
- Ron Gainer: The asphalt parking area to the rear of the building is now larger than it was in the earlier design. Now they've taken it all the way back to the building setback. The yard setback.
- Chairman McNulty: So it actually did increase?
- Ron Gainer: Parking area...
- Chairman McNulty: I thought it looked like it just slides...
- Ron Gainer: Treatment area, too.
- Chairman McNulty: Slid everything back. So he didn't pull the building back as much then.
- Ron Gainer: Right. They pulled the building back a little and made the parking...or the asphalt area more.
- Board Member Ladau: My guess is they probably did that just in terms of turning radii of his trucks.
- Ron Gainers: Right. And whatever debris he's going to be storing there.
- Rich Williams: Yeah. Storage.
- Ron Gainer: Yeah.
- Chairman McNulty: Temporary outdoor storage building made of clear span cloth over storage containers has been removed from the project. Retaining walls have been included. It says all outdoor storage is located at the rear of the property behind the proposed building screened by evergreens. But what does he plan on storing, I guess, is the question.
- Board Member Montesano: Alright. He's got here bins for wood, woodchips and business equipment.
- Chairman McNulty: Call it wood storage area.
- Board Member Montesano: Now, you're going to have business equipment which has got to be what, backhoes, etcetera? They don't leak oil or anything like that?
- Rich Williams: No. It's going to be wood chippers, bucket trucks.

- Chairman McNulty: Yeah.
- Board Member Montesano: But they don't do anything like leak or anything like that.  
[Laughter]
- Rich Williams: Well, I will tell you this, they typically leak a whole lot less than, you know, an excavators or a backhoe.
- Chairman McNulty: Oh, yeah. Did he pull the building back? I didn't look at it that close.
- Rich Williams: I haven't had a chance to look at it...
- Ron Gainer: Yeah, he pulled it back 20 feet.
- Board Member Montesano: It says 20 feet.
- Ron Gainer: He did.
- Chairman McNulty: But extended the blacktop x amount of feet.
- Ron Gainer: The building moved back off of [Route] 22, twenty feet. The rear parking area actually expanded towards the rear line.
- Chairman McNulty: So without seeing the plotted trees, the question is did the 20' help preserve any of those trees out front? That's what our goal was, to get him to pull it back.
- Ron Gainer: As Rich said, we wanted to see where the trees were to understand.
- Chairman McNulty: Yeah, he didn't plot those.
- Rich Williams: It's almost a waste of time to look at this without having those trees plotted out because that was the primary concern about moving it.
- Board Member Montesano: We tell him to redo it and...
- Chairman McNulty: So...
- Board Member Montesano: put the trees in.
- Chairman McNulty: are you going to prepare a memo on this, send it to Insite and take it from there?
- Rich Williams: Yeah. But I don't know how in-depth I'm going to get in this because, again, the primary reason for shifting everything around was, you know, preservation of the trees. We wanted to see where the trees were.
- Chairman McNulty: Look, I mean, a memo to that extent to send to Insite...
- Rich Williams: Yeah.

Ron Gainer: Well, that and mention the architectural. See what the building will look like.

Chairman McNulty: Yeah.

Ron Gainer: He's also reduced by one the plantings that he's showing on the north side. Not that that's significant, but it's less than he had before.

Chairman McNulty: Is that because he pulled it back you think?

Ron Gainer: Well, no. It just...I don't know why he pulled it. Those planting were not significant. He could have added more.

Board Member Montesano: Well, he can always add those towards the front, too, since he's got an extra 20 feet.

Chairman McNulty: Okay, so without this really not ready to move in any direction on this yet.

Rich Williams: No.

Chairman McNulty: Okay. Any idea if they're coming in Thursday?

Rich Williams: (Inaudible) I assume they're going to be there.

Ron Gainer: What if you tell them not.

Rich Williams: Well, they're going to be in for Herbert so...

Ron Gainer: Yeah.

Rich Williams: Hebert.

Ron Gainer: It's hard to say Hebert. I don't know, I can't get that one.

Chairman McNulty: I have the same trouble that.

Ron Gainer: Can't do it.

Chairman McNulty: It's Herbert, right?

Rich Williams: Hebert.

Board Member Taylor: Hebert.

Chairman McNulty: I know, but I'm like Ron. You want to call it Herbert.

Ron Gainer: Hey, that's all I call it.

Board Member Ladau: It should be Hebert.

Chairman McNulty: I know what I'm talking about.

Board Member Montesano: We have to put a hyphen or something in between it.

[Laughter]

Chairman McNulty: Okay, any other items on Henry?

#### 4) S.A. Hebert – Site Plan

Chairman McNulty: Okay, we'll move on to Mr. Hebert. Site plan application, continued review.

Rich Williams: We now have an application and plans drawn by a different architect...engineer. Insite Engineering is now the engineer of record to the project. They submitted some site plan to show you basically the existing condition that the conditions after all the fill has been moved. And then what he proposes to do.

Chairman McNulty: The biggest thing to stand out to me is we talked about two things. The ADA parking: putting them closer to the building rather than across the parking lot. And the other thing is gravel drives. They don't fit in that development up there. It's not an industrial development. It's an office park. And three quarters if that...Well, all the way around three sides of building he's got his gravel.

Rich Williams: Right.

Chairman McNulty: I wouldn't mind seeing some kind of pavers to the rear and then blacktop up to that point.

Rich Williams: He's also now showing office space in the rear of the building.

Chairman McNulty: Those few spots, that's going to be an office entrance?

Rich Williams: The back of the building...He's giving you a small layout plan.

Chairman McNulty: I did see it.

Rich Williams: A different sheet it's like an 8.5" by 11". It shows the interior of the building. What they're proposing to do.

Chairman McNulty: Yeah, I saw this. I wasn't...I couldn't get my bearing on where it was taking place, so...Second floor. First floor. If I look at this compared to this site plan, where is that?

Rich Williams: It's on the back of the building. The offices are all on the back of the building.

Board Member Taylor: It's that one.

Chairman McNulty: Okay.

Board Member Taylor: See, here's the entrance. Here's the...So you got an office. An office on the second floor in this space here.

Chairman McNulty: So the only way in is to walk this way around? So what's this? This a new entrance into the stairwell?

Rich Williams: There's an entrance...

Chairman McNulty: Look at this arrow here.

Rich Williams: There's an entrance here and there's entrance here.

Chairman McNulty: But looking at this, it looks it's an entrance into a stairwell. It's kind of...Unless this is a single office here, so that would be the lobby to the stairs.

Rich Williams: There may be a stairwell, I don't know. There's a stairwell here. I've never...

Chairman McNulty: There's a hall...

Rich Williams: gone in this door. So it may be into a stairwell where you can go right through.

Chairman McNulty: Mmhmm.

Rich Williams: What's that say?

Chairman McNulty: Tool Room? The only thing, it doesn't show if this is one way or two way. I assume it's a one way, right?

Board Member Taylor: Yeah, because there's a sign...a Do Not Enter sign here.

Chairman McNulty: Okay.

Board Member Taylor: It doesn't show...

Chairman McNulty: Yeah.

Board Member Taylor: I put a circle on it this way in.

Chairman McNulty: Yeah. What do these points mean? He's got them all around the building. Are they the drains?

Rich Williams: They may be lights.

Ron Gainer: Yeah, those triangles are lights.

Chairman McNulty: Now, he's been in front of us before, correct? And that was for a fill permit or that was for site plan?

Rich Williams: No, it was for the actual site plan because he revised the site.

Chairman McNulty: Yeah, Zarecki had it. So it's the same...

Rich Williams: And we got...

Chairman McNulty: application open?

Rich Williams: He got (inaudible) with Zarecki. Zarecki wanted to analyze the drainage on the site. He wanted to ignore the drainage that was off the site coming on to the site.

Chairman McNulty: Correct.

Rich Williams: And that's where we got hung up.

Chairman McNulty: So the original application filed is still open...

Rich Williams: Yes.

Chairman McNulty: and pending in front of us.

Rich Williams: Yes.

Chairman McNulty: And now we have a new plan that goes with the application.

Rich Williams: Right.

Chairman McNulty: And I forgot how far we got with that. We never... We never got past an initial review, right? We did a site walk...

Rich Williams: No, we did a couple of reviews...

Chairman McNulty: We didn't do SEQRA.

Rich Williams: on it. I don't think we did SEQRA.

Board Member Taylor: No, we didn't do SEQRA but I think the plan was farther along in some measures. And they were going to cap those drains that went nowhere and...

Chairman McNulty: These existing open drains, no outlet.

Board Member Taylor: Yeah. And they were going to... And they had worked out the piping, hadn't they?

Rich Williams: Yeah.

Board Member Taylor: Differently? Was it different?

Rich Williams: I haven't had a chance to compare it yet. It seems like they were farther along. They didn't incorporate enough on this.

Ron Gainer: He was widening that gravel drive, too. He was cutting back the (inaudible) on the right side.

Board Member Taylor: Right.

Chairman McNulty: Yeah. Because he doesn't show a guard rail of any kind. And then I know we had the...

Ron Gainer: They're not proposing that here.

Chairman McNulty: We had concerns about the riser for the septic tank being deep. Did the Health Department sign off on it?

Rich Williams: I don't recall.

Board Member Brady: It says he's going to raise it to grade. It's a manhole riser.

Chairman McNulty: I guess his septic tank...

Board Member Brady: I think they did get an okay from the Health Department. We were pretty shocked that they said okay.

Rich Williams: He put something in of his own design.

Chairman McNulty: It was like a galvanized culvert or something.

Rich Williams: Yeah.

Board Member Brady: Yeah.

Chairman McNulty: It was pretty deep if I remember right.

Rich Williams: Yeah.

Board Member Taylor: Yeah.

Chairman McNulty: I don't know, how do...

Board Member Brady: How was it that...

Chairman McNulty: How do you service that?

Board Member Brady: he got the okay from the Health Department that it was okay? I don't know how he...anybody would...

Rich Williams: Yeah, I've got to back and look. And the other issue is the fill on the expansion area and the fields.

Board Member Taylor: Right.

Board Member Brady: But he never did the calculations for the roadway; the runoff.

Board Member Taylor: Yeah.

Board Member Brady: The rest of the road, right?

Rich Williams: Right.

Board Member Taylor: Yeah.

Board Member Brady: It's so hard to do.

Chairman McNulty: I have driven by there though. It looks like he's been clearing out and maintaining it to some degree. He cleared out quite a bit of the brush. Ron, is there anything glaring on the drainage that you see?

Ron Gainer: No. Like we were just saying what he's illustrating now is existing conditions. He's not proposing a variety of things that were on the Zarecki plans. The formal layout of parking is...were in the previous (inaudible – papers shuffling).

Chairman McNulty: Okay. So we're looking for your review to come back to us on it.

Board Member Taylor: Also, wasn't the disturbance greater than he's showing on this?

Chairman McNulty: At the back of the building?

Board Member Taylor: No, on the front.

Rich Williams: I...

Board Member Taylor: Didn't he come down the hill?

Rich Williams: Yeah. And I believe that Zarecki had identified there was great...a level of disturbance greater than one acre. They're now saying it's under one acre. So yeah, I'm going to...

Chairman McNulty: It's been so long this is all been seeded and normalized.

Board Member Taylor: Yeah. But...

Rich Williams: Right.

Chairman McNulty: So it doesn't look like a disturbance now.

Board Member Taylor: I mean, he's...

- Board Member Brady: Stepped into that madness, huh?
- Board Member Taylor: He's supposed to be...He says he's picking up details off of Zarecki's plans. And yeah, he's got the limit of disturbance at almost at the top of the...at the edge of the driveway.
- Rich Williams: Right.
- Board Member Taylor: Yeah, so...
- Ron Gainer: What started this whole thing? He cut that gravel drive in around the building?
- Rich Williams: He took the whole back of the building and basically...The slope came right down to the back of the building, excavated it out and pushed it to the front of the building on the [Route] 22 side, filled it all in.
- Chairman McNulty: He did that road where you going down to the building.
- Ron Gainer: He created a gravel drive?
- Rich Williams: Yes.
- Ron Gainer: Okay.
- Chairman McNulty: How's he doing with equipment out there? Any idea? Has he been cleaning all that equipment up he had stockpiled?
- Rich Williams: There's still quite a bit there. There's still quite a bit there.
- Chairman McNulty: I haven't been...driven up the driveway in a while but it was pretty unsightly when I had. Okay, any other comments?

##### **5) John Moriarty (Action Auto Body) – Initial Site Plan**

- Chairman McNulty: John Moriarty. Action Auto Body.
- Rich Williams: This is a new application. John has a residential home in the C-1 Zoning District down next to Wilkins Motorsports. John originally owned Wilkins Motorsports and sold it off and moved next door. And when he moved next door he took his auto sales business with him to the next property over. Recently, he was contacted by the State because if you've got an auto sales business you're required to have a sign out front. And he didn't have a sign so they issued him a notice of violation.
- Chairman McNulty: New York State?
- Rich Williams: The New York State did.
- Chairman McNulty: Department of Motor Vehicles?

Rich Williams: And then he came in here and said, well I've got to put a sign up. What do I need to do? I said, well, you've got to have a site that's approved for the use. And...

Board Member Brady: Can of worms.

Rich Williams: Yeah. So, he's been to the Zoning Board of Appeals because he needed the Special Use Permit and he got that along with a number of variances. And now he's before the Planning Board seeking site plan approval along with a sign application. He doesn't want to do a lot to the property. He's got an existing trailer that's sitting on the site. That's, you know, one of the issues the Board has to wrestle with: whether that's appropriate for an office location. He basically wants to just park cars on the side of the driveway and then at the end of the driveway.

Chairman McNulty: Like he's been doing.

Rich Williams: Like... Yes.

[Laughter]

Board Member Montesano: I believe he now has cars up and down [Route] 22, by the way.

Rich Williams: We are aware of the fact that he goes around and parks a single car on various properties and, you know, tries to sell these cars because he knows he can't have multiple cars on his property.

Board Member Montesano: Yeah. You go up and down 22, you see his three-year warranty on every car.

Chairman McNulty: Now, this is C-1 Zone, right?

Rich Williams: It is a C-1 Zoning District.

Chairman McNulty: Which would allow for auto sales.

Rich Williams: It would allow for auto sales. The... One of the difficulties is, there's a requirement that you be 1,000 feet apart. And he's anything but 1,000 feet apart from others. But the Zoning Board has granted him a variance.

Chairman McNulty: And Wilkinson [Editor's note: Should be Wilkins] and Herman's would be the other one? Or the guy across the street?

Rich Williams: Wilkinson's has...

The Secretary: All.

Rich Williams: I'm sorry. What?

The Secretary: Well, all of them. Right?

Rich Williams: But Wilkinson's is the only one that has a...

The Secretary: Wilkins.

Rich Williams: Yeah, Wilkins. Has a pre-existing nonconforming...and Herman's. I'm sorry. And Herman's.

Chairman McNulty: Yeah, they don't have a site plan either, do they?

Rich Williams: Huh? They have a site plan but for a public garage. Not for retail sales.

Board Member Brady: That's for the garage up top, isn't it?

Chairman McNulty: No. It's down at the bottom.

Rich Williams: No, the garage up on top was never...It was never supposed to be a commercial building.

Board Member Brady: Yeah. I think it's a metal building if I remember correctly.

Chairman McNulty: No. It's a wooden garage.

Board Member Brady: Yeah?

Board Member Montesano: They're all wooden.

Chairman McNulty: The lower one's metal.

Board Member Brady: Oh, okay.

Ron Gainer: Sarah, do you have a copy of the ZBA variances? The decision?

The Secretary: I can pull them out.

Ron Gainer: Yeah. It would be interesting to see what they say.

Chairman McNulty: So they got a special use permit and they got a variance for being less than a 1,000 feet away from another. Okay.

Rich Williams: There were, I think, three or four variances granted. And they'll all be summarized in the memo.

Board Member Montesano: Area variance, business location, principal building and lot size.

Chairman McNulty: Do we need to add this on to Saturday, as well?

Rich Williams: Well, this is what started Saturday.

Ron Gainer: It's the primary, yeah.

Chairman McNulty: Oh, that's right. I'm thinking something...I'm thinking up on Fair Street.

Rich Williams: Commerce Drive.

Chairman McNulty: Commerce Drive, yeah. Okay. I guess we'll take a look at it. I mean, he's been selling cars there for forever. What's the neighboring property? Is it all residential or commercial? Kind of open, isn't it?

Rich Williams: It's kind of a mish-mosh of...

Chairman McNulty: Wetlands?

Rich Williams: people who have residential homes that are conducting commercial activities out of them. Every one of the adjacent properties along [Route] 22, you know...Right across the street, somebody's living there and selling cars. You know, next to him you have, you know, a residential dwelling plus they are doing the motorcycle sales. Then you have Hermans that lives there and is doing the retail sales.

Chairman McNulty: I didn't think they lived up there.

Rich Williams: There's a house up there. I don't know...

Chairman McNulty: See, I don't...Well, I don't...

Rich Williams: The son...

Board Member Brady: They used to. The son might be living up there now.

Chairman McNulty: It may be a residence. I don't...

Board Member Montesano: When he was alive they lived up there.

Rich Williams: Who?

Board Member Montesano: Herman.

Chairman McNulty: And what's...There's a shed here. It looks like it straddles the property line.

Board Member Montesano: The guy that originally put it up there because a certain person you know used to go up there and get his boat tanks.

Rich Williams: Put the garage up?

Board Member Montesano: No. The garage was...The house.

Chairman McNulty: Where's the other one you see, Ron?

Rich Williams: The house was up on top.

Board Member Montesano: Frank.

Ron Gainer: Oh, I'm looking for another plan.

Rich Williams: Frank Carroll built it for his well drilling operation...

Ron Gainer: I thought I saw one in the back.

Rich Williams: and he...

Ron Gainer: I don't see it now.

Rich Williams: Well, he bought the house and he built the garage down at the base.

Chairman McNulty: It's got that odd...

Board Member Montesano: the guy used to go in there and get custom made (inaudible – too many talking)...

Chairman McNulty: Old right-of-way... Well, I guess it could be. Macadam drive.

Board Member Montesano: and he used to make them up there. And that goes back to...

Rich Williams: Well, that... Then Bobby Herman bought it.

Board Member Montesano: Right.

Board Member Taylor: This is an easement and this tie into the house here. We saw that when Wilkins was in.

Chairman McNulty: Yeah.

Board Member Taylor: There was an easement. This is an easement strip.

Board Member Montesano: I remember when we went up and he was doing that. That was back in the seventies.

Rich Williams: Right. And then about '85, Bobby Herman came in and said...

Chairman McNulty: I wonder if it would pay for us to get him to do a lot line, too.

Rich Williams: you know, I want to start doing this ski do operation...

Chairman McNulty: Make this commercial, he could put all the cars back there.

Rich Williams: but he needed a place to store it, made an application...

Board Member Taylor: No, but this guy needs the drive. This guy needs this driveway now.

Rich Williams: withdrew the application, got his money back...

Chairman McNulty: that's what I'm saying. Incorporate this...

Rich Williams: but then went and saw John [Calbo] and got permission to build a residential garage up on top...

Board Member Taylor: Yeah.

Chairman McNulty: to this lot.

Board Member Taylor: Oh, do...cut it here?

Chairman McNulty: Yeah. Otherwise this becomes...

Rich Williams: here he (inaudible – too many talking).

Chairman McNulty: commercial.

Board Member Montesano: Guess who used to have their tanks made?

Chairman McNulty: He could park cars or ask to park cars up and down. It's pretty steep, I think...

Board Member Montesano: I know because they caught him with it one day.

Rich Williams: They did a lot of things up there.

Chairman McNulty: I guess we could (inaudible – too many talking).

Board Member Taylor: Maybe you'd have to look at the easement, too, what it says about whether he can drive back and forth across here.

Chairman McNulty: Mmhmm.

Board Member Taylor: I mean, this is...

Chairman McNulty: The note here says covers. What are they, just like covers in the ground? You don't...

Rich Williams: I don't know.

Chairman McNulty: And the shed that straddles the property.

Rich Williams: Yeah, I got to check the ZBA decision on that. I wasn't...

The Secretary: I think it was a condition that he move that.

Rich Williams: Yeah, that it's going to be removed.

Chairman McNulty: Alright, well let's walk it and get a better feel for it.

Board Member Montesano: Okay.

Chairman McNulty: I didn't get a chance to look at the application. And this is the sign he wants to put on?

Rich Williams: Yeah. It's...

Chairman McNulty: Something a little more definitive.

Rich Williams: I've got to work on that, too.

Board Member Taylor: Yeah, that was...

Rich Williams: That's interesting.

Board Member Taylor: Looks like something out of a late night TV.  
[Laughter]

Chairman McNulty: Come on down. And then he's got an EAF in here, too.

Board Member Montesano: You open up a little suitcase. Open it. (Inaudible – too distant).

#### **6) Putnam Power Equipment – Initial Site Plan Waiver Application**

Chairman McNulty: Alright. Putnam Power Equipment. Initial application.

Rich Williams: Putnam Power Equipment, the old Nolleti building. He came in a while ago. Site...Got a site plan waiver to put a fence up so he had an equipment storage area. He now wants to expand that equipment storage area. Move the fence out to the corner of the building. Augment the fence with a, I believe, a steel building or a steel storage container, rather.

Board Member Taylor: Which he already has.

Rich Williams: No. I think this is a second one.

Board Member Taylor: Oh. Okay. And all these lines that are on here, it's a little hard for me to figure out what he was trying to do. The old fence is this dark line?

Rich Williams: Yeah. The old fence is the dark line. Then the new fence is right up...going...

Board Member Taylor: It's...

Rich Williams: Right. Right there.

Board Member Taylor: It's this line? This...

Rich Williams: Yup. And goes over to the corner of the building.

Board Member Taylor: So he's narrowing the fence in this part?

Chairman McNulty: I think this...

Rich Williams: No. It's...

Chairman McNulty: part's going to stay and extend...

Board Member Taylor: What's this line?

Rich Williams: Here's what he did. That's the pavement line.

Board Member Taylor: Oh, pavement. Okay.

Rich Williams: And I don't...This is...I don't know what drawing this is. This road...

Chairman McNulty: Is to the tower, isn't it?

Rich Williams: comes down here. Yeah, but it doesn't come here like this. It comes over here like this. This is the pavement line.

Board Member Taylor: Okay. And he wants to bring it down to here.

Rich Williams: Wants to bring it down to here and straight across.

Board Member Taylor: And for it to meet there, okay.

Rich Williams: And there's the building.

Board Member Taylor: Right. Oh, the second storage is here.

Rich Williams: Right.

Board Member Taylor: Okay.

Rich Williams: There's the other one.

Board Member Taylor: He's got two back here, doesn't he? When we were on the site walk, were there two back there?

Board Member Montesano: Yeah, we were on [Bill] Henry's and...

Rich Williams: He had two.

Chairman McNulty: Yeah. There's one here.

Board Member Taylor: Yeah.

Rich Williams: I thought he was...had to take one away and then just leave one.

Chairman McNulty: This is the property...This is [Bill] Henry's property here?

Rich Williams: Yes.

Board Member Taylor: Yeah. Yeah, because we were...

Chairman McNulty: Oh, because Henry's here.

Board Member Taylor: he had already...

Rich Williams: No.

Board Member Taylor: No. Henry's here.

Board Member Montesano: He's right here.

Board Member Brady: Right hand side.

Board Member Taylor: Henry's over here.

Board Member Montesano: On the right side.

Board Member Taylor: Because he had a whole...

Rich Williams: I'm sorry. You're right. You had it upside down.

Chairman McNulty: No, I'm reading the letters. They're written this way.

Rich Williams: Yeah, no. You had it upside down.

Board Member Taylor: No, you've got it upside down. Yeah.

Chairman McNulty: Okay.

Board Member Taylor: Okay.

Chairman McNulty: So this is Henry.

Board Member Taylor: And what about all this stuff he's got stored out between his...the building and Henry's part? You mention that?

Rich Williams: I haven't been up there. I didn't see it.

Board Member Taylor: Oh, when we were...

Board Member Montesano: Yeah, when we were on a...

Board Member Taylor: there, there a bunch of stuff parked right along here.

Board Member Montesano: On the field trip, he had a whole section right there.

Board Member Taylor: Yeah, mowers and snow blowers.

Chairman McNulty: I don't recall that.

Board Member Taylor: You know, the typical.

Board Member Montesano: Well, I'll have to run out tomorrow and give him my mower.

Chairman McNulty: Well, maybe if we grant this, he'll be able to move it out of there.

Board Member Taylor: Yeah. Alright. Well, we could ask him to do that.

Chairman McNulty: Now...

Rich Williams: Yes.

Chairman McNulty: did he give you any...Is it a chain link fence that he's proposing?

Rich Williams: He didn't give me any details.

Chairman McNulty: It's zoned... You don't know if it's a chain linked fence?

Board Member Montesano: It says 6' chain link fence. Or is that the existing fence?

Chairman McNulty: That's the existing.

Board Member Montesano: Alright, that's the existing.

Board Member Taylor: 6 by (inaudible) is ten.

Board Member Montesano: And this access road going up to the tower, that's not in here?

Chairman McNulty: That's not located properly.

Board Member Montesano: That's this way.

Rich Williams: Yeah, it actually comes over into a parking area right her.

Board Member Montesano: Okay. That's what I thought. Because I wasn't...

Board Member Brady: Type of fence. Size of fence.

Board Member Montesano: Because then you see that thing is sitting right here.

Board Member Brady: Guess he's doing okay.

Chairman McNulty: Now storage containers, that's something that we don't allow, correct?

Rich Williams: It's something you try to limit because of their appearance and the appearance they create.

Chairman McNulty: So, if it's behind the fence, screened...

Rich Williams: But on a commercial site it's permitted. On a residential site it is not permitted.

Chairman McNulty: Got you.

Board Member Montesano: A twenty footer's alright?

Board Member Taylor: The other thing, have you been there? He's got...His parking lot is filled with equipment.

Board Member Brady: Yeah.

Board Member Taylor: He can barely park.

Board Member Ladau: Mmhhh.

Ron Gainer: Right.

Board Member Taylor: So it's something that maybe we should talk to him about. He's got a big trailers, right?

Board Member Brady: Yeah. Right in front.

Board Member Taylor: Staked in front and in parking spaces.

Board Member Montesano: Yeah.

Board Member Brady: Yup.

Rich Williams: I could see those from the road.

Board Member Brady: Yeah.

Board Member Taylor: Yeah.

Chairman McNulty: Usually blocks that gate on the weekend with the trailers. I noticed he...

Board Member Taylor: Well, he's selling them...

Board Member Brady: Yeah, the side right here. He puts the trailers...

Chairman McNulty: Yeah, he blocks...

Board Member Brady: He puts...

- Chairman McNulty: He blocks his storage.
- Board Member Brady: At night we...
- Board Member Taylor: But when he gets the gate...But then is he going to move the trailer somewhere else? I mean, it's...You can't park there.
- Board Member Montesano: I know, he...
- Chairman McNulty: Well, they're trailers that are for sale, correct?
- Board Member Taylor: Yes.
- Board Member Montesano: Yeah.
- Board Member Taylor: Yeah, but he's got them in the parking lot.
- Board Member Montesano: He's got everything in it. He pulls everything out in the front and sometimes he pulls it back. Now he's got so much with no room, so...
- Chairman McNulty: Do we have a more definitive site plan that shows parking?
- Rich Williams: We have a more definitive site plan but not for...
- Chairman McNulty: This application.
- Rich Williams: Not for Mike Bruen being on the site, no.
- Chairman McNulty: From previous...
- Rich Williams: Yes.
- Chairman McNulty: Well, I don't have any real objection to moving this fence up depending on the type of fence and, you know, size of fence.
- Board Member Brady: You think he's probably going to follow through with what he's got there now, the six foot chain link, I think. With the privacy slats.
- Board Member Taylor: Well, he crossed those out for some reason.
- Board Member Brady: But Ron brings up a good point, you know. He's got all those trailers stored there where he's supposed to park. I know when you go over there to park, you got to park on the side, on the road coming in there.
- Board Member Montesano: Yeah.
- Rich Williams: Well, maybe it's time for him to clear those out.
- Board Member Brady: Right.

Rich Williams: And...

Board Member Montesano: Now...

Rich Williams: keep them off the site or, you know, go up the road to the tower. There's plenty of land in the back where he can, you know, fence in something else.

Board Member Montesano: Does he have permission from Nolleti to put that fencing up or does he need it? I mean, he is renting it.

Rich Williams: He needs it. I haven't looked at the application in detail so...

Board Member Montesano: Okay.

Rich Williams: So I don't know that he has it. He needs it.

Chairman McNulty: Permission from the owner.

Board Member Montesano: Owners.

Chairman McNulty: Is that something for us to oversee? Or is that between the owner and the...

Rich Williams: No, we can't...It's got to be part of the application.

Board Member Taylor: Is he Bruer?

Chairman McNulty: Bruen.

Board Member Taylor: Bruen. He's Bruen?

Chairman McNulty: The owner...the leasee is Bruen.

Board Member Taylor: Well, he says he's the owner.

Chairman McNulty: The owner. He's not really the owner. No.

Board Member Montesano: He's not. Nolleti is the owner.

Board Member Taylor: Well, that's what he's got on the application.

Board Member Montesano: Yeah.

Board Member Taylor: He's got himself down as the applicant.

Board Member Montesano: Yeah. Michael E. Bruen it says is the owner...

Chairman McNulty: He signed it...

Board Member Montesano: name.

Chairman McNulty: Oh, the applicant signature.

Board Member Brady: Is that the guy that's the Highway superintendent? Okay.

Board Member Taylor: So there's a problem there, too.

Chairman McNulty: And he's listed himself...

Board Member Montesano: As the applicant.

Board Member Taylor: All the way through.

Chairman McNulty: Disclosures of interest owner information.

Board Member Brady: The important thing is refrigerator is full of beer.

[Laughter]

Board Member Taylor: Did he buy...

Chairman McNulty: He doesn't have the owner's name on here.

Board Member Montesano: No. Nolleti is not going to want to sell that place. Not with the money coming in every month from the tower.

Board Member Taylor: Okay.

Chairman McNulty: So...

Rich Williams: That's true.

Board Member Montesano: That's a very nice little...

Chairman McNulty: Application needs to be cleaned up.

Board Member Montesano: installment plan.

## **7) Other Business**

### **a) Adam Levine Discussion**

Chairman McNulty: Okay. Moving on to other business. We have Adam Levine.

Board Member Montesano: We do?

Chairman McNulty: He's been a no show. From what I understand in speaking with Rich and Sarah, he hasn't submitted anything as the Board had asked from at the last meeting. Ron, anything you want to fill me in on from that meeting? That...

Board Member Taylor: We...Basically, we listened to the guy. He made his spiel. He offered us \$30,000 worth of improvements. He said that's all his client could afford. And we basically said you've got the conditions from before, here's your timeline. We want the survey completed. We want you to have a contractor or somebody to do the survey because Mike Liguori had pointed out the surveyors are so busy it's unlikely we could get the survey completed in a month.

Chairman McNulty: Which you...we had discussed. Yup.

Board Member Taylor: And we wanted a contract with an engineer for a site plan. For a...Yeah.

Board Member Brady: For...By our work session...By the submittal date...

The Secretary: Submission deadline.

Board Member Brady: that's past.

Chairman McNulty: Submission date. So we've got nothing. I'm inclined to deny the fill permit because he hasn't acted but at the same time, with some discussions...I don't want to cut us off if we can still get a plan that would mitigate the problem immediately.

Rich Williams: I just asked the Board, you know, consider your options at this point but take no action. We're back in court Tuesday night.

Chairman McNulty: And that will be the Town Attorney taking him back to court.

Rich Williams: Town's prosecutor.

Chairman McNulty: Prosecutor.

Board Member Brady: What time is that?

Rich Williams: I'm not sure what time we're going to appear. Whether it's before court. I would imagine it's going to be before court starts. Maybe 3, 4 o'clock.

Chairman McNulty: Okay. So for now, for this coming meeting, we'll somewhat table this and see what the court comes back with.

Board Member Taylor: We could...I think you need to say, Rich, that you're going to make a report to the court on what's going on here with us.

Rich Williams: Yes.

Board Member Taylor: That he hasn't done anything...

- Chairman McNulty: Yeah. Rich is going to summarize...
- Rich Williams: I've already...I was working on it tonight before the meeting, you know, giving the court and the prosecutor a little history about, you know, when we had the conference, when he came in with the application, you know, the, you know, the memo. What was in the memo? What was said in the minutes, you know. Mr. Lansky...
- Board Member Brady: How he made no effort to contact the people that own the property next door.
- Chairman McNulty: And we did get a letter I see.
- Rich Williams: We do have an email that I received from the...
- Board Member Brady: I saw it.
- Rich Williams: adjacent property owner, so...
- Board Member Brady: Exactly what we thought they would say.
- Rich Williams: Yeah, she was...
- Board Member Brady: Big surprise.
- Board Member Taylor: (Inaudible – too many talking) to the people.
- Board Member Brady: Yeah.
- Rich Williams: Well, she was incredibly difficult to contact. I took two phone calls.  
[Laughter]
- Board Member Ladau: I was going to say you picked up the phone and dialed.
- Board Member Brady: He could have just sent certified mail return receipt and that would have showed that he did something and he didn't.
- Board Member Montesano: She had a dial phone and...
- Chairman McNulty: Oh, is that what he said at the meeting? They said they hadn't been able to reach them?
- Board Member Taylor: Yeah.
- Board Member Brady: Yeah.
- Board Member Ladau: Yeah.
- Board Member Taylor: Yeah.
- Board Member Brady: Well, he said his client hasn't been able to reach her.

Rich Williams: The attorney, Mr. Lansky, left it up to his client. His client had made several attempts to contact the adjacent property owner and was unsuccessful.

Chairman McNulty: Okay. His carrier pigeon must have got lost.

Board Member Brady: And it took you two phone calls?

Rich Williams: Yeah.

Board Member Brady: That's...

[Laughter]

Board Member Brady: Well, that's just more of the same.

Chairman McNulty: Okay. Enough of Mr. Levine.

**b) Zoning Amendments – Restaurants**

Chairman McNulty: Moving onto Zoning Amendments, Restaurants.

Board Member Brady: Throw him in jail.

Chairman McNulty: Bob, I see you submitted a recommended definition.

Board Member Ladau: Yeah.

Chairman McNulty: And Rich has given us a handout tonight, or a summary, to consider to finalize this restaurants.

Rich Williams: You know, you weren't at the last meeting. I think we...But you were at the work session, right?

Chairman McNulty: I was at the work session.

Rich Williams: Yeah, so...And I think that's where most of the conversation was held that you had submitted by email after the last meeting what you believed the Board wanted as a definition for a restaurant. And I had, you know, made the argument back to the Board that, you know, this all started because of a definition that was too basic, too generic. Left too many open ended questions that everybody was now looking to fill.

Chairman McNulty: Mmhmm.

Rich Williams: And, you know, the definition that Tommy had provided back to me...

Chairman McNulty: It was...

Rich Williams: you know...

Chairman McNulty: short and sweet.

Rich Williams: It was short and sweet but it still left all of those unanswered questions about what is a restaurant? What is not a restaurant?

Chairman McNulty: The reason I kept it short is because we had started to define all these other items such as catering, delicatessen, fast-food, restaurant.

Rich Williams: But at the end of the day you, I mean, we have the definition for take-out restaurants. We were going to add in there catering and everything else, I believe, was coming out because you didn't want anything else.

Chairman McNulty: Well, it wasn't that I didn't want anything else. I thought that the more we defined the...What's the word I'm looking for? Better clarification we have. But the issue comes up...There's too new...too many types of food establishments to actually define, I think is what the problem is.

Rich Williams: Well, I'm not looking...

Chairman McNulty: And we need...

Board Member Ladau: So why don't we simply call it, you know, call it a retail food establishment rather than a restaurant and then it works under theory that if it walks like a duck and quacks like a duck you kind of solved the problem.

Chairman McNulty: Yeah, and I like that, but then we come into the problem with fast-food verse...

Board Member Ladau: But it's, again, it's a retail food establishment whether it's fast-food or slow food.

Chairman McNulty: But different parts of our...

Rich Williams: And that's what Bob's definition did. Bob submitted a definition in.

Chairman McNulty: And it brought everything together.

Rich Williams: It brought everything under one, big umbrella.

Board Member Ladau: Yeah.

Rich Williams: But then, I have to ask the Board the question, because now we don't need a definition for fast-food. Bob's definition includes everything.

Chairman McNulty: Exactly.

- Rich Williams: Now you've got different zoning districts; different areas of the Town. Are everything under that umbrella appropriate for all the different zoning districts? Would you want...
- Chairman McNulty: Currently, under our current zoning, they're not because we have different...
- Rich Williams: That's correct.
- Chairman McNulty: types of restaurants for different zoned areas.
- Rich Williams: In theory, you wouldn't have a fast-food restaurant in the GB Zoning District: In Front Street, in the Hamlet of Putnam Lake. In the commercial district over there.
- Chairman McNulty: But still presents a problem because, you know, I look at a Subway sandwich shop, is generally a fast-food restaurant...
- Rich Williams: Right.
- Chairman McNulty: would fit into a general business area. They're generally small. Limited seating. Limited hours.
- Rich Williams: Is that something you'd want to see on Front Street? Because what...
- Board Member Ladau: Yeah.
- Rich Williams: comes with that...What comes with that is the commercial identity because they're going to want their Subway sign. They're going to want their packaging out there.
- Chairman McNulty: Yeah, but that comes down to the Hamlet area and the general business that we have to create a harmony to fit...something that fits within there. That's where I get I don't want to say no to something if we can make it fit. Yes, it had to have a Subway sign, but maybe it's a limited size because it's a smaller type building. It's in...I mean, I go into New England and you see these commercial businesses placed into buildings that maintain the quality. That look like the surrounding area.
- Board Member Brady: Yeah, but...
- Rich Williams: They don't...There are McDonald's that you can't even tell that they're McDonald's.
- Board Member Ladau: That's right.
- Rich Williams: Right? But the Town has to take the position that you're going to meet our Codes or you're not going to be here. Unfortunately, that's generally not the tenor around here. The tenor around here is...
- Chairman McNulty: Get it in.
- Rich Williams: get it in.
- Board Member Ladau: Yeah.

- Rich Williams: It's a commercial business, get it in. We need commercial growth; get it in.
- Chairman McNulty: Well, can we...
- Board Member Brady: At what cost?
- Chairman McNulty: This then creates a chain reaction. If we adopted a definition similar to what Bob is proposing, is all encompassing, and then outline the zoning codes of how...See, there's so many different businesses though. How do you do that? How...
- Board Member Montesano: Alright.
- Chairman McNulty: Do you have to make it general to...
- Board Member Montesano: Westchester has it...If you go down to certain parts of Westchester, they come in. The problem that was explained to me is that if they come into an open area and they push their design because it's an open area. If it's in an existing building, they've got to conform to the rest of the area there. What our problem seems to be is that we have village rules, we have Town rules. Everything is...There's no...We don't have a uniform thing. In the sense that we have color code for signs in the village but not in the Town. We have certain restrictions in the village. We do not have it as a Town restriction.
- Chairman McNulty: So Front Street is not a C-1 District, it's GB District, correct?
- Rich Williams: It's GB District.
- Chairman McNulty: So that's...
- Rich Williams: And for me, I wouldn't mind having a small restaurant like we've had here before.
- Chairman McNulty: Mmhmm.
- Rich Williams: But I wouldn't want to put a Subway or a Papa John's or Burger King or McDonald's on Front Street.
- Chairman McNulty: No, and...
- Rich Williams: I wouldn't want to see it in the Hamlet. So, for me, there needs to be a differentiation between restaurants...
- Chairman McNulty: See, a Subway I'm not opposed to.
- Rich Williams: and fast-food establishments.
- Chairman McNulty: But a McDonald's I think wouldn't fit in a Front Street.
- Board Member Ladau: Alright, why would you not want a McDonald's on Front Street?

- Board Member Montesano: And why can't you tell McDonald's...
- Board Member Ladau: If they were to... We're talking about putting a McDonald's in existing buildings.
- Rich Williams: In an existing building.
- Board Member Ladau: Yeah. Why...
- Rich Williams: Well, first off, they're not going to want to go into existing building because they have certain space requirements.
- Board Member Ladau: Yeah.
- Rich Williams: They're going to need something relatively large.
- Chairman McNulty: So, I think in that case the Hamlet here, or Front Street in particular if that's the example, would weed out some of that. You're not going to get a Burger King. You're not going to get a...
- Board Member Ladau: Exactly.
- Chairman McNulty: You may get a Papa John's though. It's a smaller establishment.
- Board Member Ladau: But if you think about the package...
- Chairman McNulty: Or Dunkin Donuts.
- Board Member Ladau: Yeah.
- Chairman McNulty: Would fit in because they're generally smaller...
- Board Member Ladau: Well, we're definitely...
- Chairman McNulty: square footage area.
- Board Member Montesano: Yeah, but they need the...
- Board Member Ladau: Dunkin Donuts, probably not because they always want drive thru.
- Board Member Brady: Drive thru in Pawling.
- Board Member Ladau: If you take a look at the Papa John's that exists next to the A&P, it could...it seems to me it could just as easily fit in an existing building on Front Street.
- Rich Williams: Sure. And then you've got the...all the delivery vehicles. The constant... You go out in the A&P parking lot...
- Chairman McNulty: See, it's a mixed use area, so it changes the situation.

Board Member Ladau: Yeah, but...

Chairman McNulty: But...

Board Member Ladau: we...But they...you can park on the street, on Front Street.

Board Member Brady: Where? There's not much parking there.

Board Member Ladau: No there isn't.

Chairman McNulty: Well, that's something we have to plan through, too, and figure out.

Rich Williams: But the...I don't see necessarily for a Papa John's because you're in, you're out. You're in, you're out. I don't see the parking as an issue as much as the traffic as an issue because they've got the delivery vehicles constantly coming and going so you're increasing the traffic. But not traffic from patrons. Traffic from delivery vehicles and that's not a positive thing...

Chairman McNulty: But what if...

Rich Williams: for me for Front Street.

Board Member Taylor: Right.

Chairman McNulty: So, if we had this all-encompassing definition of restaurant, and then craft the different zoning for a restaurant, let's say in a GB District, your restaurant is limited to x amount of seats or x amount of square feet.

Board Member Ladau: No, because it won't work with Papa John's. It's a small restaurant. I mean, it's basically just a bunch of pizza ovens in the back and a counter and some seats in the front.

Board Member Brady: I mean, you wouldn't, you know, you wouldn't want like a Sauro's, the restaurant they just did there and opened up in Front Street. I mean...

Board Member Ladau: I would think so.

Board Member Brady: parking is the issue but I think the restaurant itself would be a great idea.

Rich Williams: A restaurant.

Chairman McNulty: Yeah.

Board Member Brady: Right.

Rich Williams: Yeah.

Board Member Brady: Yeah.

Rich Williams: But that's the type of thing I think belongs there.

Board Member Brady: Right. I agree.

Board Member Ladau: Exactly.

Board Member Brady: I agree.

Rich Williams: Right.

Chairman McNulty: Yeah, but how do you... You can't... How do you differentiate...

Board Member Taylor: Well can't you do exceptions? We have these definitions now and if you do the umbrella then you say in this district you cannot have this as defined, fast-food. You can't have fast-food in this district.

Board Member Ladau: Yeah, but then you have to define fast-foods.

Board Member Taylor: Well, he's got fast-food defined.

Chairman McNulty: Yeah, but we're looking at taking that out...

Board Member Ladau: We're taking it out.

Board Member Taylor: Well, I'm saying don't take it out.

Board Member Ladau: Well, then...

Board Member Taylor: Keep it for certain districts. It answers his problem of you've got to deal with these things in certain districts.

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

Rich Williams: But instead of that, why don't you just define, as we have been doing, the... You know, you've got fast-food restaurants and you've got restaurants. Right? Those are the two definitions. And then define the districts that each one is going to go in.

Chairman McNulty: Which is the way we have it now.

Rich Williams: Which is the way we have it now.

Board Member Ladau: Right.

Rich Williams: The problem that came up was because of the barbeque place and the definition of a restaurant in that it didn't include take-out and catering. So it came up that does a restaurant encompass take-out and catering? And then how much of that? And then it came up, you know, as we're getting into this a little bit further...

Chairman McNulty: Can there be a more general note in the restaurant definition that it has to be in harmony with the surroundings?

Rich Williams: Well, I'll tell you, the one thing I did love about Bob's definition is the second paragraph.

Chairman McNulty: Yes.

Rich Williams: I thought that was outstanding.

Chairman McNulty: About noise and...

Rich Williams: Yup. Odor and everything else. So...

Chairman McNulty: The only thing I didn't see that I would want to add in somehow are hours of operation.

Rich Williams: And I did.

Chairman McNulty: Oh.

Board Member Ladau: Okay. Fine.

Chairman McNulty: In this...

Rich Williams: If you look at the definition I gave you from me now, which I know you don't like, but...But, it incorporated that paragraph: it added the hours of operation as well.

Board Member Ladau: Yeah.

Rich Williams: And then I tried to dumb it down. I tried to take out some of the words, you know. In my definition it had, but not fast-food. But not, you know, things with counter space. Well, reality is if you define that as fast-food, you don't need to define it again as not being a restaurant. So...

Board Member Taylor: Let's look at it again then.

Board Member Montesano: Can we look at it in the unique situations that we develop? Front Street you have immense transportation between [Route] 311 and the school. You have access to the post office, so...And there is limited parking because...Do we own any of the...

Board Member Ladau: No.

Board Member Montesano: the street anymore? Or have we ever owned any of the street? To my knowledge...

Rich Williams: We own part of the street.

Board Member Montesano: Street. Alright. So you've got limited access to parking because of the railroad. So there's a unique situation. But if you put in a Subway and where people aren't going to normally sit to eat, they're going in there, they're getting there food, 90% of the people will leave with it.

Chairman McNulty: Mmhmm.

Board Member Montesano: So your parking is going to be moving. As far as the deliveries of...They're going to send a big truck. But we get big trucks in Town all the time for little packages. They're not there

that long. The guy doesn't want to stay there. He wants to dump and get out. The biggest problem he has is turning it around. But we have access. You've got to go out the school street and then go from there. South Street and go back out making a U-turn.

Chairman McNulty: The parking is something we're going to have to grapple with as...If we want the Hamlet to develop, you know, we have the sewage treatment. Now we have to get water. You know, we're taking baby steps here and we just have to get the, you know, these definitions and parking's going to have to be something we deal with.

Rich Williams: But Mike brings up a good issue, though. You know, if you bring in a fast-food: a Subway, a McDonald's, a Burger King. People are coming in, they're getting their food and they're leaving. Now, is that the atmosphere you really want for Front Street, as your main, you know...

Board Member Ladau: Well...

Chairman McNulty: Well, no. I don't want a row of fast-food restaurants.

Rich Williams: No, no. But...

Chairman McNulty: But maybe there's an attorney. A dentist.

Board Member Ladau: You generate traffic...

Board Member Montesano: Well...

Board Member Ladau: for other businesses. So if you have a, and I don't care...

Rich Williams: If somebody will come and stay, and that's the type of business you're really looking for.

Board Member Ladau: That's right. I mean, does the presence of, we're talking about McDonald's, but does the presence of a Papa John's or a fast-food restaurant generate sufficient traffic to justify a drug store next door or a bakery or some other use? So that when you have two, that it becomes a magnet for other businesses. So, you got to generate traffic.

Chairman McNulty: But some of those businesses are going to weed out because they're not going to have the footprint of size that they want.

Board Member Montesano: Well, you used to have a drug store...

Board Member Ladau: We're talking about McDonald's but it could be something small like...

Chairman McNulty: Starbucks.

Board Member Montesano: You used to have a restaurant...

Board Member Ladau: Alright, a Starbucks.

Board Member Montesano: All the things that were here, you had the drug store, you had the restaurants that used to be here.

Board Member Ladau: Mmhhh.

Board Member Montesano: Managed to go in, people would come in. Eat, sit down, have something to eat and then leave, and there was never a problem with traffic. Including with the railroad functioning more so than even today. But it functioned.

Board Member Ladau: Yeah.

Board Member Montesano: People will adjust because it's something that they would like to see because it's convenient. You come home...

Board Member Ladau: Convenience is...

Board Member Montesano: you get off the train. You can walk over, you grab the restaurant. You grab something to eat and you're on your way home. You can grab...The post office has always been a draw up to that point...

Board Member Ladau: Mmhhh.

Board Member Montesano: because you could stop by in the morning or in the evening and pick up your mail. You still have the post office boxes.

Board Member Brady: I want a place...I want a downtown where I can walk down there on Friday night or a Saturday night during the summer with my kids and just enjoy the downtown where there's maybe a shops or a...Really, that's what I'd like to see there.

Board Member Ladau: Yeah. Yeah.

Board Member Brady: There's so many restrictions on it.

Chairman McNulty: Well, we had the art gallery as a great start.

Board Member Montesano: Look at the problem you have.

Board Member Ladau: Yeah, but the art gallery's never open.

Board Member Montesano: Parking: There's is only one solution that I can see with parking.

Chairman McNulty: It is on the weekends.

Board Member Montesano: As much as you...Whether you like it or not...

Board Member Ladau: You can't build a business (inaudible – too many talking).

Board Member Montesano: you have to put some kind of a parking building facility up.

Chairman McNulty: It's not an anchor for...

Board Member Ladau: No.

- Chairman McNulty: Yeah. And we had...
- Board Member Montesano: Did you put that up?
- Chairman McNulty: We had the restaurant but I guess it just doesn't have the volume. I don't know what the key for it...
- Board Member Ladau: That restaurant, Tom, as a commuter because for one portion of my life I was commuting out of here and going into the City, that restaurant opened at 8 o'clock in the morning when all the commuters have gone.
- Board Member Brady: Right. There was nothing there when I used to...
- Board Member Ladau: And then they closed at 4 o'clock in the afternoon. So somebody coming back from New York who wants to grab something for dinner...
- Board Member Montesano: Right.
- Board Member Ladau: It's closed.
- Chairman McNulty: Yeah.
- Board Member Ladau: They weren't serious. They were a joke.
- Chairman McNulty: No.
- Board Member Ladau: The same way with that framing store.
- Board Member Brady: They were a walk-in breakfast and luncheonette type thing.
- Board Member Montesano: Yeah.
- Board Member Ladau: But walk-in for who?
- Board Member Montesano: (Inaudible – too many talking).
- Rich Williams: But part of that was...
- Board Member Brady: For just people in the area. It wasn't...
- Board Member Ladau: No. Because then they...
- Board Member Brady: They weren't...
- Board Member Ladau: There are other places to go. You want to start it with commuters.
- Board Member Brady: Right. Early in the morning.

Rich Williams: Just so you know, part of the problem was the property owner limited the people who are operating the restaurant from the hours that they could operate.

Board Member Ladau: Well, then...

Rich Williams: Towards the end he got a little bit more flexible whereas he...

Chairman McNulty: Is that because of the residences above?

Rich Williams: In part, yes. He started letting them have dinner service, I think, on a Friday night.

Chairman McNulty: Yeah, once a week or Fridays.

Rich Williams: Yeah, something like that.

Board Member Ladau: You know, but that's...

Rich Williams: So...But then he got a, you know, a number of different individuals who couldn't really run the place and the food was...

Board Member Ladau: Okay.

Rich Williams: not that good.

Board Member Brady: No, it wasn't.

Rich Williams: Now, I don't know the girl because there were so many that went through there...

Board Member Ladau: Yeah.

Rich Williams: but there was this one girl, Diane, that apparently everybody loved because I had a number of people in the community reach out to me about how good she was. And he was about to open it up with somebody else and I interceded and put him back in touch with Diane who is very interested in reopening down there.

Chairman McNulty: Oh, good.

Rich Williams: And I haven't checked back with either of them in a couple of weeks to see how they're doing, but hopefully, you know, they're working out their issues.

Board Member Montesano: Well...

Chairman McNulty: Working out with the landlord.

Board Member Montesano: When we had the, what do you want to call them, when Jimmy had his market there. When his father was there, he'd open up. When Jimmy...When the son took it over, he wasn't coming in.

Ron Gainer: No, he just...

Board Member Ladau: Yeah.

Rich Williams: Yeah. He didn't want...

Board Member Montesano: He didn't want...

Chairman McNulty: No.

Board Member Montesano: He didn't want the business to begin with.

Ron Gainer: Right.

Chairman McNulty: No.

Board Member Ladau: Yeah.

Board Member Montesano: But instead of selling it off as a business, he dragged it all the way to the bottom of the ground...

Board Member Ladau: Yeah.

Board Member Montesano: and then...So what do we got now? A furniture...

Rich Williams: Yeah. We've got a frame shop that doesn't fit on the street. But...

Board Member Ladau: It's never open.

Rich Williams: he...No. But he came and he said I'm going to be a retail frame shop and sell frames. Okay. But that's not what he does.

Chairman McNulty: No. He restores...

Rich Williams: He restores.

Chairman McNulty: custom orders (inaudible – coughing).

Rich Williams: So at some point, we've got to figure out how to get him out. Put him where he belongs.

Board Member Ladau: We'll make him an offer he can't refuse.

[Laughter]

Rich Williams: We've done that before.

Board Member Brady: You know where he belongs? Up on the building on [Route] 164.

[Laughter]

Board Member Montesano: There you go. This way...

Chairman McNulty: Okay.

Board Member Montesano: they (inaudible) customer parking.

Board Member Brady: Yeah. Oh, yeah.

Chairman McNulty: So we have some thoughts to put together. I guess email back and forth a little bit. Try and...I'd really like to nail this down and get it off to the Town Board.

Board Member Ladau: Yeah.

Chairman McNulty: Because we've been grappling with it for months now.

Board Member Montesano: Now what are you going to change the name of this thing to? A certain building project.

#### **c) Zoning Amendment – Commercial Trade Operations**

Chairman McNulty: And then we have another zoning; Commercial Trade Operations. I guess we're waiting for Mike Liguori to...

Rich Williams: Yeah...

Chairman McNulty: discuss with us if something like that goes with the current tenant or with the property. Correct?

Rich Williams: Correct.

Chairman McNulty: Okay. And this would...Alright. So we'll see what Mike has to say.

Rich Williams: Yup.

Chairman McNulty: You can send him a little reminder. Maybe he's ready for us.

Rich Williams: Mhmm.

Chairman McNulty: Okay. And then...Let's see.

Board Member Montesano: And classes are going to be held when?

#### **d) RP Development Discussion**

Chairman McNulty: Form based training. We kind of discussed that earlier. I see Steinbeck Hill, which is...

Board Member Ladau: Where are you?

Chairman McNulty: RP [Development], isn't it? I added a couple items.

Board Member Montesano: He added a couple of items.

Board Member Brady: Oh. I'm like, man, I didn't...

Board Member Ladau: Yeah.

[Laughter]

Chairman McNulty: We've got an EAF for Steinbeck Hill...

Board Member Montesano: Richie trained him well.

Chairman McNulty: that's off of Fields Lane.

Rich Williams: Yeah, that's RP. That's Joe Reilly.

Chairman McNulty: That's Joe Reilly. Okay. Did that get discussed at the last meeting?

Board Member Taylor: No.

Chairman McNulty: No. Alright, I didn't know if it was something that I just got or if was new.

Ron Gainer: You touched on it earlier tonight because RP came up.

Chairman McNulty: Yeah. Okay.

Rich Williams: I was being kind.

Ron Gainer: You were.

Chairman McNulty: I'm just following my notes. I have my own script.

Rich Williams: I know.

[Laughter]

Board Member Brady: Yeah, Ron tried following your script last meeting.

**e) Open Space Overlay District Discussion**

Chairman McNulty: Ron, I added something you had sent a note out about open space.

Board Member Taylor: Yeah, this is based on the Maplewood stuff.

Chairman McNulty: I was going to print it out but then I saw it was seventeen pages.

Board Member Brady: Yeah, I printed it out. I printed it out.

Board Member Taylor: Yeah, it was long. I'm sorry. I...

Chairman McNulty: That's okay.

Board Member Taylor: I highlighted some of it and then the comprehensive plan part I went back later and I highlighted it. Rich had asked us to look at the definition and the regulations on open space to make a decision about the way this development gets laid out at the end.

Chairman McNulty: But we've already granted it, correct?

Rich Williams: You already made a recommendation to the Town Board to approve it as it was presented.

Chairman McNulty: And...

Board Member Taylor: But...

Chairman McNulty: have they acted on it?

Board Member Taylor: No. At the last meeting...

Rich Williams: No, I haven't given it to them.

Board Member Taylor: At the last meeting, we rescinded our recommendation.

Board Member Montesano: Right.

Chairman McNulty: Okay.

Board Member Taylor: Based on... We wanted to do further review before...

Chairman McNulty: Got you.

Board Member Taylor: recommending. So that's... So the starting point of this is for us to understand what this open space development is and that's what I was trying to present here; both what the law is. There's a part where you could say, well what about parks? And then in falls the State Town-Law, which I thought was Town Law but it's actually State Law about towns. So there's a section in there.

Chairman McNulty: In section 138 of the Code?

Board Member Taylor: Well, it's 138...

Board Member Brady: Subdivisions?

Board Member Taylor: No. It's about parks. And in that section it talks about you have to meet Town Law, which they mean State...the State Law about towns for parks. And if you look at that, I included that in here, the requirement for park is that it's for the subdivision that you're considering. And we're not proposing a park. If you wanted to make a park out of this land for the subdivision that we're considering. It's one house.

Board Member Ladau: Yeah.

Board Member Taylor: So, in that sense, the park definition doesn't work, as far as I see. We can't turn this into a park.

Rich Williams: Yeah, it's...You're mixing apples and oranges. Section 278 of the State Statutes Town Law, which talks about...I believe it's 278, talks about, you know, parklands or fees in lieu of parklands.

Board Member Taylor: Right.

Rich Williams: It is something entirely different from, I think, it's section 280 of the State Statute. Or 281, because they moved the numbers around. I used to know them all. Maybe it's 281...Of the State Statutes, Town Law Section 281 talks about preserving open space in open development areas. And that's really what we're talking about here.

Board Member Taylor: Right. But I...The reason I went to parks was I was thinking one of the ways we might look at this is as parkland. But what I'm saying is the way the State Law is structured we can't call it parkland because it doesn't fit the definition. So then we're back to what is open space and the uses of open space. So, that's...That's what this is...

Chairman McNulty: And how to preserve it.

Board Member Taylor: Yes. Our choices about how to preserve it and the requirements. As far as I can see, some of this stuff seems to be contradictory within the Code...

Rich Williams: Really?

Board Member Taylor: Well, there's...Yeah. This...

Board Member Montesano: Well, what do you want? It's made up by lawyers.

Rich Williams: So what's contradictory?

Board Member Taylor: You want me to really get into this?

[Laughter]

Board Member Ladau: Now we're in trouble.

Chairman McNulty: It will help you understand it when I read it.

- Board Member Brady: Sarah's wishing you wouldn't.
- Board Member Taylor: 138-49 A. says that lot sizes can be no greater than 28% of the total land area. There's the suburban development area can be no larger than 28%...
- Rich Williams: The total area.
- Board Member Taylor: of the total area. Alright, well what's before us is a 7-acres out of 12 -acres. It's seven and five are the two parcels. So the house has got to be a lot smaller unless we do a variance and you're not supposed to do a variance unless there are certain conditions...
- Board Member Ladau: Yeah.
- Board Member Taylor: for it. So it seems...And...But later on the law...the Code talks about four acre or larger subdivision lots without pointing out that the two...Those two things seem to contradict each other.
- Rich Williams: I'd have to look at what you're...
- Board Member Taylor: I think it's talking about a different thing.
- Rich Williams: Because it...138 Part Two, you know, really shouldn't be talking about 4-acre lots at all.
- Board Member Taylor: Yeah, well it's later on that it talks about it. But they're both talking about open space. And so that in that sense...There's some of those things we need to look at. But...
- Chairman McNulty: So what you're focused in on is the actually subdivision code that we have and...
- Board Member Taylor: The open space code.
- Chairman McNulty: Open space code within the subdivision.
- Board Member Taylor: Well, a subdivision within the open space code...
- Chairman McNulty: Got you.
- Board Member Taylor: is what it is. It's cluster. It's a cluster underneath the open space development.
- Rich Williams: It's a cluster development conservation density development, but it's Part Two...There's part one of the subdivision code which talks about conventional subdivision. There's Part 2 which deals with a conservation or a cluster development. Or as I termed it, open develop...Open Space Development.
- Chairman McNulty: So would that part two be inclined to be used on a larger scale project or a smaller project?

- Rich Williams: That part two is related to the open space overlay zone.
- Board Member Taylor: Which is...
- Rich Williams: So, I created an overlay zone which encompasses most of the Town.
- Board Member Taylor: Right.
- Rich Williams: So somebody who has a lot that falls under that overlay zone, if they come in and want to subdivide it they have to use Part Two instead of Part One.
- Board Member Taylor: Which is what this is. This one that's before us...
- Rich Williams: Right.
- Board Member Taylor: falls in there.
- Chairman McNulty: And that's what we had rescinded in the initial...
- Rich Williams: Well, no. Back to...
- Chairman McNulty: I forget what we recommended now. What you rescinded.
- Rich Williams: Part Two has certain criteria: You can't have lot sizes bigger than 80,000 square feet. You can't have an overall development of your project of more than 28% and you have to protect all the remaining land by some sort of conservation program either through, you know, an easement or a land donation to a conservancy.
- Chairman McNulty: Like Ice Pond.
- Board Member Taylor: Yes.
- Rich Williams: Like Ice Pond. Exactly like Ice Pond. What they're doing is they don't really want to use Part Two, they want to use Part One, and so they have to go to the Town Board to get a variance from the standards of Part Two. Now, the Planning Board when they make a recommendation over, they can simply say, okay well, it just really shouldn't have been in that section of the Code. Go ahead and do, you know, just use Part One. Or you can say, you know, it really belongs in that area. There are unique features of the property which dictate that you should have a lot size greater than 80,000 square feet. Maybe 2-acres or 3-acres or 4-acres, whatever. But the intent of the Code is to protect open space. To protect the rural character of the community, to preserve environmental sensitive areas. You're right, Ron. I left historic areas...historic features out. We should tighten that up.
- Chairman McNulty: And the Ballyhack Road that you walked is what got you thinking on this to...
- Rich Williams: Right.
- Board Member Taylor: Yeah, I mean, once I went up and looked at it...I mean, I think you guys really need to look at this and think about these things...

Chairman McNulty: Sure.

Board Member Taylor: so that we can talk about this specific points. Because the whole point is that you're creating...The fact that the whole Town is an overlay, or almost the whole Town is this open space over...you're trying to create a Town wide environment for these things. It keeps talking about linking this spaces together so that there can be wildlife corridors but there could also be recreational corridors: hiking and so on through these. So when we look at this, we need to look at how would...

Chairman McNulty: How...

Board Member Taylor: it fit in to a grand scheme kind of thing. Ridgelines: it keeps emphasizing ridgelines. So, there is part of a ridgeline in this property. We may want to protect that ridgeline. Most of the ridgeline is in the property to the north but there's this...we could protect part of it with the northern end of this property. Some of that seven acres could be protected. And then the historic stuff: I'd like to see some of that done. I've got a map I'll lay out and show. But...Some of the question is what is the future use for this going to be? Are we simply setting aside as conservation area that we're assuming that's not going to be touched really unless, you know, something serious in the Town has to go in. Or are we looking at it as a future tourist attraction where people can come and there can be a hiking trail and so on? Because I think the considerations will be different for those things.

Chairman McNulty: Now that area of Ballyhack and this adjustment, wasn't that going to become part of Green Chimneys? Or that remain in the...

Rich Williams: That's going to be on the Green Chimneys parcel as I recall.

Board Member Taylor: But it doesn't qualify. The Code says it has to be to a nonprofit land trust like entity. It's got to be a nonprofit whose point is preserving open space. Green Chimneys point is not preserving open space.

Rich Williams: Right.

Board Member Taylor: Even though they're non-profit.

Rich Williams: But they're...But, you know, and here's where I was trying to drive this a little bit, I mean, okay maybe this is an appropriate site for granting a variance. That doesn't mean you need to throw everything (inaudible – papers shuffling) and ignore, you know, what the intent is. And you can still conserve a good portion of this property from future development by having Green Chimneys put a conservation easement on which limits the future activities. They're not going to be clearing trees. They're not going to go up on the ridgeline. They're going to protect Ballyhack, you know. Maybe they're going to allow some sort of recreation here as they already do.

Board Member Taylor: Yeah.

Rich Williams: But, you know, do that going forward.

Board Member Taylor: Alright. But we need the bae background to make a recommendation on the open space...

Chairman McNulty: To see how it fits in to our...

- Board Member Brady: Yeah.
- Chairman McNulty: guideline.
- Board Member Taylor: Right. So what they were proposing is this whole lot becomes the house lot.
- Chairman McNulty: Mmhhh.
- Board Member Taylor: Seven acres. It's way more than 80,000 [square feet] and it's more than 28% and, you know, it's...
- Rich Williams: It's huge.
- Board Member Taylor: Yeah, it's huge. And if you look at the topography, the ridge starts here and then runs this way. So we could catch a bit of the ridge on this part of it but also we could put a buffer along the ridge so that in the future if this land is developed, they're going to develop down here because this is too steep up here.
- Board Member Brady: Mmhhh.
- Board Member Taylor: And then the whole ridge would be protected. You need to look at an aerial and you can see that. You see the ridge running up along and there a lake over here and so on. That would be a natural corridor that wouldn't get built on because it's too steep to build on anyway
- Board Member Brady: Mmhhh.
- Board Member Taylor: But here, this is a historic part. And I haven't been able to find a deed that defines... There's a road. There's a farm road that runs down to the river along here. This whole hillside is terraced, or was terraced at one time. There's a stonewall on one side and a stonewall on the other side. And some of it's almost 8' high where they built stones up to protect the embankment.
- Board Member Ladau: Mmhhh.
- Board Member Taylor: That would make a nice hiking corridor. People could come with their canoes at the landing at the river, walk up here, see this old farm thing. See this old road here, and then go back to the river and canoe over the Green Chimneys and finish their canoe trip. The law says it has to be accessible and it says by road...from road. There's no way you're going to access this from road. So, we've got a problem there. But also, in the comprehensive plan, it talks about the environmental park as having water and road access. So, we might be able to argue, well, we're providing water access to this in some future scheme. Maybe that would be enough to satisfy. Well, you know, I don't know.
- Board Member Montesano: Mike would have to verify it. But...
- Board Member Taylor: Well...
- Board Member Montesano: if you look at this situation right here, they put restrictions on the open space on two parcels of land, bah, bah...you can read it. It's much easier. But the idea is we have the authority to do it and the court has upheld that we can do it. But the whole trick is...
- Board Member Taylor: To do it right.

Board Member Montesano: What they did here is people came in that are professionals, with all due respect, and no one ever noticed that there was any restrictions on these parcels of land. So they just disregarded it...

Board Member Taylor: Right.

Board Member Montesano: and they went and then what happened is the developer comes in and he sues. The first court says, yeah you're right. You can't do that. They appealed it and they said yes you can.

Board Member Taylor: Right.

Board Member Montesano: You have the right.

Chairman McNulty: Because it was...

Board Member Montesano: They made the mistake.

Board Member Taylor: Right.

Board Member Montesano: Not the Town.

Board Member Taylor: Yeah.

Board Member Montesano: And this was Wappinger Falls by the way.

Board Member Taylor: Yeah.

Chairman McNulty: Okay.

Board Member Taylor: We'll look at that. So there's...But there's some issues we've got to deal with. One of the issues is Green Chimneys has a road that goes through here and connects to this parcel up here. It's the only access to this parcel up here because the river intervenes all along here. Even though this parcel is right next Doansburg Road, there's a river in between. If they're ever going to...Somebody thinks about developing this, they're going to want that road access through here. So that's part of your issue, right? What is Green Chimneys planning on doing with this? It's a field. There's a big field up here surrounded by, I mean, I know it's trees but I don't know what the slopes are like. The field seems to be...

Rich Williams: Moderate. It's a moderately sloping fields.

Board Member Taylor: So this is just...

Chairman McNulty: So farmland.

Rich Williams: It's farmland.

Chairman McNulty: Yeah.

Rich Williams: I used to know what the grades were, now I forget.

Board Member Taylor: And part of...The other part of this preservation is agricultural land. One of the reasons you can set aside is as agricultural land. And Green Chimneys is using this...I don't know how...The problem is they didn't...this isn't...The survey doesn't really show this area very well. There's a steep slope here. There's wetlands over here but the slope starts to level out. So the bottom of slope, perhaps in Patterson, could be part of the farmland. I don't know where it falls. You know what I'm saying?

Rich Williams: Yup.

Chairman McNulty: Yup.

Board Member Ladau: Mmhmm.

Board Member Taylor: So how we define this, I mean, this might all be steep slope.

Chairman McNulty: Our site walk took us in here, correct? And we walked up...

Board Member Taylor: Yes.

Chairman McNulty: along this...

Board Member Montesano: Right.

Board Member Taylor: And some people came down here to the road.

Chairman McNulty: Yeah.

Board Member Taylor: But nobody came over...This, you can't...

Chairman McNulty: No.

Board Member Taylor: You can't walk this. This is all, you know, rose bushes. This was a mess to try to get through here.

Chairman McNulty: But that's where the road was.

Board Member Taylor: I ended up going up here and coming...

Chairman McNulty: Is this where the road is you said?

Board Member Taylor: No. The road cuts up through here. Comes up...

Chairman McNulty: Oh. Okay.

Board Member Taylor: through Green Chimneys and then...Well actually, this is probably the road here. Comes up through here. But it would cut across that conservation area that we put in. So there would be some consideration about that. What do you do about that road? Does that then prevent them from using their property up here?

Rich Williams: Well, they have plenty of access off of Ballyhack.

Board Member Taylor: So they could go from the other end.

Rich Williams: Right.

Board Member Taylor: No, I'm talking about Green Chimneys. This field right here.

Rich Williams: I've got to get (inaudible – too distant).

Chairman McNulty: Yeah, it's...I got to go on Google.

Board Member Taylor: There's a field that Green Chimneys accesses with...

Rich Williams: Alright. I'm thinking...Alright. Back here.

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

Rich Williams: Yeah.

Board Member Taylor: That's that other guy. But this is Green Chimneys property here.

Rich Williams: Right.

Board Member Taylor: And there's an open field here.

Rich Williams: Mmhmm.

Board Member Brady: Well, doesn't that give you the road access that you were talking about? You've got the lake access...the river...

Board Member Taylor: No, no, no. It's running through Green Chimneys property.

Board Member Brady: Oh, okay.

Board Member Taylor: So it's not off of...

Board Member Brady: Sure.

Board Member Taylor: a public road.

Board Member Brady: Right.

Board Member Taylor: But if...If you think about the future, I think that's what Rich is concerned about, if Green Chimneys sells their property to the developer, then the developer is going to want to develop this land.

Board Member Brady: Right.

Board Member Taylor: And...

Rich Williams: He's going to want to develop it all. And if there's no restrictions on it...

Board Member Brady: Right.

Chairman McNulty: He'll have access to it.

Rich Williams: Yeah. There's no reason he can't develop it.

Board Member Taylor: Right. But we need to consider... We can't take this property away from them. It's not part... even part of this proposal. But the only access to it would be through this conservation easement area if we make this a conservation easement.

Board Member Montesano: Well, what we have to find out is if we designate a conservation easement, are we allowed to put restrictions about crossing it to get access to the other parcel for development purposes?

Board Member Taylor: Well, I think the law says you can't... You can't put septic, you can't put drainage, you can't put roads in the conservation easement area.

Rich Williams: It's however you write it.

Board Member Taylor: So we'd have to write it in such a way that that road is allowed as a roadway...

Chairman McNulty: Just by calling it a conservation easement doesn't...

Board Member Montesano: But... Could we...

Chairman McNulty: automatically keep it safe. Is that what you're saying?

Board Member Montesano: Do we have other terminology...

Rich Williams: You have to define the conservation...

Board Member Montesano: rather than roadway? Because roadway might be one definition. Argument sake, roadway would be a access road for a vehicle of such and such a size.

Board Member Taylor: Right.

Board Member Montesano: Can we make it a... using the terminology such as a pathway, no larger than a trike or something of that nature?

Board Member Taylor: Well, what I'm saying is I don't think we can do that because we're... By doing that, we're denying them access to this property.

Board Member Montesano: No. They can still access it. You can get a John Deere that will hold six people and...

Board Member Taylor: No, no. But you don't want a John Deere with six people. You want to be... They want to turn it into a road to make this a developable property. And we have no right at this point to deny them access to this property.

Rich Williams: I'd have to look and see how that lays out with everything else.

Board Member Taylor: Yeah. So, it's just... It's complicated to deal with. Do you have a sample of the regular conservation easements that go on these places?

Rich Williams: Yeah. I mean, you know, I've worked with the attorneys to write a number of them. Yeah.

Board Member Taylor: So can you just drop us one so we can...

Rich Williams: Sure.

Board Member Taylor: see what it's like. Because that's the kind of stuff that's...

Board Member Montesano: [Inaudible – too many talking].

Chairman McNulty: The other thing is, this is what I was touching on in January for training wise...

Board Member Montesano: That guy that was down on Big Elm that time...

Chairman McNulty: It's not really an official training but...

Board Member Montesano: that we had the problem with.

Chairman McNulty: well, here's something in front of us.

Rich Williams: Each one...

Chairman McNulty: As an example we can...

Rich Williams: Each one has a...

Chairman McNulty: learn subdivisions.

Rich Williams: basic...

Chairman McNulty: Figure it out. Ron addressed...

Rich Williams: template. And then you have...

Chairman McNulty: the EAF...

Rich Williams: [Inaudible – too many talking].

Chairman McNulty: We can all look at this because it sounds complicated.

Board Member Montesano: I remember we had problems with him when he...

Chairman McNulty: Ron, so that is complicated, Ron?

Board Member Taylor: Yeah. Yeah.

Chairman McNulty: Not for you.

Ron Gainer: It's training, right.

Chairman McNulty: It's training. So, let's take a look at it. Now, as far as last meeting, you said we rescinded our recommendation originally. How does that affect the applicant?

Rich Williams: Well, they can't go forward to the Town Board. He's got to go to the Town Board to see...

Chairman McNulty: But this point he thinks he can go to the Town Board, right?

Rich Williams: Yeah. Right. So hopefully we're going to wrap this up at this meeting and, you know, he hasn't made any overtures. Before he could do anything, right, and this is one of the reasons that, you know, I haven't pushed this forward at all, is we still have the issue about where the municipal boundary is.

Chairman McNulty: Oh, it's not plotted properly here?

Rich Williams: I'm saying it's not plotted properly. Prove that it is. They have not come back with anything yet showing that it is properly plotted. Because if it's not properly plotted there, everything throws out...goes out the window.

Board Member Ladau: Mmhmm.

Chairman McNulty: Okay. And Southeast is the...

Board Member Brady: So then what would we...

Chairman McNulty: led on this?

Rich Williams: Southeast has, you know, the subdivision going on in their town and they've done SEQRA and, you know, I think they issued a...They did. They issued...

Chairman McNulty: Yeah.

Rich Williams: a negative determination. And it's interesting they did that before they sent it to County Planning. And County Planning called me up and said, you know, I just want to make you aware that there's this application in Southeast. Are you aware of it? I said not only are we aware of it but I don't believe they're showing the municipal boundary right. And she took a look at it and she says oh.

[Laughter]

Chairman McNulty: She agreed?

Rich Williams: So she sent a letter back to Southeast saying that the municipal boundary is being challenged by Patterson.

[Laughter]

Rich Williams: So now they know and they're looking at it.

Chairman McNulty: Okay. Alright, so we have some homework on this.

Board Member Taylor: Yeah.

Board Member Ladau: Yeah.

Chairman McNulty: See what we can come up with.

Board Member Taylor: We have some homework.

Board Member Montesano: We have fun and games.

Board Member Taylors: Yeah. And just a question for you, I mean you know, I'm a history buff.

Chairman McNulty: Really?

Board Member Taylor: Is this important... Yeah.

[Laughter]

Board Member Taylor: Is this important...Do you think this is important to the Town? We're talking about a two-hundred year...a two-hundred fifty year old...

Rich Williams: You're talking about Ballyhack Road?

Board Member Taylor: Yeah.

Rich Williams: It's important for me.

Board Member Taylor: Okay.

Board Member Ladau: Yeah.

Board Member Montesano: Let's put it this way, it's been here a lot longer than most people so it's important.

Board Member Brady: It's got the foundation that you had...

Chairman McNulty: So it's ready to pave. So, you know, yeah.

[Laughter]

Board Member Brady: It's good to go.

Board Member Taylor: Yeah, well the whole point is that it hasn't been touched in...

Board Member Ladau: Six lanes wide.

Board Member Taylor: a hundred and some years.

Board Member Brady: Yeah.

Board Member Taylor: I mean, that's what makes it unique.

Board Member Brady: Right.

Board Member Taylor: You know, it hasn't been changed. You could walk along that and feel what a road was like. And they must...I can't imagine taking a wagon up that hill.

Rich Williams: No.

Board Member Taylor: It's just incredible what they did in those days.

Board Member Ladau: Oh yeah.

Board Member Taylor: And (inaudible) asked me how'd you get two wagons by? What do you do when you're running two wagons? They don't fit. Do you pull off to the side?

Rich Williams: I bet you never saw the wagon.

Board Member Taylor: Yeah.

Chairman McNulty: The bigger one made it.

Board Member Taylor: So, it...But...

Board Member Montesano: It depends. You have [inaudible – too many talking] a horse.

Board Member Taylor: historically, I think it's important to preserve this and we have the...

Chairman McNulty: No, I...

Board Member Taylor: opportunity. It's not like...

Chairman McNulty: I agree with you.

Board Member Taylor: somebody wants to build on this.

Chairman McNulty: It's an interesting piece of history of the Town.

Board Member Taylor: Alright, so I'm still working up trying to get the history. The history is a mess, too, trying to find it. Track it down.

Rich Williams: I can't imagine, you know, why that road was there and why they abandoned it. They just stopped using it.

Chairman McNulty: Maybe it just went to the farmland.

Board Member Montesano: What about...

Board Member Taylor: No, it...

Chairman McNulty: Maybe it just serviced the farmland.

Board Member Taylor: It's...I think the reason it was there, it was an early Connecticut road. It was one of the early path roads. And eventually superseded by the roads around it.

Rich Williams: Well that's...Yes. That's what...

Board Member Taylor: [Route] 22 was sold.

Rich Williams: was going to happen. 22 was going to come...

Chairman McNulty: Haviland Hollow and...Let's...We can't make it over this hill. Let's go over...

Board Member Montesano; The one on [Route] 311 that used to go up to Cushman Road that we fought with by...

Board Member Taylor: Yes.

Board Member Montesano: That was fun because the Town...I remember when that came up. Boy, that was trouble.

Chairman McNulty: Rich, anything else?

Rich Williams: Nope. You want to get out of here?

## 8) Minutes

Chairman McNulty: I know you have minutes listed here. But you haven't sent them yet, have? I haven't seen them.

The Secretary: There's the one set...

Board Member Brady: Yeah, today.

The Secretary: that was sent.

Chairman McNulty: Oh. It just came today?

The Secretary: Yeah.

Chairman McNulty: I haven't checked my email today. Okay.

Rich Williams: What did you send today? The April or the May?

Chairman McNulty: April 29<sup>th</sup>.

The Secretary: April.

Chairman McNulty: So, I can't read what I missed yet. All that fun.

The Secretary: Soon.

Board Member Taylor: Well, I'll you Rich's recommendation was is the future throw away Tom's notes.

Board Member Brady: Yeah.  
[Laughter]

Chairman McNulty: He didn't tell me that part.  
[Laughter]

Board Member Taylor: I'll put that on the record.

Board Member Montesano: It's on the minutes.

Board Member Taylor: Yeah, it's on there.

Chairman McNulty: Make a motion to adjourn.

Board Member Ladau: Moved.

Board Member Montesano: Second.

Chairman McNulty: All in favor? *Motion carried by a vote of 5 to 0.*  
*Meeting was adjourned at 8:36 p.m.*