

PLANNING DEPARTMENT

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

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**Planning Board
June 4, 2015 Meeting Minutes**

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

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

Chairman McNulty called the meeting to order.

The meeting began at 7:00 p.m.

Sarah Mayes was the Secretary and transcribed the following minutes.

There were approximately 10 members of the audience.

Chairman McNulty led the salute to the flag.

1) RP DEVELOPMENT – Public Hearing

Mr. Joe Reilly, RP Development, was present.

Chairman McNulty: Okay, it's the June 4th Planning Board meeting. First on our agenda is RP Development, a public hearing. Would you like to call it, Sarah?

The Secretary read the following legal notice:

NOTICE IS HEREBY GIVEN by the Town of Patterson Planning Board of a public hearing to be held on Thursday, June 4, 2015 at 7:00 p.m. or as soon thereafter as may be heard, at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider an application entitled **“RP Development Wetland/Watercourse Permit Application” in order to construct a proposed house with associated amenities within the wetland buffer.** The property is located at 170 Farm to Market Road (R-4 Zoning District), Patterson, New York. All interested parties and citizens will be given an opportunity to be heard in respect to such application.

Chairman McNulty: Okay, Mr. Reilly, would you like to come up and introduce your project?

Mr. Joe Reilly: You want me to put it up...

Chairman McNulty: Sure.

Rich Williams: Wait, wait. We've got a problem.

Chairman McNulty: Oh, mike's not working? [Referring to the microphone] It's not green side up? [Referring to the board for plans. Rich Williams turned around the board in order to place plans on it]

Chairman McNulty: Okay.

Mr. Reilly: Okay.

Chairman McNulty: Just introduce yourself.

Mr. Reilly: Yup.

Chairman McNulty: Up to the mike just to...

Mr. Reilly: Joe Reilly. I'm the owner; property owner of the Farm to Market Road property. We are looking to build a house. It...The house is in the buffer zone of the wetlands. Septic area...most all the septic area, not in the buffer. We've been in front of the Board a good amount of times here working on this project.

Chairman McNulty: And this is a previously approved lot within the subdivision, correct?

Mr. Reilly: Yes. Pre...Yup. And I think we've answered all the questions for the Board now and we're ready to go forward.

Chairman McNulty: Okay. Is there anybody here from the public for this? Please step up, Sir.

John Heller: Hi.

Chairman McNulty: Hi.

John Heller: I'm John Heller. I live right across the street.

Chairman McNulty: John, come up here and speak.

John Heller: Actually, some of my neighbors are on their way up. I live right across from there and I just...Probably like the last four years, people have been trying build it...I don't know if you've owned it for four years.

Mr. Reilly: Yeah, I've owned it for longer than that.

John Heller: So I'm kind of interested to hear what you're planning to do.

Chairman McNulty: Okay. It's been awhile, John. How are you?

John Heller: Yeah. How you doing? Good to see you.

Chairman McNulty: Yeah.

Mr. Reilly: Okay, so what we're looking to build is a three-bedroom, about 1,700 square foot house. Driveway coming in off of Farm to Market Road. There will be a septic up on the hill here [referring to the plans]. That's it. The house is about 62 feet from the street.

Chairman McNulty: And it's a 3-acre lot, I believe. Three plus acre?

Mr. Reilly: Yes.

Chairman McNulty: That's...It's got a lot of wetlands. So it's...

John Heller: Right, yeah. That's my concern,

Chairman McNulty: it's a tough lot to...

John Heller: is the wetlands. The stream that goes through there.

Chairman McNulty: Yup.

John Heller: The wildlife.

Chairman McNulty: Yeah, what we've asked him to do is pull the house forward so we could keep it away from the wetlands proper as much as possible. And he's got it positioned about the best he can position it with his septic.

John Heller: And the septic...I guess all of this is going to be approved or is approved already.

Chairman McNulty: Well, the Health Department has not approved it yet, have they?

Mr. Reilly: No.

Chairman McNulty: No.

Mr. Reilly: No, we're just...We need to get done with the Town and then we...

Chairman McNulty: Yup.

Mr. Reilly: move on to the others. We've done testing out there in the septic area. So all the septic material is fine. I don't think there'll be any kind of...any issues with the Health Department. As I said, the septic's...

John Heller: I know across...The house that's next to my house was built in '96. I believe their septic has failed once. At least once since then and I'm kind of concerned about this now with the wetlands. I don't know, does the DEC watershed get involved with this, too, or...

Mr. Reilly: Yes. DEC, the City. We have to go through them next. So they'll do all their inspections on what we've proposed for the septic area.

Chairman McNulty: There's a number of agencies it goes through...

John Heller: Yeah, I know.

Chairman McNulty: to get final approval. I don't know, are we declared as lead agency on this?

Rich Williams: We have not done SEQRA at this point.

Chairman McNulty: Yeah.

Rich Williams: But you are correct. This has got to be reviewed by Putnam County Health Department, New York State Department of Environmental Conservation and DEP.

Ron Gainer: And County Highway.

Chairman McNulty: DEP. This is a previously approved lot.

John Heller: Right.

Chairman McNulty: So, it falls in a useable lot if it can get all the clearances and meet today's Code.

John Heller: That's all I have to say.

Chairman McNulty: Okay.

John Heller: Just, you know, wanted to hear what you had, you know, what the plan was. What has to be done before it gets built?

Chairman McNulty: Okay. Thanks, John.

Mr. Reilly: Where are you in relation to...

John Heller: I'm right...I'm 1 Indian Hill. I'm right across the street.

Mr. Reilly: Oh, over here.

John Heller: I'm on Indian Hill; I'm the first house.

Mr. Reilly: Okay.

John Heller: Right across from your lot.

Chairman McNulty: Okay. Thank you, John. Anybody else here for this.

John Heller: These guys here.

Wayne Rollins: Hello.

Chairman McNulty: Hi. A public hearing's opened for Indian Hill.

Wayne Rollins: Okay.

Chairman McNulty: Steinbeck Subdivision.

Wayne Rollins: Alright.

Chairman McNulty: You have a comment?

John Heller: (Inaudible – too distant) up now.

Wayne Rollins: Okay, great.

John Heller: I was just up there.

Wayne Rollins: I'd like to hear about it. Hi.

Mr. Reilly: Hi.

Board Member Taylor: Repeat this again.

Wayne Rollins: Hello, everybody.

Chairman McNulty: Okay, please come up to the mike and introduce yourself. Let us know if you have any questions or concerns.

Wayne Rollins: Alright. Well, my name is Wayne Rollins. I live on Indian Hill. And I am curious as to where they plan on putting the house.

Chairman McNulty: Okay. It's on the map. Joe, could you explain?

Mr. Reilly: Okay. So we have Farm to Market Road, Indian Hill.

Wayne Rollins: Okay.

Mr. Reilly: So the driveway will be coming out onto Farm to Market. They'll be no crossing of the stream...

Wayne Rollins: Okay.

Mr. Reilly: that goes through the property. The house is about 62 feet from Farm to Market Road. Septic is up on the high side of the property out of the wetlands area.

Wayne Rollins: Okay.

Mr. Reilly: We're going to be building a three bedroom house.

Wayne Rollins: Alright.

- Mr. Reilly: About 1,600 square feet and that's it.
- Wayne Rollins:** Alright. So you're the developer or you buy...this is going to be your house?
- Mr. Reilly: No, I'll be building the house.
- Wayne Rollins:** Right.
- Mr. Reilly: I own the property now.
- Wayne Rollins:** Right.
- Mr. Reilly: I've owned it for a number of years.
- Wayne Rollins:** Alright.
- Mr. Reilly: It's been...It's been approved; it's part of the Indian Hill Subdivision approval.
- Wayne Rollins:** I have a couple of concerns.
- Chairman McNulty: Okay.
- Wayne Rollins:** Alright, the first one is, right off the bat, is the location of the driveway. That hill, if you drive down that hill...I mean, even to...This is the bottom of the hill. This is...It plateaus up here where the schools are and then it goes back up again. If you try to drive this...On my way home today, making a right at 20 miles an hour you have a lot of cars behind you. There's been accidents along this road over the years. There's actually...Have you seen it? There's a shrine for a kid who passed away...
- Chairman McNulty: Mmhmm.
- Wayne Rollins:** some years ago over there. There's another pretty bad accident over here and a couple other up the road, actually. Some of the other local people don't have too nice of a name for what they refer to that section of the street. So I'll just let you guys kind of take the inference from there. Now also too what I'm concerned about is the, not only that, but I just moved down to Indian Hill. I put a...I put some nice flowers out for the wife. I've got a bird's nest in there. I see woodchucks, deer; a lot of animals live in those woods. You cut down all those trees and you're going to be pretty much relocating a number of different animals, not to mention the pest insects that are staying in their little area; their zone. Where there's mice, snakes, the mosquitos, other insects that they have. And plus, you know, the...Like I said, the woodchucks, deer, however...I think they might cross through there and that's another one of my concerns, too. And you also have the school back there. They put...They have a marching band that practices often. My wife thought she'd get some work done at home one day, she had the window open. And now we're over here and we heard it from over here. So whoever moves in there isn't going to be that happy especially when it comes time for football season. Alright?
- Chairman McNulty: Okay.
- Wayne Rollins:** That being said, this is three...How many acres is this land?

Mr. Reilly: It's close to 4-acres.

Wayne Rollins: Close to 4-acres.

Chairman McNulty: The overall lot is close to 4-acres.

Wayne Rollins: Alright.

Chairman McNulty: But the house is, because it's in the wetlands area, there's a limit of disturbance that has to be established to protect those wetlands in there.

Wayne Rollins: Right. I was on the phone with some...A friend of a friend works for the DEC, New York State DEC. And that area right there is really heavily saturated with wetlands that are protected, not to mention the buffer. And they're really concerned about this project. And they didn't know about it. I didn't find any permit for this particular project yet registered with the DEC. I used the address you guys sent out over here.

Chairman McNulty: Yeah, they wouldn't know about it yet.

Wayne Rollins: They don't have anything in there and when I...This map can be found online by anybody. You just got to the...Ten minutes, not even, and you'll find it. Blow it up. Basically, what you have here, is you have the wetlands that are recognized by the State. And then you have their buffer zones. And these...If I was to superimpose this on here, you would definitely see that, I mean, they would be concerned with like the same things I am. The runoff is also most important. Because when you take an area of...Imagine you're clearing out two acres. One acre?

Mr. Reilly: Quarter of an acre.

Wayne Rollins: A quarter of an acre...

Mr. Reilly: Yeah.

Wayne Rollins: and it's...Well, alright. So quarter of an acre you clear out and then they're not going to have trees on the outside of...right directly outside of the house lining the driveway, right? They're going to have some space, a little bit of a yard.

Mr. Reilly: Well, that includes the yard and...

Wayne Rollins: Alright, so they're concerned, also as I am, you take out, what, 5,000 square feet for the driveway and the house pavement, concrete, that's impermeable to the rain and then you're going to have flooding in this area. It's going to definitely affect the drainage patterns in this area, too. So there's a lot more at stake. I mean, I don't want to get in the way of anybody wanting to build a dream house, far from it. I finally got mine after a lot of work and I would love to see somebody else, but in that particular area, I really, I mean I have a number of disagreements.

Chairman McNulty: Okay. Well, noted. And it's understood that it's a challenged lot. That's why it's so limited. There's about a quarter acre of useable land there out of the 4-acre lot.

Wayne Rollins: Right.

Chairman McNulty: What you didn't hear when we started is that this is part of a subdivision that was pre-approved when the subdivision was established.

Wayne Rollins: Okay.

Chairman McNulty: So it goes...It's established at one point. I forget the date. So it does carry through as a useable lot still. And that's where we plan to work with the applicant to limit the disturbance to the wetlands as much as possible. And he still has to go through DEP, DEC and County Health Department.

Wayne Rollins: Alright. That's a number of hurdles. Now, there is...When it comes time to...Alright. So you own this parcel of land. You're going to sell a certain amount to the people who buy this house.

Mr. Reilly: All of it.

Wayne Rollins: All of the land?

Mr. Reilly: It's one building parcel. One building.

Wayne Rollins: One building parcel.

Mr. Reilly: Yeah. But, only an area will be designated to build on and any disturbance that's going to be done.

Wayne Rollins: Alright.

Mr. Reilly: There's rain gardens to treat the water. What you say about impervious coverage, there...the driveway here is paved and then the rest won't be paved because of that reason. So there are a lot of things that get addressed because of the stormwater.

Wayne Rollins: Alright. Now with the erosion and, you know, how the ground is, are you going to compact this driveway because if it's just loose...if it's loose or even compacted soil eventually is going to be disturbed and the driveway is going to be all over the place. Not to mention, I see drains but I don't see any stormwater management system here.

Chairman McNulty: Well the rain garden is part of it.

Mr. Reilly: That's the rain garden.

Wayne Rollins: You're putting a rain garden here?

Mr. Reilly: Yeah.

Wayne Rollins: Can I just read some of the control notes? I...

Chairman McNulty: Sure.

Wayne Rollins: just got here. I'm sorry. I'm sorry if I'm late.

- Chairman McNulty: Rich, is there something you wanted to say on that?
- Rich Williams: No.
- Chairman McNulty: Ted, is there anything you want to say to address this gentleman's concerns?
- Ted Kozlowski: No. I think a lot of those issues would be mitigated. But my big concern is that I stated previously, I really think there should be a stone wall, not a post and rail fence or boulders in the backyard. That...Defining between what is going to be yard and the wetland. I've just...It's going to be challenged enough and it would be very tempting for a future owner to encroach further into the wetland.
- Chairman McNulty: Is there any other comments you had?
- Wayne Rollins:** I'm sorry. Just I'm an engineer myself, so I have to read...I have to read everything. If you'd like somebody else to speak in the interim...
- Chairman McNulty: Well, is there anybody else? Is there any other...
- Wayne Rollins:** I'm apologizing for being late.
- Chairman McNulty: Okay. Anybody else here with any other comments? Okay.
- Ted Kozlowski: Joe, when you...I've got...I'll ask a few questions while we're at it.
- Chairman McNulty: Okay.
- Ted Kozlowski: Joe, when will you be going to the DEC with a permit? After you go through the Town?
- Mr. Reilly: Yeah.
- Ted Kozlowski: Okay.
- Rich Williams: Well, my recommendation would be we get to a point and take comments from the other agencies because we don't want to approve this and have the DEC and DEP come in and change anything and, you know, have to start all over again with the Town permitting process. So...
- Mr. Reilly: So what are you suggesting then?
- Rich Williams: So what I'm suggesting, we finish the public hearing...
- Chairman McNulty: Public hearing and talk about lead agency.
- Rich Williams: Close the public hearing. We can do SEQRA or lead agency if you want and circulate to other agencies and, you know, that will start their process.
- Chairman McNulty: I think that's about where we're at. I mean, we've done our site visit...
- Rich Williams: Correct.

Chairman McNulty: And we've been out there and Mr. Reilly's, you know, he's made some changes that we recommended and put it forth. And then get it out to the other agencies.

Wayne Rollins: Now, this still has to be finalized, everything here because I don't see a P.E. stamp.

Chairman McNulty: It's not a complete plan yet, no.

Wayne Rollins: So this could change?

Chairman McNulty: Yes.

Mr. Reilly: We still have to go through all the other agencies.

Wayne Rollins: Alright, because, I mean, an engineer can totally revamp this, I mean, everything.

Mr. Reilly: Well, this is what will be the submission to all the other agencies. And if anything gets revamped it will be by the request of the other agencies.

Chairman McNulty: I can pretty much guarantee you it's not going to expand.

Wayne Rollins: Well, that I can tell. I mean, I can see...The encroachment already from this area, this stream here, it's very, very close. Wherever you want to put the silt fencing and this other...I mean, I could see...And these contour lines. I really don't have a lot of faith in this. I think it's going to be changed a lot. I think I'd like to see the final...

Chairman McNulty: Well, tonight is the public hearing. It does get, you know, our meetings are announced. Correct? They're on the website.

Wayne Rollins: Okay.

Chairman McNulty: And you can keep...

Rich Williams: First Thursday of every month.

Chairman McNulty: This is called RP Development and we have...The last Thursday of every month is our meetings.

Wayne Rollins: Alright.

Rich Williams: First Thursday of every month.

Chairman McNulty: First Thursday of every month. I'm thinking work session, excuse me.

Wayne Rollins: Now after a P.E. signs off on this after whatever changes they make, will you have another meeting?

Chairman McNulty: Sure, this is ongoing. We won't have another public hearing but we'll have additional meetings.

Wayne Rollins: Okay.

Chairman McNulty: Yes.

Wayne Rollins: And I will be able to voice my opinions then, too, as well?

Rich Williams: We will always take comments in writing, sure.

Chairman McNulty: Yes.

Wayne Rollins: You'll accept comments in writing?

Rich Williams: Absolutely.

Wayne Rollins: Okay.

Chairman McNulty: Okay.

Wayne Rollins: Alright. Very good.

Chairman McNulty: And our Town Engineer still has to do further review. It's pretty much at the beginning still.

Wayne Rollins: Right.

Chairman McNulty: So...

Wayne Rollins: Okay.

Chairman McNulty: Okay?

Wayne Rollins: Alright, thanks a lot.

Chairman McNulty: You're welcome.

John Heller: Tom.

Chairman McNulty: Yeah, John...

John Heller: Are we going to...

Chairman McNulty: Just step up, John, to the mike.

John Heller: Do we get notified when all these other agencies approve? Or how do we find out...

Chairman McNulty: No, you just have to... You have to keep an eye on the website for when the meeting...when this is on the agenda for, you know, for the Planning Board.

John Heller: Okay. Because then my, also, concern that he brought up is that he sells it, new owner buys it, starts clearing stuff out.

Chairman McNulty: Well that...

John Heller: There's no guarantee that's not going to happen.

Chairman McNulty: That's no guarantee and it's been a problem within the Town.

John Heller: Yeah.

Chairman McNulty: We try to include it in to deeds. We try to establish, like Ted said, on stonewall we've used boulders, fences, markers in the past to establish wetlands. And...

Ted Kozlowski: See, if they start clearing even with a stonewall, that could happen, it would be a violation and I'd have to go in there and issue a violation. But...

Chairman McNulty: Which happens more often than you think.

Ted Kozlowski: Yeah.

Chairman McNulty: There's a lot going on.

Ted Kozlowski: It's...

Chairman McNulty: We get violations here in front of us all the time.

John Heller: Yeah, I see...

Ted Kozlowski: There's people that, you know...

Chairman McNulty: Yeah.

John Heller: I see the paper all the time.

Ted Kozlowski: This is a deceiving lot because somebody's going to buy it and it's going to be 4-acres and they're going to think I can put a horse on this property or something like that.

John Heller: Right.

Ted Kozlowski: And they can't. So, they have to understand that and that's why we're going to have posted signs, which we can do by law. We're going to have the wetlands signs there and I'd like some sort of barrier. So no ATVs or...Then becomes a bigger yard or whatever. The man has the right to develop the property; it's an approved lot. But we still have to protect the resources that are there.

Chairman McNulty: Yeah. Okay. Alright, any other comment from the public? I make a motion to close the public hearing.

Wayne Rollins: Well, I didn't hear an answer to my question: what you plan on doing with the animals in that area. I've witnessed a number of, like I said, a number of animals. Snapping turtles, deer...

Chairman McNulty: Our Environmental Conservation Officer will...

Ted Kozlowski: I'll answer that.

Chairman McNulty: Inspector will...

Ted Kozlowski: The animals... Whatever animals are there are going to relocate. They're not going to... You're talking about a quarter of an acre. It's not a big, significant area. Most of the animals are transient: They're not living there all the time. They're going through. Once the chain saws start up, once they start moving the grade, most wildlife is going to vacate the area. They're going to go to your property. Or they're going to go the neighbor's property.

[Laughter]

Ted Kozlowski: They're going to go further into the wetland.

Wayne Rollins: Okay.

Ted Kozlowski: They're going to relocate.

Chairman McNulty: And when it settles, they'll migrate back.

Ted Kozlowski: Yeah.

Chairman McNulty: So...

Ted Kozlowski: Depends on what goes there. You know, Joe builds a really cute house and you get a nature lover in there, which I hope, moves in, they're going to accentuate the property. They're going to make it more hospitable to wildlife. I would think somebody moving into that lot is going to be appreciative of the wetlands and enjoy it for the aesthetic value. That's what I hope.

Wayne Rollins: Alright. And then as far as the drainage and everything else, a quarter of an acre is still a decent amount of land.

Ted Kozlowski: It is. But Joe has to... He has to address those issues. And this Town, as well as the other agencies, are going to make sure he addresses them so that there isn't runoff on the road and there isn't runoff in the stream. That's why he's going through this whole process and this is not going to be a cheap process for him.

Wayne Rollins: Okay, because septic systems do fail.

Ted Kozlowski: They do. But his septic system is not in wetland. It's not in the buffer and it's on the high end of the property. So, I don't anticipate it failing. But that... I'm not an engineer and I'm not the Health Department. They will be the deciders of that. Not this Board.

- Wayne Rollins:** And this is going to be an oil heated house or are they using utilities?
- Mr. Reilly: Propane.
- Wayne Rollins:** Propane. Propane for every...heat. Okay. And you're drilling a well for the water? Okay. Alright. Well, let's see how it goes. You said that you'll be submitting this to engineer. How...That could take any time. Alright. I guess I have to follow up on...
- Chairman McNulty: Just keep an eye on the website. First Thursday of the month is our meetings.
- Wayne Rollins:** Alright, thanks a lot.
- Chairman McNulty: 7:00 p.m.
- Wayne Rollins:** Appreciate you letting me talk.
- Chairman McNulty: Alright. Thank you.
- Board Member Brady: Thank you.
- Chairman McNulty: Okay.
- Board Member Taylor: Second.
- Chairman McNulty: *Make a motion again to close the public hearing.*
- Board Member Taylor: *Second.*
- Chairman McNulty: *All in favor? Motion carried by a vote of 5 to 0.*
- Chairman McNulty: Okay. With the public hearing closed, let's talk about SEQRA and lead agency. *I'll make a motion to declare this Board the lead agency for the...this project.*
- Board Member Montesano: *Second.*
- Board Member Ladau: *Second.*
- Chairman McNulty: *All in favor? Motion carried by a vote of 5 to 0.*
- Chairman McNulty: Rich, you'll circulate what has to be done? I missed the last meeting and I know there was some talk about the limits of disturbance and how you were going to do that. I think there was discussion about boulders.
- Mr. Reilly: Yeah. So we're going to line the area that we had a split rail fence in there and then there was...they asked for a stonewall. A stonewall would very pricey. We came up with putting boulders in. So, you know, boulders that are going to be put in there with a machine, an excavator.
- Chairman McNulty: Okay.
- Mr. Reilly: As we're...

Chairman McNulty: Just keep in mind that we're going to want to see them placed large enough and close enough so an ATV or sort can't get through there.

Mr. Reilly: Okay.

Chairman McNulty: So, keep that in mind for, you know, to really block it off. Unless there's other comment that I missed from the last meeting.

Board Member Brady: I think you got it.

Chairman McNulty: What else do we have here? There was some talk on our site walk about the driveway location, moving it a little bit, for better sight line. Was that addressed in the last meeting?

Rich Williams: It was slightly discussed, yeah. The septic is really in the way of moving the...

Chairman McNulty: So you...that...

Mr. Reilly: Moving it up.

Chairman McNulty: your expansion area...

Mr. Reilly: Yeah.

Chairman McNulty: is there where you can't move it. Okay. Alright. I know a gentleman discussed traffic but, you know, it's a three-bedroom house. Two cars. Three cars. I don't think it's that much of an increase in traffic there.

Rich Williams: Yeah, I think he was more concerned with the traffic existing on the road.

Chairman McNulty: Yeah. Okay, Joe is there anything else you have for us?

Mr. Reilly: No.

Chairman McNulty: So I guess we get this out, circulate it, see what our feedback is. Ron, you have anything on the SEQRA there?

Board Member Taylor: You see anything?

Board Member Brady: Huh?

Board Member Taylor: Did you see anything?

Board Member Brady: No, I didn't see anything.

Board Member Taylor: I think it's substantially complete.

Chairman McNulty: Yeah. I thought the same thing when I read it.

Board Member Brady: Yeah.

Chairman McNulty: Oh, except I did have a question.

Board Member Taylor: We covered the bases.

Board Member Brady: Yeah.

Board Member Taylor: We need to do Part 2, and I think we can go on.

Chairman McNulty: Question 7...

Mr. Reilly: One question: As far as getting it out, now is that something that the Town does or is it Joel Chase Engineering that will be sending it out.

Rich Williams: Chase...I will contact Chase Engineering. I will need a number of copies of the plans. And then we'll do the circulation.

Board Member Taylor: It's not a critical environment.

Chairman McNulty: Oh, it's not. Okay.

Board Member Taylor: The Great Swamp is the critical environment.

Mr. Reilly: So with that circulation going out, is that something as far as going forward or are you just getting comments now to kind of coordinate with the Town...

Chairman McNulty: It's in the...

Mr. Reilly: and then once you're okay with the other agencies, that's when Joel will start going out for approvals from those agencies? Or is it kind of working at the same time?

Rich Williams: I think at this point he should independently be reaching out to the other agencies...

Mr. Reilly: Okay.

Rich Williams: and starting their application process.

Mr. Reilly: Okay.

Rich Williams: Again, you don't want to have the Planning Board approve a plan that DEP, DEC comes in and alters significantly and then you have to come back to the Planning Board to get it reapproved, which means another public hearing and everything else.

Board Member Taylor: And the DEC wants a rain garden and thinks it...

Rich Williams: So...

Mr. Reilly: Okay.

Board Member Taylor: sufficient. But, I mean...

Chairman McNulty: He (inaudible – too many talking) correctly.

Board Member Brady: Yeah.

Board Member Taylor: (inaudible – too many talking) for the fact that that's what they want, so...

Chairman McNulty: I just had one question on the EAF, and it says that it's in the 100 year floodplain. Is that correct?

Rich Williams: I don't know, I'd have to look.

Chairman McNulty: And if it is, how does that affect your potential buyer insurance for the property. I mean, want to...I know that...

Rich Williams: He'd have to get floodplain insurance and depending on where he is in the floodplain, he'd have incorporate design requirements.

Chairman McNulty: So, I see that's checked off yes. So, I don't know if your engineer completed the EAF or if...I think that you signed it though.

Mr. Reilly: I signed it, but he completes it.

Chairman McNulty: Yeah, so you may want to look into that. Ron, I don't know how that affects...

Ron Gainer: I haven't investigated the property, so...

Chairman McNulty: So, I know that...

Ron Gainer: I can establish that from the FIRM mapping.

Chairman McNulty: Okay. That's the only issue I...

Rich Williams: I got it all plotted out on GIS, so I can just pull it right up and look.

Chairman McNulty: Okay.

Rich Williams: Like I said if it is, you know, then we've got to have further conversations about some of the issues.

Ted Kozlowski: Yeah, the...Just so you know, Joe, and I was involved with...By the old Town Hall there's the house. He's within the 100 foot...

Chairman McNulty: Oh, hundred year floodplain.

Ted Kozlowski: And FEMA is making him put a berm above that...

Chairman McNulty: That's why I bring it up.

Ted Kozlowski: Yup.

Chairman McNulty: Because I know the laws have changed in the last couple years. So, it may be something you really want to look at and address.

Rich Williams: Alright. Let...

Chairman McNulty: You don't want to build something that's not sellable.

Rich Williams: Just so we have the record clear, FEMA is not making him put a berm in. FEMA is saying he's in the floodplain so his floodplain insurance is exceptionally high.

Ted Kozlowski: Right.

Rich Williams: And he's trying...

Chairman McNulty: So to mitigate his insurance, he can put a berm in.

Rich Williams: Correct.

Ted Kozlowski: FEMA's making him put a berm in.
[Laughter]

Chairman McNulty: But the FEMA law is triggered.

Board Member Brady: Yeah.

Chairman McNulty: Yeah.

Mike Liguori: Out on the island what's happening is that the builders are building their foundations 12' high and there's no habitable space on the first floor. So for instance, in Long Beach...

Chairman McNulty: Along the coastline, yeah.

Mike Liguori: Yeah, along the coast you have your very narrow lots with tandem garages and a stairway going up to the first floor with the foundation height of 12'. And that's... You're homeowners are looking at an average of \$250.00 a month for flood insurance. As long as you're compliant with the FEMA regulations, you can get it. It's expensive but it's not terrible.

Chairman McNulty: Okay. So, just thought I'd bring that up. I didn't know how that affected this application.

Mr. Reilly: How does it affect the application?

Chairman McNulty: You'll need to talk to your engineer and...

Mr. Reilly: Is it something that I have to satisfy with the Town or other agencies? Or is this just something I should be aware of when I sell the house?

Chairman McNulty: Well, I think it's going to affect you in the construction of the property, if I'm correct. Right?

Rich Williams: It would be additional permitting. But I'm having a hard time to think this is in a hundred foot...A hundred year floodplain. And, you know again, I have it all plotted out. I administer the floodplain requirements for the Town of Patterson and I, you know, it's been six weeks, two months since I've looked at this project, Joe, so...But I...

Chairman McNulty: Alright, so you'll take a look at it?

Rich Williams: I would have...I would have red flagged it early on.

Chairman McNulty: Well, I just see it on the EAF. So maybe it's just a correction on...

Mr. Reilly: Right.

Chairman McNulty: the EAF.

Mike Liguori: And it could pop on the floodplain mapper and be an error. We've had them fixed. You go get a surveyor who delineates elevations and you submit to FEMA, and if it's wrong they'll fix it.

Chairman McNulty: Okay, so my recommendation is to check with Rich. Check with your engineer and further investigate it to be sure.

Mr. Reilly: Okay.

Chairman McNulty: Okay.

Mr. Reilly: Okay.

Chairman McNulty: I'd hate to see you go too far and realize you've got more deal with it. Anything else from anybody? Joe, anything?

Mr. Reilly: All set.

Chairman McNulty: Okay, thank you.

Mr. Reilly: Okay. Thank you.

Chairman McNulty: Okay, next we have Station-Glo, sign permit.

Board Member Taylor: Can I say something on the last one?

Chairman McNulty: Oh, I'm sorry.

Board Member Taylor: So maybe we should schedule for the work session doing Part 2 and wrapping up SEQRA if we've got...if that's the only question.

Rich Williams: Sure, you can work on Part 2 at the work session.

Board Member Taylor: We'll get it out of the way. And we can try to move forward.

Ron Gainer: You couldn't act if we (inaudible) to them.

Rich Williams: No, they can't act on

Board Member Taylor: Okay, sorry.

Chairman McNulty: That's fine.

Ron Gainer: I don't think he knows.

Chairman McNulty: I did part (inaudible – too distant). Okay. So we're looking to do Part 2.

2) STATION-GLO of N.E. (Putnam Lake Citgo Station) – Sign Application

Ms. Lizzie Honyotski, Station-Glo of New England, was present.

Chairman McNulty: Okay, next would be Station-Glo, sign permit.

Ms. Lizzie Honyotski: Sorry, I don't do well in front of people. My name is Lizzie Honyotski and I'm from Station-Glo.

Chairman McNulty: Hi, Lizzie.

Ms. Honyotski: Hi. We're proposing to just reface the Citgo sign that's currently existing.

Chairman McNulty: Mmhmm.

Ms. Honyotski: We're going to take out the... We're going to be leaving the Citgo emblem itself, taking out the font pricer, and replacing it with an LED pricer, just the faces, and then we'll be re-facing the bottom two-by panel that's going to say "Borderline Foods".

Chairman McNulty: Replacing that...The ATM with...

Ms. Honyotski: Yeah. It's going to say "Borderline Foods".

Chairman McNulty: Okay. Alright, we got out to your site and took a look and I don't know where to start on this.

[Laughter]

Chairman McNulty: We understand you have a site plan for that. At some point, there was something established for that property.

Rich Williams: What we have is...

Chairman McNulty: But the sign was never...

Rich Williams: What we have are two applications for site plan waivers. We don't actually have a site plan.

Chairman McNulty: Okay.

Ms. Honyotski: Okay.

Rich Williams: So, you know, as far as the issue with the site improvements, we're not exactly sure what the site plan waivers cover back in 1989 and...

Chairman McNulty: Okay.

Rich Williams: Yeah, 1989 and 1986. But we do know what the zoning code said about signs from 1960 on.

Ms. Honyotski: Mmhmm.

Rich Williams: 1960 on, the maximum size of a freestanding sign was 25 square feet.

Ms. Honyotski: Okay.

Rich Williams: Alright. The sign that's out there right now is currently 70 square feet.

Ms. Honyotski: Seventy square feet.

Rich Williams: And then there are additional freestanding signs on the site.

Chairman McNulty: On the canopy it says Citgo.

Ms. Honyotski: The Citgo, yup.

Chairman McNulty: So they count as signs as well.

Ms. Honyotski: They count all of that?

Rich Williams: Yeah.

Chairman McNulty: And...

Rich Williams: So what we have, and there's also the issue with the signs on the building as well.

Chairman McNulty: Yeah.

Rich Williams: Planning Board identified that.

Ms. Honyotski: I think there's the Quick Mart is on the building right now.

Chairman McNulty: There's a whole bunch up.

Board Member Montesano: And the windows.

Ms. Honyotski: Yeah, there's a whole bunch in the windows.

Rich Williams: Yup. Yeah. So basically what we have is a site that's not conforming with our Zoning Code.

Ms. Honyotski: Okay.

Rich Williams: And then...

Ms. Honyotski: Which goes well beyond us just applying for a sign.

Rich Williams: It does.

Board Member Montesano: Yeah.

Chairman McNulty: Yeah.

Ms. Honyotski: Which involves the property owner who I thought was going to be here this evening.

Chairman McNulty: Yeah. So what we're challenged with...

Ms. Honyotski: Because we're just the contractor that was hired.

Chairman McNulty: with this Board is to get people into compliance and develop within compliance.

Ms. Honyotski: Okay. Understood.

Chairman McNulty: So...And that's what we're trying to do month after month. So, I didn't get to see, Rich wrote a memo. I haven't got chance to review it yet, but basically we all went out there and thought of a couple alternatives just for the freestanding sign. One would be, Bob recommended to incorporate the LED sign for this pricing...

Ms. Honyotski: Mhmm.

Chairman McNulty: with the Citgo sign and remove the freestanding sign.

Ms. Honyotski: Okay.

Chairman McNulty: Or remove the lettering off the canopy...

Ms. Honyotski: Off the canopy.

Chairman McNulty: and reduce to 25 square feet the freestanding sign.

Ms. Honyotski: Okay.

Chairman McNulty: But our kind of thoughts were the whole freestanding sign was removed, less chance of being bumped into by a car.

Ms. Honyotski: Oh, understood.

Chairman McNulty: So, those are the options we're looking at to get you down to 25 square feet...

Ms. Honyotski: Okay.

Chairman McNulty: for the freestanding sign.

Ms. Honyotski: Okay. I would have to bring it back to Citgo and my boss and the property owner.

Chairman McNulty: Yeah.

Ms. Honyotski: Because I know, you know, Citgo's policies and what they want to have up and what they look to have up for their image.

Chairman McNulty: It's corporate, sure.

Ms. Honyotski: Versus what the Town will allow. So I'll have to bring it back to them.

Chairman McNulty: Okay. And then...

Ms. Honyotski: See if I can get something revised for you.

Chairman McNulty: for the signs on the face of the building...I forget, what are our limits...What's our square footage on that?

Rich Williams: 1.25 square feet for every linear foot of building...

Chairman McNulty: Okay.

Rich Williams: frontage.

Ms. Honyotski: Can I show something?

Chairman McNulty: Yeah.

Ms. Honyotski: So you're including these signs here as signage? Or just...

Chairman McNulty: Everything that's posted is a sign.

Ms. Honyotski: Or just...Everything that's on there plus what's in his windows.

Chairman McNulty: Yes.

Ms. Honyotski: Okay.

Board Member Taylor: Well, two separate sets of signs, though. There's the freestanding sign...

Chairman McNulty: The freestanding is separate from what's on the building.

Ms. Honyotski: Right. Okay.

Chairman McNulty: But everything on the face of the building that's a sign counts as a sign.

Ms. Honyotski: Counts as signage. Understood. Okay.

Chairman McNulty: Yeah.

Ms. Honyotski: Alright. So I'll have to talk to...

Chairman McNulty: So you have to measure your footage times 1.2...

Ms. Honyotski: Okay.

Chairman McNulty: square feet. [Editor's note: should be 1.25 square feet]

Ms. Honyotski: Okay.

Chairman McNulty: And that's what you're allowed for the building frontage.

Ms. Honyotski: Okay.

Chairman McNulty: Okay. And then you come back and I guess we can add that to this application. Separate application for the front of the building.

Rich Williams: You'll probably want it as a separate application.

Chairman McNulty: Yeah.

Ms. Honyotski: Okay.

Chairman McNulty: And we need a rendering of what your sign would look like.

Ms. Honyotski: What the sign would look like.

Chairman McNulty: Just like you did with this one.

- Ms. Honyotski: Okay. Alright. I'll have to take it back to Citgo and...
- Chairman McNulty: So think about the alternatives.
- Ms. Honyotski: my employer.
- Chairman McNulty: Removing the freestanding.
- Ms. Honyotski: I noticed you did have another one in the area that had the LED on the canopy already on our drive up here.
- Chairman McNulty: We didn't object to the LED portion. It's just the size of the sign.
- Ms. Honyotski: Right. I saw what you...what they had on their canopy. So that's more what you're proposing as well, the LED.
- Board Member Ladau: Yeah.
- Ms. Honyotski: Okay.
- Rich Williams: Do you remember...And nobody's opposed to the LED that I've heard so far.
- Chairman McNulty: No.
- Ms. Honyotski: So the LED is not the issue. It's just the amount of signage.
- Chairman McNulty: As long as it's not an animated light or it's flashing or it's scrolling...
- Ms. Honyotski: No. It's not a strobing...
- Chairman McNulty: Yeah.
- Ms. Honyotski: Due to the LED, the way it flickers, it flickers so fast that the eye can't tell, I don't know if that makes sense. That's how I've been...
- Chairman McNulty: Well change it. The price will change that fast, so...
[Laughter].
- Ms. Honyotski: I know. I wish that would happen. But I'll definitely take it back to my boss and let them know and I'll contact the property owner and the oil company that we're working with and see how they want to proceed.
- Chairman McNulty: Okay.
- Board Member Ladau: Okay.
- Chairman McNulty: Sir, you had a question? Would you like to come up and speak into the microphone, please?

- Mr. Joe Francis: Alright. My name is Joe Francis. I actually lease the property.
- Chairman McNulty: Okay.
- Mr. Francis: And I'm trying to find out exactly...The sign itself has been there for like 30 years.
- Rich Williams: I don't know...
- Chairman McNulty: We don't know.
- Rich Williams: how long it's been there.
- Mr. Francis: Since the...Eighty...
- Chairman McNulty: We have no record of the sign.
- Mr. Francis: As far as freestanding.
- Chairman McNulty: And of the signs.
- Mr. Francis: So what are you recommending? For us to lower the sign or get rid of the sign itself?
- Chairman McNulty: You have to reduce the square footage of the freestanding signage to 25 square feet, front and back.
- Rich Williams: Or alternatively...
- Ms. Honyotski: Per or altogether?
- Rich Williams: Or alternatively, everybody needs to come to a resolution about what is appropriate for the size. And then you would need to get an area variance for anything over 25 square feet.
- Ms. Honyotski: Sorry.
- Mr. Francis: That sign can't be seen, let's say, from when you're coming from the Town, you're coming upward, you can't see the sign. You can only see the sign when you're on top of it. And this is more of an upgrade to, you know, the façade itself; to make it look right.
- Chairman McNulty: Yeah.
- Mr. Francis: That's what we're trying to do now, is to image the property, make it look nicer and with this sign it rarely stays on. We're open until 8 o'clock, 9 o'clock at night so the sign will be on for like an hour.
- Chairman McNulty: Yeah. The question though, the problem is, the limit of the sign size. We're...The Code restricts it to 25 [square] feet unless a presentable sign comes that's not double in size or not too big...too much bigger in size...

Mr. Francis: Actually, it will be the same size, right?

Chairman McNulty: And then it will be...

Ms. Honyotski: Yes, we're just re-facing.

Mr. Francis: We're just re-facing.

Ms. Honyotski: So...

Mr. Francis: We're not changing anything on it.

Chairman McNulty: Yeah, but you're way above the 25 square feet, at 70 square feet right now.

Mr. Francis: Height you're saying.

Chairman McNulty: No.

Rich Williams: No.

Chairman McNulty: Square footage.

Ms. Honyotski: No, the square footage.

Board Member Ladau: No, the area.

Chairman McNulty: The area of the sign.

Mr. Francis: I got you.

Chairman McNulty: The height's not the issue.

Ms. Honyotski: And you need...

Chairman McNulty: It's the area.

Ms. Honyotski: It's 25 [square feet] per or 25 whole? Twenty-five per side or twenty-five total?

Chairman McNulty: Per side.

Rich Williams: No.

Board Member Montesano: No.

Rich Williams: We count double-faced sides as a single thing.

Ms. Honyotski: You do? Okay.

Mr. Francis: So it will be this big?

Board Member Taylor: Divide what by?

Chairman McNulty: You're five foot...Well, the Citgo portion that just says Citgo...

Mr. Francis: Right.

Chairman McNulty: is within...

Ms. Honyotski: Is acceptable.

Chairman McNulty: Is the size that we accept.

Ms. Honyotski: So...Okay. I know how to...I know. Okay.

Chairman McNulty: But we have a...And I thought, from the Board, was if that sign went away and if the sign was somehow incorporated into the canopy where you have Citgo on each end of that.

Ms. Honyotski: What if we just had the 25 square as just the LED without the Citgo and the Borderline. Would that be accepted?

Chairman McNulty: Well, you'd have to show us a rendering...

Rich Williams: Well, you still have the Citgo signs in the canopy.

Board Member Brady: You still got to deal with that.

Ms. Honyotski: So that we'd still have to deal with the Citgo on the canopy?

Chairman McNulty: Yeah.

Board Member Ladau: Yeah.

Rich Williams: Right. But that might be an easier lift if you needed to get a variance.

Ms. Honyotski: Alright.

Chairman McNulty: You can exceed the size to some degree, but it would require you to go to the Zoning Board then.

Ms. Honyotski: To go to the Zoning Board.

Chairman McNulty: You'd need to have renderings and sizes to be able to discuss.

Ms. Honyotski: Of the letters that are on there and...

Chairman McNulty: Sorry Ron, you wanted to say something.

Board Member Taylor: You know, and you need to understand that when we talk about freestanding signs, we're also talking about the "Cold Beer, Lotto" is part of that signage allotment.

Chairman McNulty: Underneath, mounted below the ATM sign...

Mr. Francis: Okay.

Chairman McNulty: That's counted as a sign. I mean, that's...

Ms. Honyotski: They have that.

Board Member Taylor: It's not a separate sign and you don't get allotted for the separate sign. These are all...have to be added together to meet your maximum.

Ms. Honyotski: Right.

Chairman McNulty: So you have 70 square feet of high sign plus you have...

Mr. Francis: Correct.

Chairman McNulty: square footage...

Ms. Honyotski: Plus we have the littles underneath.

Chairman McNulty: of the little signs plus you have the square footage...

Ms. Honyotski: Plus we have stuff on the building...

Chairman McNulty: of the Citgo on the canopy.

Ms. Honyotski: and the canopy. Okay. I understand.

Chairman McNulty: And those are freestanding. The building is a different sign application.

Ms. Honyotski: Okay.

Board Member Brady: But this...The parking area is very restricted. You know, it...

Ms. Honyotski: I saw it when we drove by, yeah.

Board Member Brady: And taking that sign down is going to...would make it easier access for parking there for you. You'd probably get another parking space if somebody's not backing into...

Mr. Francis: Well, there's a driveway there so...

Board Member Brady: Right.

Mr. Francis: that acts...That side actually protects people from...

Board Member Brady: Going down the driveway.

Mr. Francis: Correct. So, it does a lot more than just being a sign.

- Chairman McNulty: Well, that's... You'll have to decide what works best for you.
- Mr. Francis: You also have a stonewall right opposite that.
- Board Member Brady: Mmhmm.
- Mr. Francis: So you're between a pole and a, you know, that's like a division right there. So, the driveway to go down so people can't park on the driveway.
- Chairman McNulty: Okay.
- Board Member Brady: Just looking at it and thought that that might be helpful to you, you know...
- Chairman McNulty: Yeah.
- Board Member Brady: you give you more space.
- Chairman McNulty: Giving options.
- Board Member Brady: Yeah.
- Chairman McNulty: You're going to have to figure out what works best for your business and come in to conformance with the Code.
- Mr. Francis: Alright, I look at it like when you're coming down from downtown or you're coming upwards, you'll lose the station completely. The only time you see it is when you're on top of the hill and you get to see the site, you know, you get to see a little bit of the sign and then when you're on top of it is when you really get to see the whole station. So that's really like something that's good for us.
- Chairman McNulty: Rich, while we're talking about this, do we have a height limit?
- Rich Williams: No.
- Chairman McNulty: So it would be the same as a building, right?
- Rich Williams: It's at the... Well...
- Ms. Honyotski: It's at its limit, huh?
- Rich Williams: It's at the discretion of the Planning Board.
- Chairman McNulty: Right.
- Mr. Francis: What we're trying to do is just beautify the lands. We've got a lot of people moving in now. We got across the street, you got a florist who just came in. You've got another, you know, hair dressing place that's opening up. So the Town's...
- Chairman McNulty: And they've all been...

Mr. Francis: moving...

Chairman McNulty: in front of us for their sign application.

Mr. Francis: Okay. I'm sure...

Chairman McNulty: You know, we see them. They come in. And as we go, you know, everybody...we're trying to get them to conform to make it look better.

Mr. Francis: Okay. That's what we're trying to do.

Chairman McNulty: Yeah.

Ms. Honyotski: Alright, I'll have to go back to Citgo, and my boss and the oil company that we're working with and see how they want to proceed from here.

Chairman McNulty: Okay.

Ms. Honyotski: Thank you for your time.

Chairman McNulty: Take a look at your options and see what you can do and come back and see us.

Ms. Honyotski: Aright. Thank you.

Chairman McNulty: So for now this application will remain open until we see something come back.

Ms. Honyotski: And I can stay in contact with Sarah?

Chairman McNulty: Yes.

Ms. Honyotski: Okay.

Mr. Francis: Was there other concerns on the building also?

Rich Williams: Just the overall signage on the building was discussed by the planning Board while they were out there, yeah.

Mr. Francis: Which one? The imaging on the building itself?

Ms. Honyotski: They're talking...

Rich Williams: Under our Code...

Ms. Honyotski: So they're concerned with. And then they take all of this and...

Rich Williams: See, just...

Chairman McNulty: Everything on the building is a sign...

Mr. Francis: Right.

Chairman McNulty: that any...

Board Member Brady: The air...the air pressure is...

Board Member Ladau: Would be a sign.

Mr. Francis: Consider a sign but those are all there for protection for everybody else. You know, like don't block the pumps, you know. Area over here that's just...

Board Member Brady: Yeah, but...

Chairman McNulty: Understood. That...

Board Member Brady: But that's still a sign.

Chairman McNulty: It's still a sign. It comes under...It falls under the Code of signs and we have that whatever the front of your building is times 1.2 square feet [Editor's note: Code says 1.25 square feet] that's how many square feet of sign you can place on the front of the building.

Board Member Taylor: But that's the case where it's there for safety reason. You might be able to argue with the Zoning Board to give you a waiver for those...

Chairman McNulty: Right.

Board Member Taylor: particular signs.

Mr. Francis: Got you.

Board Member Taylor: But you still got to deal with the signs in the windows and the signs up above and...

Mr. Francis: What the...

Chairman McNulty: The beer sign. Well, that's a freestanding sign. But...

Mr. Francis: Right. Those are from the inside of the building.

Ms. Honyotski: You have the Citgo and Quickmart above the windows. There's this on in the window that they're referring to. I'm not sure what that says because it's blown up.

Mr. Francis: That's just our sign. That's just our logo.

Board Member Taylor: That's still a sign.

Mr. Francis: So you're recommend that I would take down these signs?

Chairman McNulty: Yes.

Rich Williams: I think that the Planning Board is looking at, at this point, if I could just jump in...

Chairman McNulty: Yeah.

Rich Williams: is to understand the total square footage that's currently on the building and make sure that the square footage on the building conforms with our Code requirements. Right now, we have...the Planning Board has nothing in front of them about the total square footage that you have on your building. And I think going forward they would like to understand what that is. The problem that you've inherited, unfortunately...

Mr. Francis: Okay.

Rich Williams: is that since 1960 the Town has required anybody that wanted to put a sign up get a sign permit. And within our files which go back quite a ways, we don't have any sign permits for this site. That leads us to believe that all these signs have been put up without ever coming before the Planning Board or being reviewed. Now, if you go back to Mr. Roman and he's been there a long time, he may have something that we don't have in our files that, you know, may show that you at some point got a variance or got a sign permit. But right now we have to go by what we have in our files and we just don't have it.

Mr. Francis: It's not much in there.

Rich Williams: Yeah.

Mr. Francis: I would have speak to Hector Roman.

Rich Williams: Yeah.

Mr. Francis: And find out. Got you.

Rich Williams: Yes.

Ms. Honyotski: And I'll have to talk to my boss and...

Chairman McNulty: Yup.

Ms. Honyotski: to see how they want to proceed and speak with...

Chairman McNulty: Okay.

Ms. Honyotski: Citgo and see what other options they have to still maintain their image and their branding.

Chairman McNulty: Sure. And if questions come up, call the office.

Ms. Honyotski: Okay.

Chairman McNulty: And get the advice you need and they'd have to see again next month and further address it.

Mr. Francis: Now the signage that you were speaking about, who do I speak with that? You know, because these are signs that are just for safety.

Board Member Taylor: Well, once you have an idea of what you're going to do, once you know what there and how much...

Chairman McNulty: You're allowed.

Board Member Taylor: Whether it varies or not from what's allowed and how you might want to redesign it, if you're over the limit you have to go to the Zoning Board and you can request a waiver for a certain amount.

Mr. Francis: Got you.

Board Member Taylor: Those kinds of signs might be a good argument for the waiver. At least part of the waiver. But right now what you're faced with, you have a sign that's almost 300% larger than what's allowed. And it's unlikely that the Zoning Board, I can't speak for them, but it would seem like they're not going to allow you 300% of the difference. They might allow you... We've allowed 60% in some cases. In special cases. But... Or they have allowed that. But not 300%.

Rich Williams: And this would all start with an inventory of what you have and what you want to keep on that building and then we would take a look at, you know, what you're proposing to do as far as signage. You're absolutely right: some of the signs that are related to safety are exempt from our Code.

Mr. Francis: Mmhhh.

Rich Williams: We don't include, say, an ADA sign as part of that overall signage that we calculate.

Mr. Francis: Okay.

Rich Williams: You have a little small Open for Business sign, that's not included in there. So... And our Code is up online if you want to take a look at it. You can call the office, we can help you out.

Mr. Francis: Okay.

Rich Williams: You know, direct you to it. But it is up online and, you know, there's a whole section in there on business signs. Give you an idea about what is and is not allowed.

Mr. Francis: Okay.

Ms. Honyotski: Thank you.

Mr. Francis: Alright, thank you so much.

Chairman McNulty: It's on the Patterson web... Town website. You can find codes and...

Mr. Francis: If I have the time I'll try to.

Chairman McNulty: Chapter 154 I think it is.

Mr. Francis: I left my wife over there just now, so I got to get right back.

Chairman McNulty: Okay.

[Laughter]

Ms. Honyotski: Thank you, gentlemen.

Chairman McNulty: Alright, you're welcome.

Mr. Francis: Alright, thank you very much.

Chairman McNulty: Alright, thank you.

Board Member Brady: Bye-bye.

3) BILL HENRY TREE SERVICE, INC. – Site Plan Application – Continued Review

Mr. John Watson, Insite Engineering, and Mr. Bill Henry were present.

Chairman McNulty: Okay. Next we have...

Board Member Ladau: Mr. Henry.

Chairman McNulty: Bill Henry Tree Service. Hello, John.

Mr. John Watson: Good evening.

Chairman McNulty: Hey, Bill.

Mr. Watson: Good evening. I'm John Watson from Insite Engineering, with Bill Henry from Bill Henry Tree Service. Representing a commercial site plan application for a proposed building on Route 22, Town of Patterson. It is on a two-acre piece of property in the C-1 Zone. We're here for continued site plan review. Last time we left off, the Board was going to do a site walk. And based on the site walk, there were concerns about the location of the building. And what we've done since that site walk is pushed the building back as far as what we think we reasonably can to still maintain adequate outdoor storage in the back of the property. So we've shifted the building back approximately 20 feet because it...the grade climbs into the property. We've also raised it three feet in elevation. And also moved the septic and infiltration system uphill accordingly. Due to the equipment that Bill has and what he needs to do in the back storage area, we were not able to keep the previously proposed clear span cloth building in the back. We wanted to put that in the corner so he could do some of his work inside. Some type of shelter. But now with the building moved back, we sort of...we looked at some turning radiuses and there's just not enough room for him to get his truck and chippers in and parked and be able to mobilize.

So we did remove that as part of this application. We did regrade the parking lot a little bit. We put a 4-foot high retaining wall across the back of the property here. And we did delineate the woodchip storage and wood storage shown on the plan.

Chairman McNulty: So pulling the building back couldn't change the grading that much where you couldn't pull the parking lot back either? You have to create the wall.

Mr. Watson: Well, the other part of...The other part of the issue is we're at like, we're just under an acre of disturbance. And if we pushed it back another 20 or 30 feet to be able to get the turning radius in, we'd be over an acre of disturbance. We're trying to avoid that. That puts us into different thresholds for stormwater management. And as I noted on our previous applications, we are providing an infiltration system...

Chairman McNulty: Mhmm.

Mr. Watson: which is not required at all for what we're doing but we do want to do some type of stormwater treatment just in good faith and we just want to avoid having to go through all of the rigorous design review construction approvals for (inaudible – too many talking)....

Chairman McNulty: Were you over the limit of disturbance on the previous plan?

Mr. Watson: No. We kept it under. We purposely kept the project under one acre of disturbance.

Chairman McNulty: Okay, well then one of the biggest concerns the Town had on the...The Board had on the site walk was just screening of the building. And that's...We talked to Bill at the work session about the trees down front and with the infiltration and the grading and the septic, how many of those larger, older trees would be damaged or fell because of the site disruption. And that was a concern. One of the things we had asked, I don't know if it got conveyed to you, is to plot those larger trees for screening on the plan so we could see how it ties in to where the disturbance is. I don't know if...Bill, we had talked about that. I don't know if you got that back to John before he did it.

Mr. Watson: Yeah. He did let me know that. We haven't done that because we had...

Chairman McNulty: Okay.

Mr. Watson: That was after our submission.

Ted Kozlowski: And the red cedar tree.

Mr. Watson: How many? One?

Chairman McNulty: I think there's one there.

Ted Kozlowski: There's one.

Chairman McNulty: Because it was hard for us while we're there to visualize what might disappear with the stormwater...

Mr. Watson: Okay.

- Chairman McNulty: placement and the septic.
- Mr. Watson: The plan with the stormwater and septic is...This is all being shown in concept.
- Chairman McNulty: Mmhhh.
- Mr. Watson: We're in the process of scheduling testing with the Health Department and we're going to do test holes for the infiltration, also. We will adjust them in the field to keep whatever larger trees there are. Those areas are not set in stone. Those can be adjusted and we'll adjust them it may be to save trees if there's trees there.
- Chairman McNulty: That would be the key point, is to just save as much...
- Mr. Watson: Yup.
- Chairman McNulty: screening as possible.
- Mr. Watson: Yeah. The building and the parking area, there's really not a lot of front to back or side to side...
- Chairman McNulty: Mmhhh.
- Mr. Watson: adjustment there. But the septic and stormwater do have the ability to move around.
- Chairman McNulty: Okay.
- Board Member Taylor: I have a question for the Board: Were we...Since we've seen this, were we happy with the previous plan?
- Board Member Ladau: I'm sorry, say that again, Ron.
- Board Member Taylor: Were we happier with the previous plan?
- Board Member Ladau: It sounds like.
- Chairman McNulty: Well, I don't know. It's hard to tell if we help the trees or not. Pushing it back I thought we'd save some of the trees, no?
- Board Member Taylor: He wasn't able to push it as far back as we hoped.
- Chairman McNulty: No.
- Board Member Taylor: And it's raised the building.
- Board Member Brady: Yeah, it's raised it three feet.

Board Member Taylor: And it's making it more difficult for him to put stuff outside instead of covered. So, I mean, these are concept plans. I hate to, you know, go backwards and forwards but...

Mr. Watson: Yeah, well, we understand it's an iteration. We reiterate in-house when we do our designs. So we understand.

Board Member Taylor: What's your feeling about that, Rich?

Rich Williams: Well, I think I expressed my feeling at the work session. I am less comfortable with this plan and less comfortable with having everything...

Board Member Taylor: Outside.

Rich Williams: In a building. You know, I preferred other plan. I recognize there may be some impact to the trees, but I think there's going to be the same impact regardless. I think the trees along the road are equally as protected with either plan.

Mr. Watson: I do agree. Order of magnitude to keep an extra twenty or thirty or even forty feet of trees. You know, if you have a hundred feet of trees or a hundred and forty feet of trees as you're driving by on [Route] 22, the order of magnitude of having a building back is not the big deal. The big thing to remember which we said with our last submission was I bring the entrance driveway in on the back of the property and not having the entrance driveway in the front. That's a huge...

Chairman McNulty: Mmhhh.

Mr. Watson: mitigation to save a lot...

Chairman McNulty: Yup.

Mr. Watson: most of the trees in the front yard. And we did, you know, this is pushed back in the back of the property.

Board Member Taylor: How do you feel, Bill, about the choice between the two designs?

Mr. Watson: Would you prefer to have the...

Mr. Bill Henry: It doesn't matter right about now.

[Laughter]

Mr. Watson: You got that, Sarah?

The Secretary: I'll make sure I got that.

Mr. Watson: It doesn't matter right about now.

[Laughter]

Rich Williams: It should start to matter for you, Bill.

Mr. Henry: I need a yard.

Rich Williams: Yeah, but which yard would you prefer?

Chairman McNulty: Did you prefer to have the storage in the back with the cover? Or would did you prefer to have...

Mr. Henry: It would be nice but, you know, I could live without it, too.

Chairman McNulty: Okay.

Board Member Montesano: What would you prefer, Bill: getting wet or staying dry?

Mr. Henry: I just need a yard. You know...

Chairman McNulty: Alright.

Mr. Watson: I'll speak for Bill.

Board Member Montesano: One wet yard.

Mr. Watson: I'll speak for Bill. Bill would prefer the building in the back.

Chairman McNulty: Okay.

Mr. Watson: It's, you know, for him and for you I think it's the better option all around. And I do think that moving it back to where it was, losing those extra couple of trees...

Chairman McNulty: We thought the parking lot would go with it and save trees.

Mr. Watson: Yeah.

Chairman McNulty: For the screen. But it raised the building and shortened your parking lot. Now... You want to say something, Ron?

Board Member Taylor: Well, I just... We still... We would still need the trees on something so we can see where the trees are going to be...

Mr. Watson: Understood. I wrote that down.

Board Member Taylor: That was...

Chairman McNulty: Okay.

Board Member Taylor: Do we want to make a recommendation here?

Chairman McNulty: As far as?

Board Member Taylor: Pursuing the first one as opposed to this one?

Chairman McNulty: Well, I think we're open for either one. We'll let the applicant make it his preference.

Board Member Montesano: You've got eleven trees on the side that seem to be...

Board Member Taylor: Well, we have...

Board Member Montesano: let's put them in the forest.

Board Member Taylor: Part of the preference is us, too.

Chairman McNulty: Yeah.

Board Member Taylor: Whether we want to...What Rich just said about it being covered or uncovered. I mean that comes down on us as well. You know, how we feel about that.

Mr. Watson: I have a suggestion.

Board Member Taylor: Yes.

Mr. Watson: We will prepare the tree plan. We will submit a tree plan. We'll resubmit both options: Alternative A and B because they're both done. We'll resubmit both. We will talk about which one he really prefers. We'll give you both. We'll tell which one we prefer. We'll give you the tree plan that way we're...

Chairman McNulty: I think the tree plan will be key because we're...

Mr. Watson: We're process, you know...

Chairman McNulty: So we'll see where the screening is.

Board Member Taylor: Okay.

Mr. Watson: I do have...

Board Member Taylor: Good idea.

Chairman McNulty: Now...

Mr. Watson: My other concern. Okay. So...

Chairman McNulty: Go ahead.

Mr. Watson: we're good there. And as far as...Two other things: On SEQRA, are we far enough along to start that or do you want...I guess we need to choose an alternative.

Rich Williams: We have...Yeah, we had...

Chairman McNulty: No, that was bringing my...

Rich Williams: a conversation with the Chairman. My preference, is right now you're proposing something that's not permitted by our Code. And I don't...

Mr. Watson: That's my second thing I want to talk about.

Rich Williams: Huh?

Mr. Watson: That's the second thing I want to talk about.

Chairman McNulty: Yeah. That's...I want to clear that up, too.

Mr. Watson: So I guess will make that number one.

Rich Williams: Yeah, so for me, I would like to have a clear direction we're going with the zoning so that, you know, we can start SEQRA and everybody knows what's really being proposed.

Mr. Watson: Okay.

Rich Williams: I mean, we do a circulation on this, we include the Town Board because it's going to require a zoning change, but we're not even talking about what that zoning change is...

Mr. Watson: Good point.

Rich Williams: or what the impact might be.

Chairman McNulty: That's my thought. I started the last couple of nights to do a little bit more review and get comfortable with this and I'm realizing we don't even have the zoning in place yet.

Mr. Watson: And I said that to Bill for...

Chairman McNulty: And...But...

Mr. Watson: I don't want to take the design much further until we have the zoning in place.

Chairman McNulty: And I agree. And that's the point I was going to bring up tonight was that we probably need to out the reigns on a little bit, get the zoning straightened out.

Mr. Watson: Okay.

Chairman McNulty: And be clear. And also the review of the easements with the driveway which was one of your comments.

Rich Williams: I think...Listen, for me...

Mr. Watson: I think it, too.

Rich Williams: that's done. Mike has weighed...

Mr. Watson: Yeah.

Rich Williams: in on that and I think we're all good.

Mr. Watson: We looked at that...

Chairman McNulty: Okay. So that's a done deal. So the zoning is a big thing and I agree, I hate to see more money spent or time spent until the zoning gets straightened out.

Mr. Watson: Is there something we can do to help push them along, Rich?

Chairman McNulty: No. It's more...

Rich Williams: Yes, there is absolutely something you can do to help because you really can't structure the zoning until we know what is going to be done out there and everybody is comfortable with it. You know, one of the concerns that I've expressed right along is trying to differentiate between contractor's yards and, you know, maybe some different operation. And, you know, if we can keep 95% of Bill's operation under cover, you know, where as a contractor's yard requires and needs outdoor storage, I mean, that's a major differentiation between those two uses.

Mr. Watson: Does it help...It helps with the zoning change to have covered storage back...

Rich Williams: Yeah.

Mr. Watson: Can we decide now to go with that?

Mr. Henry: Yeah.

Mr. Watson: Okay. Then that's our official application, that we're going ahead with covered storage. So that saves us a month.

[Laughter]

Mr. Watson: So if we can start doing the zoning change based on that plans...

Rich Williams: Then I've got something crafted. They've got it.

Chairman McNulty: Yeah, we've already talked about the zoning. We just...

Mr. Watson: Okay.

Chairman McNulty: haven't finalized it to get it to the Town Board.

Mr. Watson: Okay.

Chairman McNulty: It's in the works. We just haven't finalized it yet.

Mr. Watson: Okay.

Rich Williams: And it's on, you know, it's here. I have it.

- Chairman McNulty: It's on tonight's...
- Rich Williams: And it's on tonight's agenda to talk about.
- Chairman McNulty: to discuss under other items.
- Mr. Watson: So we would, yeah, for the record, we would like to go ahead with the previous application that has the covered storage in the back. We request that you process the zoning change.
- Chairman McNulty: Okay. Again, our thought was that whole...Just everything would move back. But...
- Mr. Watson: Okay.
- Chairman McNulty: I guess not.
- Board Member Montesano: It's not working.
- Rich Williams: Alright, so then the zoning change is crafted now is everything has to stay under cover except for, you know...
- Mr. Watson: Equipment.
- Rich Williams: Not equipment. Everything has to stay under cover except for vehicles that are parking at the site, you know, workers and office workers and such and mulch. That's the way it's crafted right now.
- Mr. Watson: Does that work, Bill? Does a chipper which is...I mean, that a vehicle but...
- Rich Williams: That's a piece of equipment.
- Mr. Henry: Yeah, no. That would be inside.
- Mr. Watson: That would be inside?
- Mr. Henry: It would be the wood.
- Mr. Watson: The wood can be outside.
- Mr. Henry: Some of the wood can be outside.
- Rich Williams: Can't put it in the clear span building?
- Mr. Henry: No. Not enough room.
- Mr. Watson: Not with all the equipment.
- Mr. Henry: It's not going to be a lot. It would be, maybe, two truckloads on the ground.

Chairman McNulty: Is that something that's moving in and out? You're...

Mr. Henry: Yeah.

Chairman McNulty: bringing it in and taking it away.

Mr. Henry: It's not going to sit there, you know, for a year.

Mr. Watson: We can delineate that, too. Have a specific area delineated for that.

Chairman McNulty: So it's a temporary situation.

Rich Williams: So you're going out on to a job and you're doing a job, you got to take the wood away...

Mr. Henry: Right. I come back to the yard and I...

Rich Williams: You dump it there. You get a couple of load and then you take it off the site.

Mr. Henry: Right.

Rich Williams: So we set it up as a transfer area.

Mr. Henry: Okay.

Chairman McNulty: Is that the right term to use?

Board Member Montesano: Yup.

Mr. Watson: I wouldn't use...

Board Member Montesano: I suppose.

Mr. Watson: That has DEC implications.

Rich Williams: I said area.
[Laughter]

Rich Williams: I didn't say station.

Mr. Watson: Alright.

Chairman McNulty: Yeah, okay. That's where I was going when you said transfer.

Rich Williams: No, it's not a transfer station.
[Laughter]

Chairman McNulty: So I think we'll have to address this in the...our...

Rich Williams: And have to think about the terms.

Mr. Watson: Okay.

Chairman McNulty: Yeah.

Mr. Watson: Fine.

Chairman McNulty: Okay.

Mr. Watson: Okay. Do you have anything you want...

Chairman McNulty: So let's get the zoning straightened out.

Mr. Watson: Okay.

Chairman McNulty: And you can work on tweaking up the other plan.

Mr. Watson: Okay, great.

Chairman McNulty: Getting the trees plotted for us.

Mr. Watson: Okay. Thanks for your time.

Chairman McNulty: Okay. Alright. Thanks, John. Thank you, Bill. Did you have anything else to add?

Board Member Taylor: That's the way it should be.

Chairman McNulty: Yeah, it's great.

Board Member Brady: Yeah.

Board Member Montesano: Well, the object is we push the building back to build a...

Board Member Taylor: (Inaudible) it work.

Board Member Montesano: What do we save a couple of trees?

Board Member Taylor: Yeah.

Board Member Montesano: So leave the building back where it was.

Chairman McNulty: Yeah.

Board Member Montesano: And I'm sure, if he wants, he can plant some trees. We got eleven or twelve trees...

Board Member Taylor: Well, that's the other thing.

Board Member Montesano: on the plan. He can always throw a couple more trees in.

4) S.A. HEBERT – Site Plan Application – Continued Review

Mr. Matt Gironda, Insite Engineering, was present.

Chairman McNulty: Yeah, we have Mr. Hebert.

Mr. Matt Gironda: Actually, I'm Matt Gironda from Insite Engineering on behalf of Mr. Hebert.

Chairman McNulty: Oh, hi. That's why you're sitting next to John back there.

Mr. Gironda: Yeah.

Board Member Brady: The whole firm's here.

Mr. Gironda: Yes.

Chairman McNulty: How are you tonight?

Mr. Gironda: I suppose my error was not putting Mr. Hebert on the same calendar that John looked at. Maybe I could have saved myself trip. But you know what, I get observed tonight. Obviously, you guys are familiar with the project. It's been in front of you before for a notice of violation for construction of the gravel driveway around the building and the associated grading without permits. We are the second engineer involved. We are somewhat new to the project. The previous application was submitted under by the other engineer. We kind of looked at this from a big picture standpoint. Didn't so much get into the details right now as, you know, with the intention of discussing those with the Board tonight. You know, from our point of view it was our understanding that the...two of the...The real two large issues were stormwater and parking. Which the existing parking as constructed right now is sufficient for the floor area as laid out for the building existing. The previous application had showed some additional parking along the constructed gravel driveway for some future retail space which we carried through. We did have a chance to review Mr. William's comments today which did reference the fact that being that this is a gravel driveway and not an asphalt driveway, that's not in conformance with the Town's Code for parking areas. I did have a meeting with the applicant today about that on site and I have his opinion. And you know, I don't think it would be a sticking point if those parking spaces were an issue for future retail space of the building. You know, essentially it's...we're here to kind of resolve an outstanding situation and move forward. I would be happy to discuss with the Board an issues that come up.

Chairman McNulty: One of the biggest questions we had is the plotted limited of disturbance...

Mr. Gironda: Correct.

Chairman McNulty: compared to what was actually disturbed.

Mr. Gironda: Okay.

Chairman McNulty: Now it's been a year or so and it's kind of grown itself back over.

Mr. Gironda: Right.

Chairman McNulty: We did make a site walk and I can't technically say if that's correct or not. But it just appears that, at least on the [Route] 22 side, that limit area is not the true...

Mr. Gironda: I actually...

Chairman McNulty: limit area of disturbance.

Mr. Gironda: I actually did meet with the applicant today, honestly. We did look at this pretty closely in the office and we will have to confirm though. But I did believe that there is some additional disturbance through here where they created this...

Chairman McNulty: Mmhmm.

Mr. Gironda: when they pushed this fill for this...when they constructed this driveway. Which will be bumped up. You know, our totals are rounded to a tenth of an acre. So, when we calculate that, you know, we'll have to confirm whether we're still under that acre and will not create post construction stormwater management practices. But again, there was a comment that we got today and we will confirm and we do understand that that is really the major sticking point.

Chairman McNulty: That was one of the issues. Paving was another issue.

Mr. Gironda: Right.

Chairman McNulty: The rest of that corporate park up there and warehousing areas, everything's been paved as far as I know. I don't think there's any gravel lots there that I'm aware of.

Rich Williams: Not that I'm aware of.

Chairman McNulty: So, the paving and the parking are issues. The ADA parking seem to be odd to be away from the building rather than be up closer to the building.

Mr. Gironda: Okay. You know, it is somewhat of an awkward setup for entry into this building.

Chairman McNulty: Yes it is.

Mr. Gironda: You know, you park here, you have to walk here through the sidewalk to get into the front entry of the building. So, you know, the ADA spaces... We're limited on, obviously, where we can put it because of the existing parking area. We could look at that and try to get it as close to the building as we can.

Rich Williams: Matt?

Chairman McNulty: Yeah.

Mr. Gironda: Yeah.

Rich Williams: Do you have the original site plan?

Mr. Gironda: Not with me tonight. We do have the original site plan.

Rich Williams: Okay. Because the, I believe, the original site plan had some spaces in the turnaround.

Mr. Gironda: In the turnaround.

Rich Williams: Yeah.

Mr. Gironda: I can confirm that. In fact, that's the original proofs I planned from 1978.

Rich Williams: Yeah. And if you want to take a look at that, you may be able to slide your ADA in there.

Mr. Gironda: And that would...

Chairman McNulty: Either that or...

Mr. Gironda: it's easier accessible.

Chairman McNulty: up closer to the warehouse entrance. Maybe another sidewalk out to that parking area.

Rich Williams: On the other hand, if they're going...

Chairman McNulty: Right in there. Yeah. [Referring to where Mr. Gironda was pointing to on the plans].

Rich Williams: pave the driveway all the way around and they're going to put parking in the back and have retail space, they can put the ADA in the back.

Mr. Gironda: Now...

Chairman McNulty: If that's retail space. The majority of the first floor looks to be warehouse.

Mr. Gironda: Right. As it is right now, it's manufacturing, warehouse storage. You know, there's an office. Excuse me.

Rich Williams: The...

Chairman McNulty: Second floor has the office.

Mr. Gironda: Yes.

Rich Williams: The reality here is, though, all the offices are on the second floor.

Mr. Gironda: Right.

Rich Williams: There's no elevator.

Mr. Gironda: Right.

Board Member Brady: So handicap space doesn't do anything.

Chairman McNulty: Still required though.

Rich Williams: Yeah. You can go knock on the door.

Board Member Brady: Yeah. You can use a crane that's out there. The painting lift.

Rich Williams: Yeah.

Mr. Gironda: I think he may have one there.

Board Member Brady: Yeah. He does.

[Laughter]

Board Member Brady: Right in the window.

Chairman McNulty: Has the Health Department fully addressed where the septic tank was covered over and accessed?

Mr. Gironda: Yes. Well, the...

Chairman McNulty: The deep...deep culvert there.

Mr. Gironda: They raised the...They put a riser on the septic tank and put a man...an access manhole at grade for the area they filled over. It's our understanding that the Health Department was on site with Zarecki Associates and the system was opened and inspected. The location was plotted on the map and it's our understanding that there is no concerns or issues with the Health Department as far as the existing septic.

Board Member Taylor: Okay.

Mr. Gironda: We can have further correspondence with them and confirm that.

Chairman McNulty: Yeah, that would be probably best.

Board Member Taylor: Yeah. Get it in writing.

Mr. Gironda: Right.

Chairman McNulty: Also, is there any kind of guiderail or guardrail proposed for that front edge on the [Route] 22 side?

Mr. Gironda: Through here?

Chairman McNulty: Yeah.

Mr. Gironda: There isn't one currently proposed. It's...I don't think it's something that my client would be opposed to doing. There is some curbing and (inaudible) curbing proposed through there, but there is no guiderail.

Chairman McNulty: If I remember, that was pretty steep and pretty narrow there, right?

Board Member Brady: Yeah.

Mr. Gironda: Yeah.

Chairman McNulty: I would think we would want to see something there.

Mr. Gironda: Okay.

Board Member Taylor: The stormwater practices: is that down the road for you guys?

Rich Williams: Well, I had an offline conversation with Matt earlier. And, you know, my biggest concern is that we, you know, take a hard look at the site and all the drainage that's coming onto the site and making sure that the drainage infrastructure that's on the site works. You know, and that was my concern with Zarecki.

Board Member Taylor: Right.

Rich Williams: You know, how we have to get there, that's the engineer's responsibility. He's going to have to take a look at that. But as long as he can come back with something that looks at everything. Just so you know because you weren't here, the hang up that came between Ron and myself and Zarecki Engineering was the fact that there's drainage coming in from Jon Barrett Road.

Mr. Gironda: Right.

Rich Williams: And they wanted to look at the site without looking at the drainage coming in from Jon Barrett Road. I thought that was a fallacy in their calculations because you don't know what the timing is where they both hit that detention pond and what the effect is going to be. You know, I wasn't looking for them to do anything significant. Just take a hard look and make sure it all worked.

Mr. Gironda: That's understood. I mean, you know again, we are in a situation here where, I believe actually John talked about it on the last application, where that one acre threshold puts us into where we would be required to provide post construction stormwater management practices. In this case, again, the limits of disturbance have to be confirmed. But if we stay under that acre we are not required to provide post construction stormwater management. Understood that there is an existing stormwater basin here which actually, during my site meeting today, Mr. Hebert did actually perform the maintenance that was requested in the last application. He did clean it up. He did a pretty nice job with that. I give him credit for that. But there is a significant amount of stormwater coming in off of Jon Barret Road as well as, I believe, another property up here which ties into the existing system. There's a catch basin on the street which ultimately comes down here on to our applicant's property. Current codes for stormwater basins for the entire Town road, you know, it doesn't necessarily make sense for, or warrant it from our point of view,

for a system for a property that's not disturbing over an acre. It's something we can look at and determine if there's any impacts to flooding or...which as far as we know, there are no historic impacts of flooding from that pond and it functions and stormwater conveyance system is adequate. But again, this all ties back to limits of disturbance which we can confirm that we are under that acre.

Chairman McNulty: Yeah. That's what we need to get confirmed. And then get this hashed out with the engineers. The other item I had is outside storage. I don't see anything noted on the plan for outside storage.

Mr. Gironda: Okay.

Chairman McNulty: But the owner of the property has numerous equipment stored outside. And you heard the last applicant, the conversation. Along the [Route] 22 corridor is not what we want to see.

Mr. Gironda: Correct. And...

Chairman McNulty: So...

Mr. Gironda: I've had...

Chairman McNulty: it's been over a year now and it's still piling up out there.

Mr. Gironda: It's understood.

Chairman McNulty: So...

Mr. Gironda: And...

Chairman McNulty: To be honest, that's not favorable for this Board.

Mr. Gironda: I understand that. And I made that clear to the Applicant. I spoke with him today about that and...

Chairman McNulty: Yeah.

Mr. Gironda: and was told...Again, as I was told before that, he's in the process of removing it and clearing things.

Chairman McNulty: I guess that warehouse is all leased. There's plenty of room inside.

Mr. Gironda: Plenty of room inside, yeah.

Chairman McNulty: Yeah. So, that's a concern as well.

Mr. Gironda: And we understand that and we've impressed upon...We've pressed that upon the Applicant that, you know, in a lot of ways we can start helping himself out by...

Chairman McNulty: Yeah.

Mr. Gironda: improving the aesthetics of that site a little bit.

Chairman McNulty: Now, this is all initiated from a violation that was issued, correct?

Rich Williams: Correct.

Chairman McNulty: And that's still opened?

Rich Williams: Yes.

Chairman McNulty: Because it's not addressed and dealt with yet. Okay. We did a site visit. So do we want to go to lead agency recommendation here? Are we at that point?

Rich Williams: There really is no other agency at this point so we are lead agency by default.

Chairman McNulty: Okay. Just a...

Rich Williams: As long as...

Chairman McNulty: a coordinated review?

Rich Williams: That's assuming we get something from the Health Department that says they're okay. There's no modifications required. There's no permits required from them.

Mr. Gironda: Again, it is our understanding...

Rich Williams: I would think that it's something they're going to do. We just need to document.

Mr. Gironda: You know, they're...The only impact, as far as septic goes, is potential disturbance in the area. And again, it is our understanding that the Health Department was on site. They did expose the septic system; locate it. And had no issue with the work that was done and agreed that there was no impact to the existing system. We can have further discussion with them to confirm that because, again, that was the previous engineer. But it's our understanding that that was completed.

Chairman McNulty: Okay. And...

Board Member Montesano: Well, we still need something in writing from them.

Chairman McNulty: We have...I don't know if I have my whole package on this because it's kind of been strung out for a while, we have not done a...seen an EAF yet, correct?

Mr. Gironda: There was a short EAF, I believe, submitted with the first...

Chairman McNulty: From Zarecki?

Mr. Gironda: from the previous engineer.

Rich Williams: Yeah.

Mr. Gironda: We did not submit one.

Rich Williams: I can tell you in a minute.

Chairman McNulty: Okay.

Rich Williams: Yes. Yeah. We do have an EAF.

Chairman McNulty: I'll have to see if I can find that. We need to review that.

Board Member Taylor: Well, we're not done.

Chairman McNulty: I...Well, no. But we can...

Board Member Taylor: That's the problem.

Chairman McNulty: (inaudible) the review. We don't have a plan yet, well enough to evaluate.

Board Member Taylor: Yeah, they haven't dealt with the stormwater and those issues, so we can't really...

Chairman McNulty: Can't act on it but...

Board Member Taylor: Yeah.

Chairman McNulty: we can get it all in motion.

Board Member Taylor: I...

Board Member Montesano: It's been in motion. It just doesn't seem to be motioning anything.

Chairman McNulty: Well, it's kind of been on a reset here.

Mr. Gironda: It's...right. This is a...

Chairman McNulty: Yeah. Alright, so I guess we're at is determine its limits of disturbance. The recommendations, you know, there're still a lot of stuff stored on site. Parking, ADA...

Mr. Gironda: Correct.

Chairman McNulty: Keeping the space count. Paving, guiderails. Am I missing anything else?

Rich Williams: No. I think they've got the list. They know where they need to go.

Mr. Gironda: And again, you know, we had...The details were, again, we looked at this from a big picture point of view. The main points being parking and stormwater. And you know, just (inaudible) and we...

Chairman McNulty: Okay.

Mr. Gironda: We'll hash that out and resolve the situation and everybody can put this in their used to (inaudible).

Chairman McNulty: Okay.

Mr. Gironda: Okay.

Chairman McNulty: Anything else guys?

Board Member Taylor: Nope.

Board Member Brady: No.

Board Member Montesano: No.

Chairman McNulty: Okay. Thank you, Matt.

Mr. Gironda: Thank you very much.

5) JOHN MORIARTY (ACTION AUTO BODY) – Initial Application for Site Plan

Mr. John Moriarty was present.

Chairman McNulty: Okay, next we have Mr. Moriarty.

Mr. John Moriarty: Hello.

Chairman McNulty: How are you doing, John?

Mr. Moriarty: Good.

Chairman McNulty: Okay, as you know we were all out at your site on Saturday.

Mr. Moriarty: Yes.

Board Member Montesano: You didn't see us. I'll let you borrow mine.

Board Member Brady: And for the record, my name's not Bob.

[Laughter]

Chairman McNulty: Unless you want it to be.

Board Member Ladau: Have you considered changing it.

Ron Gainer: It should be.

Rich Williams: Don't believe everything you hear.

Chairman McNulty: Okay. I did get a review from Rich tonight. I have not had a chance to review it yet. I did look at a site plan. I see that there were some variances that were granted to you.

Mr. Moriarty: Yes.

Chairman McNulty: I guess a couple of the bigger items was that the one shed in the rear, I guess, due to zoning is going to be removed. And you said that.

Mr. Moriarty: Yes it is. Right.

Chairman McNulty: And then something we noticed out there is you have an office trailer.

Mr. Moriarty: Yes.

Chairman McNulty: Now...It also looks like in the zoning you've got part of the house to act as your office. In the zoning...

Rich Williams: Yeah, that was part of the variance you received.

Chairman McNulty: The zoning variance.

Rich Williams: Our Code requires 2,250 square feet.

The Secretary: Can you use the microphone, please?

Chairman McNulty: Thank you, Sarah. I meant to tell him.

[Laughter]

Rich Williams: Our Code...John, if you remember, our Code requires 2,225...

The Secretary: Two twenty...No. Twenty-two hundred [square feet].

Mr. Moriarty: 2,250.

Rich Williams: 2,200 square feet...

Mr. Moriarty: Yes.

Rich Williams: for your principal building for car sales operation.

Mr. Moriarty: Okay.

Rich Williams: Alright. And you went to the Zoning Board of Appeals and received a variance to use the first floor of your house as, essentially, your office. They gave you an area variance from the square footage requirement based on the first floor of your house.

- Mr. Moriarty: Okay. My understanding was that it required a building of such a size, 2,200 square foot.
- Rich Williams: Correct.
- Mr. Moriarty: I came up short and they gave me a variance for that building. But not necessary to have the office in the building. I've been using the office trailer for the last 10, 15 years as my office and I'd like to continue to do so.
- Rich Williams: That's...
- Chairman McNulty: I'm confused...
- Rich Williams: complicated because...for two reasons: One, it doesn't meet principal building setbacks and the other is you would need to get the area variance...the same area variance you already received from the ZBA for that office trailer. They didn't give you anything on that office trailer.
- Mr. Moriarty: No. No they didn't. No. Except that we talked...We discussed moving it 20' from the sideline.
- Chairman McNulty: Yeah, because that's something we noticed...It's not 20' off the sideline now, is it?
- Mr. Moriarty: No, it's not. But it can be...
- Chairman McNulty: Okay.
- Mr. Moriarty: moved out 20'.
- Chairman McNulty: Because it didn't look that was when we left the other day; eyeball it.
- Mr. Moriarty: Not it's probably like 5'.
- Chairman McNulty: Alright, so Rich, where does that put us with zoning? I'm confused now on it.
- Rich Williams: Yeah, I'm going to kick it back to Mike.
- Chairman McNulty: He was getting bored, anyway.
- Mike Liguori: I was. Till now. Alright, so I think you have to...You're going to need to go back to the Zoning Board. You're going to need to go back to the Zoning Board of Appeals to reconfigure or reapply for a new variance. We have to examine the one that was granted for the house. Since one was granted for the house to use the first floor and that's not being used, then I guess that doesn't really matter.
- Rich Williams: Right. Because I went back through the record...the minutes and what was stated in the minutes was you were going to use the first floor of the house as the office and that's why you were in there for the variance.
- Mr. Moriarty: Well, I can do that. You know, I'd prefer to use the trailer but...

Mike Liguori: Yeah, but well...If you...

Mr. Moriarty: If that's the easier way out, you know, then I'll...

Mike Liguori: If you want to use or continue to use the trailer, then it's going to be...Unless you can move it, you're going to have two variances. One is the...

Rich Williams: Well, it's on wheels. He could move it. I mean...

Mike Liguori: Right, right.

Mr. Moriarty: Yeah.

Mike Liguori: I mean, one is dealing with the setback, the other is dealing with the use of it.

Mr. Moriarty: Right.

Mike Liguori: So, I think the thing that's, you know, I don't know if I'm over complicating it but it still may end up being two variances, though. One for square footage and one is to...Is he going to have an issue with the mobile structure to be used in place of an actual structure? I guess that's something we can look at.

Rich Williams: The difficulty I'm having with it is if it's on wheels, generally, it's not a structure.

Mike Liguori: Right.

Rich Williams: If it's mobile, it's not a structure.

Mike Liguori: Exactly.

Rich Williams: Right?

Mike Liguori: Exactly.

Rich Williams: So then it's up to the Planning Board to kind of create a parking space for whatever it is and...

Mike Liguori: Right.

Rich Williams: line it and...

Mike Liguori: Right.

Rich Williams: say this is what it's going to be.

Mike Liguori: Yeah.

- Rich Williams: So that's one issue for me under our Zoning Code, separate from the issue about exactly what is the office and what isn't the office.
- Mike Liguori: Mmhmm.
- Chairman McNulty: Before we place it, we need to get a zoning variance to have that additional square footage, correct? I'm I understanding that right?
- Rich Williams: Well, if he's going to use the first floor of the building then no, we're good.
- Mike Liguori: Right.
- Chairman McNulty: But then the trailer has to go.
- Rich Williams: Well, then that's up to you and John, what is he going to use that trailer for if it's not going to be his office. You know, and can he keep it there?
- Board Member Ladau: And sell this part as used cars.
- Chairman McNulty: Okay. Let's back up a step. How many cars do you plan to put on this lot? Because then that would...
- Mr. Moriarty: It would be...
- Chairman McNulty: determine where the trailer goes.
- Mr. Moriarty: It's not where the trailer is, no.
- Chairman McNulty: No, I understand that but...
- Mr. Moriarty: Looking at the sketch here...
- Chairman McNulty: But you don't plan to expand the blacktop at all, correct?
- Mr. Moriarty: No, I don't. If you're looking at the sketch here or the memo or whatever Richie...
- Rich Williams: Mmhmm.
- Mr. Moriarty: states that, you know, it's an area for five cars parallel with the driveway and the south side of the lot, which I agree. I also have a 50' by 25' area in the back at the west side where the hatched area is there by the house.
- Chairman McNulty: Mmhmm.
- Mr. Moriarty: That will probably take five cars comfortably.
- Chairman McNulty: So you're looking to have up to 10 cars on the lot...
- Mr. Moriarty: Yeah.

- Chairman McNulty: at any time.
- Mr. Moriarty: Yes.
- Chairman McNulty: Okay. So that's reasonable with me.
- Rich Williams: Yeah, I'm not so sure I...Respectfully John, you need area to turn around and I don't know when I plotted it out that you could five 10' by 20' parking stalls in that area and still move things around. I'll go take another look at it.
- Mr. Moriarty: Yeah, you can. You know...
- Chairman McNulty: Can it be 9' by 20'? I mean, generally, it's not...They're parked cars. They're not in and out traffic. So we could waiver the size and bring it down a little bit.
- Rich Williams: Yeah, we could bring it down a little bit, but I still think you're going to be tight. And maintain are for people to come in and turn around.
- Board Member Montesano: You're going to have people trying to back onto [Route] 22 because there's no room to move around. You want to...
- Chairman McNulty: The five cars along the edge of that driveway is going to be real tight.
- Board Member Brady: Yeah.
- Board Member Ladau: Yup.
- Rich Williams: But I think it's doable. I think it's reasonable.
- Chairman McNulty: Now what is this...the hatched out line? It's got...This grey area. What is this marked up?
- Rich Williams: That grey area's what he's delineated as display area.
- Chairman McNulty: So it's off the blacktop.
- Board Member Taylor: Yes.
- Rich Williams: Some of that is off the blacktop.
- Board Member Taylor: And some of it's not. Well, yeah, some of it is.
- Chairman McNulty: This is on the blacktop back here. Not quite sure that the...how the blacktop goes.
- Mr. Moriarty: Yeah. Look at...its line out there. The macadam is, you know, lined out there. And it shows that...
- Rich Williams: You see the...

Chairman McNulty: The dotted line. The dashed line is the blacktop, correct?

Mr. Moriarty: Yes. No.

Rich Williams: No. It's a solid line.

Mr. Moriarty: No it's no.

Chairman McNulty: Show us on there, John, where the blacktop.

Rich Williams: Tommy.

Board Member Montesano: The blacktop is the macadam...

Rich Williams: See the blacktop come up?

Chairman McNulty: Well, this whole area is blacktopped?

Mr. Moriarty: Yes.

Rich Williams: Yes.

Chairman McNulty: Okay.

Mr. Moriarty: That's why I'm saying it's adequate place to turn around a car there.

Rich Williams: This is the display area...

Chairman McNulty: Yup.

Rich Williams: he's delineated. But here's the blacktop right here.

Chairman McNulty: So this blacktop as well? This line?

Rich Williams: Yes.

Chairman McNulty: Alright, so this is a display area.

Rich Williams: Yup.

Chairman McNulty: Hatched area.

Board Member Taylor: Rich's contention is there's not enough room to turn...

Chairman McNulty: Yup.

Board Member Taylor: to go back down the driveway.

Rich Williams: No, it just annoys Sarah.

Chairman McNulty: Well, we'd have to plot out where five cars were (inaudible) and leave a turning area down... You know, if you started... If the cars started here say off the road, and came back and then we'd have to leave a turning area but in this area.

Rich Williams: Yeah, I was trying to keep him on the blacktop because John indicates he doesn't want to extend the blacktop. I agree with him.

Chairman McNulty: No, and that's...

Rich Williams: And there was all vegetation out there.

Chairman McNulty: Is there room to put the cars diagonally? What's the actual...

Rich Williams: No.

Chairman McNulty: width of that?

Rich Williams: No.

Chairman McNulty: No.

Rich Williams: You're never going to get them diagonally.

Chairman McNulty: So you need them parallel down the driveway.

Board Member Ladau: Mmhhh.

Mr. Moriarty: Well, I put the hatched area at the end of the driveway but the house. That 50' area there by 25'.

Chairman McNulty: Yeah, but you want to put five cars across the back, correct?

Mr. Moriarty: Yeah. Five cars and then...

Chairman McNulty: And then five cars here. It's hard to tell. I don't have them plotted out to see how...

Board Member Montesano: It's (inaudible – too many talking) by 20'.

Chairman McNulty: how it all works.

Mr. Moriarty: Ah-huh.

Board Member Taylor: But Rich's concern is if somebody drives in here, there's not enough room left for them to turn around and drive back out.

Mr. Moriarty: Actually, there is.

Chairman McNulty: Well, what if you get two cars?

Mr. Moriarty: Because they'll be doing it...

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

Chairman McNulty: Because you're a retail operation now.

Mr. Moriarty: Right. Yeah. Well, one car would have to sit in the driveway and then the other turn around and then go out as you were there when...

Board Member Brady: Yeah, just what we did when I was there.

Mr. Moriarty: trucks... That's how you did it.

Board Member Brady: We didn't have all those cars there...

Mr. Moriarty: You didn't have any trouble with those...

Board Member Brady: at the time, made it a lot easier, but...

Board Member Montesano: Yeah.

Chairman McNulty: Well, the question is here is how many cars can we fit on here comfortably and still leave room for a car to navigate and get back out?

Mr. Moriarty: Yeah, I understand that and Richie were talking four or five... You're talking five cars...

Rich Williams: I tell you what we do.

Mr. Moriarty: parallel.

Rich Williams: Why don't you schedule the public hearing on this for tonight. You take your... And you plot out where you think you've got some cars.

Mr. Moriarty: Okay.

Rich Williams: And then we'll take a look at it.

Chairman McNulty: Okay.

Rich Williams: And bring that back into the office.

Mr. Moriarty: Okay.

Chairman McNulty: Okay.

Mr. Moriarty: Okay.

Chairman McNulty: We can work with that.

Rich Williams: Fair?

Mr. Moriarty: Yup.

Chairman McNulty: Okay. I have some questions, too. You don't have any proposed lighting for this area where you're going to park the cars?

Mr. Moriarty: No, there's isn't. No.

Chairman McNulty: Okay. Your sign calls for Auto Body and Glass.

Mr. Moriarty: That's my business name. It has been for the last thirty something years.

Chairman McNulty: So that's the actual name of your car dealership?

Mr. Moriarty: Yeah.

Chairman McNulty: Okay. Because it's just a little deceiving. Now I'm reading it thinking oh you've got a garage in here and you're going to start doing auto body work. That's not what we're looking to approve.

Mr. Moriarty: Yeah. No. It's not. No intentions of doing auto body work. I don't have the place to do it.

Chairman McNulty: Okay.

Mr. Moriarty: But that's just my business name. In order...if I was to change it just to like Action Used Cars and eliminate the Auto Body, it would be a very, very big thing to do.

Chairman McNulty: Okay. No, I understand. You change the name of the company is a lot. Alright, it's just...and then we have the limits on the sign.

Mr. Moriarty: Yes.

Chairman McNulty: And I didn't see a lot of information on how it's posted or if you're going to have lights for the sign.

Mr. Moriarty: I was thinking about solar lighting.

Chairman McNulty: Okay, they'd have to be shielded so as to not...

Mr. Moriarty: Yeah.

Chairman McNulty: let any glare into [Route] 22 at all.

Mr. Moriarty: I understand that. Yes.

Chairman McNulty: Okay. And...

Mr. Moriarty: And the size...

Chairman McNulty: How's it going to be mounted?

Mr. Moriarty: On a 4' by 4' or 6' by 6'. Whatever.

Chairman McNulty: Okay. And back from the center of the road. I see you marked that.

Mr. Moriarty: Yeah.

Rich Williams: John, the... You're required to have a DMV sign as well? Because that have to be on the posters on the building.

Mr. Moriarty: On the building's fine.

Rich Williams: Okay.

Mr. Moriarty: Yup.

Chairman McNulty: Alright. And Rich, did you outline size limits in the notes?

Rich Williams: As far as the sign?

Chairman McNulty: Yeah.

Rich Williams: Yes. He's well within the size limits.

Chairman McNulty: Okay.

Rich Williams: I think he's 16 square feet.

Mr. Moriarty: Yes. Four by four.

Chairman McNulty: Okay. Alright. You don't have any alternative colors, do you? Other than aqua marine blue?

Mr. Moriarty: [Laughed]

Chairman McNulty: Something a little softer for the road?

Mr. Moriarty: I could. Sure.

Chairman McNulty: Yeah.

Mr. Moriarty: Sure.

Chairman McNulty: Maybe if you could...If you...Do you have a sign company you're using to make it?

Mr. Moriarty: Umm...

Chairman McNulty: Or have you hired anybody yet or looked at it?

Board Member Montesano: Moriarty.

Mr. Moriarty: No. No I haven't. This sign is already made.

Chairman McNulty: No, I know. That's the sign you already have out there.

Mr. Moriarty: Yeah.

Chairman McNulty: That's the one you planned on just mounting back up?

Mr. Moriarty: That's what I'd like to do, yeah. You know, for the expense of going through and building a new sign.

Chairman McNulty: Okay, and what's that? Just a plywood sign?

Mr. Moriarty: It's not really intrusive, you know. You...I don't know if you really took a look at it while you were there.

Chairman McNulty: I was just going off of the photograph.

Mr. Moriarty: Right. Yeah. It's not very intrusive at all.

Chairman McNulty: Okay. Alright. That meets the limits, that's the sign. I don't have a big deal with that. As long as it's not, you know, it's...I didn't take a good look at the sign itself. It's not all faded and peel and paint?

Mr. Moriarty: No.

Chairman McNulty: Okay.

Mr. Moriarty: It's real good condition.

Chairman McNulty: Okay. Anybody else have anything to say? Okay, I'll make a motion to have a public hearing at the next monthly meeting for the site application...sign...

Board Member Montesano: July 9th.

Chairman McNulty: What's that?

Board Member Montesano: July 9th.

Chairman McNulty: July 9th, is that when it is?

Board Member Montesano: Yeah.

Chairman McNulty: I won't be here.

Board Member Taylor: Oh, no.
[Laughter]

Board Member Montesano: Second.

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

Board Member Taylor: I abstain.
[Laughter]

Chairman McNulty: Okay, John, so you know you have to do for the public hearing? To put mailings out. Sarah will help you...

Mr. Moriarty: Yeah. I'll...

Chairman McNulty: with that.

Mr. Moriarty: sit down with Sarah. She can tell me.

Chairman McNulty: Get the mailings out. Get that in and get back to Rich or have something for us for the parking; what you propose.

Mr. Moriarty: Very good.

Chairman McNulty: We'll take it from there.

Mr. Moriarty: Sounds good.

Chairman McNulty: Okay.

Mr. Moriarty: Okay.

Chairman McNulty: Real quick, back to the trailer, because I went off topic. When we see your parking, what are we looking to do? Relocate this trailer to a better spot on the property? I'm a little confused now with the zoning issues.

Mike Liguori: Well, it's not a building. So, it's not permitted. So there's an issue with that. We have to resolve that.

Chairman McNulty: What if we put a license plate on it?

Mike Liguori: Well, then it's a vehicle. But, I mean, you know...

Board Member Taylor: It's not a registered vehicle.

Mike Liguori: it may not be a vehicle.

Board Member Taylor: Yeah.

Board Member Ladau: Well, are there wheels on it?

Mr. Moriarty: Yes.

Board Member Montesano: Yeah.

Board Member Ladau: Oh, okay.

Board Member Brady: It's a trailer.

Board Member Ladau: Yeah.

Chairman McNulty: You could have a trailer plate.

Board Member Brady: Yeah.

Mike Liguori: Yeah, but if it's an office it's an office. I mean, you know...

Board Member Montesano: And if it's not permitted...

Board Member Taylor: Zoning's got to deal with it.

Chairman McNulty: Yeah, so it looks like you have to go back to the Zoning Board for this. I'm confused on what to do with this.

Mr. Moriarty: If I was to use the office trailer, right, and I use the house as an office then we eliminate that problem, right?

Mike Liguori: That's right.

Mr. Moriarty: Yeah.

Board Member Brady: But then you have to remove the trailer.

Chairman McNulty: But then the trailer would be removed from the site.

Mr. Moriarty: I understand that.

Chairman McNulty: Oh, okay.

Mr. Moriarty: I understand that. Yeah. Unless you let me use it for storage. No?

Rich Williams: Well that's the 64-dollar question.

Board Member Montesano: It's not supposed to be on the property.

Rich Williams: If you redefine it, keep the office in the house, redefine the trailer for something else, identify it on the site plan as where you're going to put it and why it's going to be there...

Mike Liguori: Yeah, I have to look at the Code. I mean, I couldn't tell you that from...

Board Member Montesano: Yeah and...

Chairman McNulty: Yeah.

Mr. Moriarty: If I had to remove it I will.

Chairman McNulty: Well, we're not saying you have to but you have to bring it into compliance...

Mr. Moriarty: Yes.

Chairman McNulty: if you want to keep it there.

Rich Williams: The funny thing, Michael, just so you know...

Chairman McNulty: And how you do that is what I'm confused about.

Rich Williams: Is if this was a residentially zoned area, the trailer would have to go.

Mike Liguori: Right.

Rich Williams: This is a commercially zoned area so there's that built in flexibility about, you know, what they can do.

Mike Liguori: Right.

Chairman McNulty: Planning Board discretion to place...

Mike Liguori: Well look, I don't want to...I'm not going to shot from the hip and just say it's alright. I want to rely on a Code provision and tell you what you can do.

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

Chairman McNulty: So you'll follow up with us on that?

Mike Liguori: Yeah. Yeah.

Chairman McNulty: Okay. Alright. So we'll look at that further and see what we're going to do.

Mr. Moriarty: Very good.

Chairman McNulty: Okay. We'll see you at the next month...next meeting. Well, you won't see me.

Mr. Moriarty: Okay.

Chairman McNulty: Thank you, John.

Mr. Moriarty: Good night.

Board Member Montesano: You may not have enough votes.

Ted Kozlowski: Take care, John.

Board Member Montesano: You're going on vacation next month?

Board Member Brady: I'm off too.

Chairman McNulty: Oh.

Board Member Taylor: Unfortunately not.

6) PUTNAM POWER EQUIPMENT – Initial Application for Site Plan Waiver

Mr. Michael Bruen was not present.

Chairman McNulty: Putnam Power Equipment.

Board Member Taylor: Nobody here.

Board Member Montesano: Well, I guess he's not going to be here for the meeting means he doesn't want it.

Chairman McNulty: The only thing I'd ask Rich is to look at the existing site plan that was approved. We all know that the...What I didn't know until tonight that there's a Notice of Violation on this property. You guys aware of that?

Board Member Taylor: No.

Chairman McNulty: Okay. Is that correct, Rich?

Rich Williams: That is correct.

Chairman McNulty: And it's because of the excessive storage of equipment.

Board Member Taylor: Good.

Chairman McNulty: So we're hoping that this fence will give him the additional storage he needs. But I think we need to talk to him and see how much of that he's going to relocate. And I asked Rich to look at the property to see what is the Code requirement for parking spaces so we can denote how many required parking spaces are needed. If we need to waive it and waive the size. And establish with the owner this is what you need to maintain for parking. And you're going to have to spread your storage out.

Board Member Brady: Well, I...When he puts that fence up in the front, the way he is now, he parks a trailer there and a truck there in front of that opening.

Chairman McNulty: Yeah.

Board Member Brady: And that whole area is loaded with equipment. So I don't know how he would be able to transfer all of those trailers he has to get them back there to make the parking work.

Board Member Montesano: We're going to stack them on the roof.

Chairman McNulty: Well, the key is to establish: what does he need for parking?

Board Member Brady: Right.

Chairman McNulty: Then look at the plan, see if he obtains it, and then see what he has for display.

Rich Williams: There's another solution to all of this. There's plenty of room on that property. He can go back up into the back, create another fenced in area and store material up in the back.

Board Member Brady: Right.

Chairman McNulty: But I think some of it is, I'm assuming, that he has that out there for display so people see it.

Rich Williams: Right.

Chairman McNulty: So, we should establish...If we can establish the parking, we can establish what his limits are for display and then his storage so it's not all cluttered and it's a safe parking lot to get in and out of. So I guess he's coming back next month.

Rich Williams: I hope so.

Chairman McNulty: Okay.

Board Member Montesano: If not, give him another violation.

7) OTHER BUSINESS

Chairman McNulty: That brings us to Other Business.

a) Adam Levine – Fill Permit Discussion

Chairman McNulty: Mr. Levine.

Rich Williams: I've drafted a memo and sent it over to the Court, to Mr. Levine's attorney and to the Town's prosecutor on the matter outlining the status of the project and what occurred at the Planning Board. They're going to get back to me when they're going to schedule a hearing.

Chairman McNulty: Okay. So...

Ron Gainer: Is Lansky still the attorney?

Rich Williams: Yup.

Chairman McNulty: So we'll just keep that tabled for now.

Mike Liguori: You see that letter show up?

Chairman McNulty: We didn't see anything show up.

b) Zoning Amendment – Restaurants

Chairman McNulty: And that brings us to restaurants. First question I have Rich, is we also have a code amendment. Was it §154-77 that we were addressing?

Rich Williams: Yup.

Chairman McNulty: We didn't recommend that up to the Town Board yet, did we?

Rich Williams: You haven't really recommended anything to the Town Board yet.

Chairman McNulty: Right. That's what I thought. I wanted to start with that because you had rewritten that and maybe we could get that done. I think I was a little confused I saw on one of your...on the latest handout. Back in February, it was listed 154-77 and I think in your latest memo it was 154-75 E.

Rich Williams: Yeah, that was an addition. The 174-75 E. [Editor's Note: should be 154-75 E.] is an addition the Planning Board has talked about.

Chairman McNulty: Now, addressing the Board here, 154-77 were conditions for which approval's required. Rich had modified it to create that trigger to prevent problems in the future like we had in Putnam Lake with the restaurant so we can...

Rich Williams: Right. And what that trigger is, is when I'm reviewing an application or when Bob's reviewing an application, we now have these criteria on which to evaluate that criteria...that application that if it meets that trigger, it will be referred back to the Planning Board for further review. That's what 154-77 does.

Chairman McNulty: Okay.

Board Member Taylor: And I thought we were fine with that.

Chairman McNulty: Yeah. And I'm fine with that. And as I'm reviewing this, I realized I don't think we ever did anything with it.

- Rich Williams: No you haven't.
- Chairman McNulty: So does anybody else have any comment on that particular...
- Board Member Brady: No. I'm fine with it.
- Chairman McNulty: This is a recommendation to the Town Board...
- Board Member Brady: Right.
- Chairman McNulty: For a zoning amendment.
- Board Member Taylor: Second.
- Chairman McNulty: All in favor? Motion carried by a vote of 5 to 0.
[Laughter]
- Rich Williams: Well, that's...
- Chairman McNulty: So... Well, I would like to make a recommendation, Rich, if you could forward your revised amendment to the Town Board for action.
- Rich Williams: Right. The issue is you want to be a little bit more comprehensive because there are other issues you wanted to address. And you should refer them all over as one comprehensive change to the Zoning Code.
- Chairman McNulty: I thought I was getting something accomplished. I understand what you're saying. So you want to send it as a package.
- Rich Williams: Yeah. We don't want to change the Zoning Code, then change the Zoning Code, then change the Zoning Code.
- Mike Liguori: You don't like doing that?
- Rich Williams: No.
[Laughter]
- Chairman McNulty: Can we make a recommendation that we refer this to the Town Board to review and no action pending our additional definitions so they can begin looking at it. I don't know.
- Rich Williams: You can refer it over to the Town Board with your recommendation. You can't hamstring the Town Board as to what action they're going to take.
- Chairman McNulty: Okay. So we'll do it all together.
- Rich Williams: Frankly, they have a greater authority than you.
- Chairman McNulty: Okay. I agree with that.

Mike Liguori: Switch with Charlie. Send Charlie back. Go sit over there.

Chairman McNulty: No. I don't want to sit over there.

Board Member Montesano: He's not giving up the chair.

[Laughter]

Chairman McNulty: Okay, restaurants. I see Bob had put something in which I liked because it covered, kind of, all restaurants. And then Rich seemed to enhance on Bob's written comments. And...

Board Member Ladau: Rich would probably paint a mustache on the Mona Lisa in the same spirit.

Rich Williams: If it makes it look better.

[Laughter]

Chairman McNulty: Overall, with that change I didn't have a problem except that...It looked good. I didn't see hours of operations addressed in there unless I missed it.

Rich Williams: You know, that's something generally we're not going to put in as a definition.

Chairman McNulty: Okay. That's something that would come up as for the purview of the Board to be able to consider.

Rich Williams: Or we would put it later on in the Code as part of the conditions of having a restaurant.

Chairman McNulty: Okay. The other thing, there's an item in there about entertainment. And I wanted to know if there was some kind of trigger when a restaurant wants to have entertainment, what triggers them or the Town to be aware of it right now?

Rich Williams: Usually somebody complains.

Mike Liguori: Yeah. Someone has a good time and then someone else complains.

Rich Williams: Yeah.

Chairman McNulty: Okay. So, how do we prevent that?

Rich Williams: You know...

Board Member Montesano: Don't allow restaurants.

Rich Williams: It would be nice if we had better communication between all of our commercial properties and, you know, they let us know when they were going to do something. But that's not always the case. A lot of people will now call up and ask before. Not always. I mean, you know, a year ago we ran into a situation where we found out that one of our local restaurants was...

Chairman McNulty: Microphone [referring to Rich Williams needing to use the microphone].

Rich Williams: Where one of our local restaurants was bringing in dancing girls.

Chairman McNulty: I missed that.

Board Member Montesano: But you kept it a secret.

Board Member Brady: They didn't send an invitation out.

Chairman McNulty: Well, my point was is there something...Is it a problem when entertainment comes in that we...developing a Code that doesn't have enough meat to it?

[Rich Williams's phone ringing]

Chairman McNulty: Must be a pump station down.

Board Member Montesano: Somebody locked out of Town Hall.

Rich Williams: Hey, I'm at a Planning Board meeting talking about Levine [Rich talking on his phone].

[Laughter]

Chairman McNulty: Does the Board have any comments on that?

Board Member Montesano: No restaurants.

Board Member Taylor: I think we can only go so far with this stuff. We can't plan for every situation.

Board Member Brady: Exactly.

Board Member Taylor: If it hasn't become a big issue before the Town at this point, I think we leave it alone at this point and move on and get this Code as it is. We've been stumbling along in this Code for months now.

Chairman McNulty: I know. I know.

Board Member Taylor: And just put it in. If it doesn't work...

Board Member Brady: Change it then.

Board Member Taylor: modify it down the road.

Board Member Montesano: We get to have...

Chairman McNulty: And the other thing that...

Board Member Montesano: a state...the one statement that should be in there is something about special circumstances.

Board Member Taylor: Well, that applies to the whole Code, doesn't it?

Board Member Montesano: Yeah, but the idea is if we put it in there maybe we could have something to stand on.

Chairman McNulty: We had some discussion at the work session about fast food and what's fast-food where subway is fast-food, commercial franchise chain. But might fit into a general business area. And I was looking at the Islip Code that you included and they had something called restaurant minor. Is that something we can incorporate to allow a franchised or corporate chain type restaurant that meets that smaller code? Because there was...How do we differ...Because how do you...

Rich Williams: Alright. Well...

Chairman McNulty: How do you get to a point where you have a mom and pop 2,000 square foot pizzeria and then you have a Papa John's 1,500 square foot pizzeria come in and legally say well you can and you can't? Mike, how...what do you weigh in on that?

Mike Liguori: Well...

Chairman McNulty: We're talking about general business area rather than a full commercial lot. Like say on Front Street, a smaller restaurant would come in. Mom and pop. But a Subway or a Papa John's doesn't require much space either. Can you legally say you can't and you can, but you're both selling pizza?

Rich Williams: Well, you can do a formal business restriction law that basically outlaws chain restaurants. I mean, if you want to go down that road.

Chairman McNulty: Well, I personally don't. I hate to limit any kind of commerce.

Board Member Montesano: Can we...

Chairman McNulty: Well, not any kind of commerce. But limit commerce...

Board Member Ladau: Tom, I'm...

Chairman McNulty: where we don't need to.

Board Member Ladau: I'm confused. If we're...If the objective is to get an all-encompassing definition of a food service facility, whether it be minor or major or somewhere in between...

Chairman McNulty: Mhmm.

Board Member Ladau: why do we have to differentiate between the mom and pop pizza joint versus the Subway?

Chairman McNulty: Well, because it...

Rich Williams: Well, let me answer that. And, you know, maybe this is where the breakdown of communication is. I'm not looking for an all-encompassing definition of restaurants. That's not what I'm looking for because my opinion is that not all restaurants are equal and some are appropriate for the General Business Zoning District and, you know, others are not. I'm not crazy about seeing fast-food in these smaller, general business zoning areas. Now, if everybody feel different, if you're okay with putting a Burger King or a McDonald's or whatever in the GB Zoning District then...

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

Rich Williams: you probably don't need a definition for fast-food. You could just say restaurants and...

Board Member Ladau: Yeah, but I don't...What is the problem with seeing a McDonald's in a general business district? I'm not following that logic.

Rich Williams: Well for me, I look at there's a slightly different volume in the traffic.

Board Member Ladau: Mhmm.

Rich Williams: They generally have a greater trash requirements. They generally produce odors a lot more than your mom and pops do.

Board Member Ladau: Yeah, but again you can mitigate the odors. You require...

Rich Williams: Well I don't know if you...

Board Member Ladau: trash disposal.

Rich Williams: Have you ever been down to Burger King down at the A&P on [Route] 22.

[Laughter]

Board Member Brady: The charcoal.

Rich Williams: Or the McDonald's? I don't know. And you're dealing with these corporate entities who are more challenging to work with. They want their corporate image. They want their building. And so for me, I'd rather just, you know, not have fast foods in the General Business Zoning District. That's just me. Now...

Chairman McNulty: Yeah. My thought is...

Rich Williams: you know, using...

Chairman McNulty: is they're smaller...

Rich Williams: using your example though, but, you know, the way it's defined now we just need to clear, you know, clarify the definition of a restaurant is a mom and pop like we had down here with Casey or...I'm trying to think of the Front...

Chairman McNulty: Magnolia's?

- Rich Williams: Yeah, Magnolia's. You know, that meets our definition of a restaurant and that's perfectly acceptable to have down here. And that I would like to see continue down here.
- Chairman McNulty: But that...But my point is they're smaller corporate chains now. You have the Subways. You have the Papa John's.
- Mike Liguori: They go in the way of retail which is they don't need a major outlet to make a lot of money.
- Chairman McNulty: Yeah, and...
- Mike Liguori: You know, and they...
- Chairman McNulty: and retail is part of the GB [Zoning District].
- Mike Liguori: Well, my example is just that, you know, with the...although you're not buying food online, generally, from a fast-food restaurant, I think Pap John's is the perfect example that you don't need 3,000 square feet to make a lot of money.
- Chairman McNulty: Mhmm.
- Mike Liguori: But their whole business, 90% of their business is outside of the Papa John's restaurant. They only have eight seats. Or ten seats.
- Board Member Ladau: Yeah.
- Mike Liguori: You know? Because it's designed entirely for delivery.
- Rich Williams: But the cars running out of there are running out of there constantly.
- Mike Liguori: Constantly. Yeah. They have three, four cars on the road at the same time.
- Rich Williams: Yeah. Oh, easily. Yeah.
- Mike Liguori: Oh, without a doubt, yeah.
- Chairman McNulty: You could also have a Dunkin Donuts in there which has several tables.
- Rich Williams: Sure.
- Chairman McNulty: They don't cook there. They bring the material from offsite. So...
- Mike Liguori: This is a...It's a really difficult thing because if you look at, you know, I mean this all came from the barbeque joint, right? I mean...
- Chairman McNulty: Yeah.
- Mike Liguori: primarily...

- Rich Williams: It all stemmed from the barbeque joint.
- Mike Liguori: Right. So here's a non-chain restaurant that would probably...
- Rich Williams: Right.
- Mike Liguori: be perfectly acceptable out on Route 22 because there's a very limited residential aspect around it where it probably wouldn't impact anybody. And, you know, quite frankly when you're driving by at 50 miles an hour, you smell Burger King, you smell this, it's not that offensive. But when you live...
- Chairman McNulty: Yeah.
- Mike Liguori: next door...
- Chairman McNulty: Sure.
- Mike Liguori: it's a problem. The issue I think we're suffering from is the fact that that's not a chain restaurant. You know, so if you're looking to, you know, take chains out from the, you know, smaller commercial zoning districts, it misses...kind of misses the mark of what we have...
- Chairman McNulty: And it limits us.
- Rich Williams: It's...
- Chairman McNulty: Where you could have an acceptable sized...
- Mike Liguori: I mean, I don't disagree with Rich...
- Chairman McNulty: commercial.
- Mike Liguori: I'm...
- Rich Williams: True. But if we had taken a harder look at this before it went in...
- Mike Liguori: Right. Right.
- Rich Williams: It would have been classified as a fast-food restaurant.
- Mike Liguori: Right.
- Rich Williams: There's very limited seating, mostly take-out.
- Mike Liguori: Yup.
- Rich Williams: Counter service.
- Mike Liguori: Right. Right.
- Rich Williams: So it shouldn't be in the GB Zoning District.

- Mike Liguori: Mmhhh.
- Board Member Taylor: Do we have discretion in some of this? If somebody came to us, if...
- Chairman McNulty: Subway.
- Board Member Taylor: If Subway came to us and wanted to go on Front Street but they're not allowed, is there discretion where the Planning Board can say under certain conditions you could be allowed there?
- Rich Williams: No.
- Board Member Taylor: There's no discretion.
- Chairman McNulty: Would they be able to go to the Zoning Board?
- Rich Williams: They'd have to go for a use variance and they wouldn't get it.
- Chairman McNulty: So this is where I was reading. It's perplexing and then I saw restaurant minor. Wondering if...I don't know if you're familiar...If you looked at that.
- Board Member Taylor: Yeah, sure. Just another definition.
- Chairman McNulty: It's just that would be another definition and...
- Board Member Taylor: It's just another definition.
- Chairman McNulty: Yeah.
- Board Member Taylor: Either we take the definition or we don't take the definition.
- Board Member Montesano: But even that, if they went before the Zoning Board, Zoning Board cannot grant that kind of variance for them?
- Rich Williams: No.
- Mike Liguori: It would be very, very difficult. The standard for a use variance is that you cannot use the property for any other permitted use in the district.
- Board Member Montesano: Alright.
- Mike Liguori: And that's a very challenging thing to overcome. That's why...
- Chairman McNulty: I also thought that restaurant minor would then cover delis and smaller operations. Because I wasn't quite sure it was actually covered in your definition. It's not limited to...I forget what it said exactly.
- Board Member Taylor: Well, as long as they're not classified as fast-food they're covered, right?

Rich Williams: Right.

Board Member Taylor: They would be permitted.

Rich Williams: I consider a deli a retail operation.

Board Member Taylor: Yeah. So it's...It wouldn't be excluded...

Chairman McNulty: No, it wouldn't be.

Board Member Taylor: as a fast-food.

Chairman McNulty: When you look at it that way. Okay.

Board Member Taylor: So I think we're ready to...At least I'm ready to move on on this. Again, it's not...We don't have a perfect solution...

Chairman McNulty: Yeah. No, and I think this...What you've come up is the most comfortable I've been with of all the definitions.

Board Member Montesano: Well, the whole thing is we can come up with suggestions. We are not the final approval board that's got to accept this or not. We can sit there and discuss it and discuss it and discuss it and come up with our own ideas, but you've got five people that are needed to...all, and they will decide if our recommendation is to their satisfaction. And if they are...

Chairman McNulty: Bob, do you have any other comment?

Board Member Montesano: they'll pass it. If not...

Chairman McNulty: Well if everybody's comfortable with this definition written 5/28/15 by Rich, I've reviewed it. I'm comfortable with it. I make a recommendation to send it to the Town Board for review.

Board Member Montesano: I'll second it.

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

Board Member Taylor: Alright, so that's two. Is there one more that we need...

Rich Williams: Oh, there's...Yes, there is.

Board Member Taylor: How many more? And then what about these things we've talked about? Are we just holding off on them and...Oh, the lot sizes. What was it? Useable acreage.

Rich Williams: Yeah, that's a whole nother discussion.

Board Member Taylor: Alright. So that...We're going to hold off on those things.

Rich Williams: Okay. When I make this recommendation over, we had talked about a definition for catering.

Chairman McNulty: Delicatessen, fast-food.

Rich Williams: Fast-food we've already, basically, got in our Code. I just...

Chairman McNulty: Yup. Restaurant we have covered. Delicatessen would fall now under restaurants? Retail operations?

Rich Williams: No, delicatessens is retail...If we go with this definition, it's a retail establishment.

Chairman McNulty: So we no longer need this definition for delicatessen you're saying.

Rich Williams: Yeah, no that's what I'm saying. It...I...

Chairman McNulty: We do need it.

Rich Williams: I think it would be good because, again, you know, in having this debate with not only the five of you and the five of the ZBA, but with Bob [McCarthy] and Town Board members and everybody, you know...And again, it all works if we're reasonable and we're all sensible. We don't need definitions. But that doesn't seem to be the case. And, you know, we're talking about the definition of a restaurant and somebody says well Sauro's got tables. Does that make it a restaurant? Well, no it's not a restaurant. Not to me it's not a restaurant.

Chairman McNulty: No.

Rich Williams: So, that's why I came up with a...And when I say I came up with the definition, I'm real good at borrowing somebody else's work.

[Laughter]

Board Member Montesano: Oh, you're a plagiarist.

Rich Williams: So...

Board Member Brady: Yeah, I was going to say don't they have a word for that?

Rich Williams: And...Yes. APA gives us a whole manual on definitions that I can borrow.

Board Member Montesano: He uses Roger's.

Rich Williams: It's licensed plagiarism.

Board Member Brady: You're good at using Bob.

[Laughter]

Chairman McNulty: So we need...What are we looking for recommendations on? Catering and delis?

Rich Williams: Yeah, you're still okay with doing catering and deli...deli... Yeah, delicatessens and the...

Chairman McNulty: Yeah, but I'm looking for is at the April 2nd notes I have here. I that the latest one?

Rich Williams: Yes.

Chairman McNulty: Yeah. So I make a motion that we refer the definitions of catering, delicatessen and restaurant as revised. Delicatessen and catering, April 2nd. And restaurants May 28th to the Town Board for review.

Rich Williams: Okay. Fast-food?

Chairman McNulty: And the fast-food for April 2nd comments.

Rich Williams: And the 154-75 E.?

Board Member Taylor: Which one was that?

Board Member Brady: That's the one Bob...

Chairman McNulty: That was a new one thrown in. I didn't study that one. Hold on. What...Explain that?

Board Member Montesano: Michael, do you want me to give you notes from that.

Rich Williams: I thought that was one that you all wanted in there.

Board Member Taylor: That's the figures?

Rich Williams: This is the one...

Chairman McNulty: No, 170...

Rich Williams: This is the one that says no commercial property shall and the Planning Board shall not approve nor shall any agent of the Town approve the use of the property or a change in the use of the property or change...

Board Member Taylor: Oh, that's the noxious odors.

Board Member Brady: Yeah.

Board Member Taylor: Yeah.

Rich Williams: Yes.

Board Member Taylor: Okay, yes.

Chairman McNulty: Yes. And I include that as noted in April 2nd notes to the Town Board for review.

Rich Williams: Okay.

Board Member Brady: Second.

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

Board Member Brady: Done.

Board Member Taylor: So, anymore?

Rich Williams: Well, that's it on that one.

Board Member Taylor: No waiting pools. No...

Chairman McNulty: Inns, cafes, cabarets.

Board Member Montesano: What about clotheslines?

Board Member Taylor: Bed and breakfasts. What about bed and breakfasts?

Board Member Montesano: What about clotheslines?

Rich Williams: Oh god. I had a very interesting conversation. We're looking at...

Chairman McNulty: What's next on our...

Rich Williams: Well you were there. Yes. Never mind.

Board Member Taylor: I didn't say (inaudible). That's why I brought it up.

Chairman McNulty: Keep this going. Minutes. We have minutes from April 29th and May 7th.

Rich Williams: Okay.

Chairman McNulty: Oh, what...I'm sorry. What do you got there?

c) Zoning Amendment – Commercial Trade Operations

Rich Williams: Commercial Trade Operations.

Board Member Ladau: Yeah.

Board Member Taylor: I think that's what I said.

- Chairman McNulty: Oh, I'm sorry.
- Board Member Taylor: I knew there was one more.
- Chairman McNulty: Commercial Trade Operations.
- Board Member Taylor: Oh god.
- Chairman McNulty: For arboriculturists. Is that what the word was?
- Board Member Ladau: Agriculturism.
- Rich Williams: Arboriculturists. Arboriculture.
- Chairman McNulty: Oh, that's in Bill Henry's stuff. That's why I don't have it here. Mike, I guess one of the questions we were looking from you is when we...How do I word this? When a site plan is approved in a particular definition here, does it stay with the property or does it stay with the applicant?
- Mike Liguori: Well, I...
- Rich Williams: Oh, there it is. Go.
- Mike Liguori: Alright, so...First of all, we have to know the difference between a site plan and a special permit, okay.
- Chairman McNulty: Okay.
- Mike Liguori: Because your site plan, there generally is a person that your site plan is issued to. But another use can come along and then come into that site plan. It's not particular to the...Even though one person applied for it, it's not particular to that person. The last time we talked about this, it was my belief from past experience that you could limit a special person to...a special permit to an individual. And as matter of fact, I had just last night sent to Rich a copy of a special permit that is the form for the Town of North Salem that they use for special permits issued for commercial horse boarding operations in which they limit them to that individual. And then did the legal research which proved very clearly how illegal that was.
- [Laughter]
- Rich Williams: Can I ask who did that resolution?
- Mike Liguori: that is Stephens, Baroni, Reilly & Lewis. That is there form.
- Rich Williams: That is, without a doubt, the worst resolution I've ever read. We're going to declare there's a Type II, unlisted action, meaning no further SEQRA review is required...
- Chairman McNulty: For a horse farm?
- Rich Williams: and issue a negative...Issue a negative determination of significance. I'm saying...
- Ron Gainer: Geez.

Rich Williams: are...Somebody doesn't know SEQRA.

Ron Gainer: Right.

[Laughter]

Ron Gainer: Doesn't stop them.

Rich Williams: But it was quite the resolution.

Mike Liguori: Yeah. And see, just to give you guys a just a little bit of background, it's not terribly relevant but when the Ag and Markets Law was changed to include commercial horse boarding operations, there's a whole separate conversation we can have some other day, there was a section of the Ag and Markets Law that said that municipalities could not unreasonably restrict agriculture in those operations. So what the...We brought a challenge...We challenged the Town's zoning ordinance...We took the ordinance, we sent it up to Ag and Markets and we said they're process is illegal what they're doing. They can't require us to get these permits. And what the Town Board did was say okay, fine. We're going to take special permit approval away from the Planning Board and instead of going for site plan from the Planning Board, you're going to go to the Zoning Board and they're going to process it where the chairman of the Zoning Board happened to have a horse farm and was very friendly to agriculture. And that has persisted for years and with it came those conditions. You know, hey Brian, you're going to have horse farm? Brian, this is what you're going to do. Literally, boom, boom, boom, boom, boom, and it's limited to you. And it's good for ten years. So that's what had gone on and that had been my experience for, you know, the last 13 years, was that. And the people that had...What I didn't realize was the fix was always in, even on the ones that, you know, that there was maybe a fight over something. Nobody argues with those things because they knew they were going to get them. So here...I did the legal research and it's identical to an area variance or a use variance. You can't tie a variance to an individual; they run with the land. So that's law on how...That you can't tie it to an individual. It doesn't mean you can't place reasonable restrictions. But those reasonable restrictions need to relate to the land as opposed to the person occupying it.

Chairman McNulty: Okay. So that answers that.

Mike Liguori: Yeah.

Chairman McNulty: It goes with the land.

Mike Liguori: It runs with the land. I mean, you can put expirations on special permits at the board's discretion. Again, there's going to have to be reasonable. So for instance let's say, you know, a number of years would be reasonable. And that's a method of...Probably the ultimate method of control.

Rich Williams: But there has to be some relationship to the limitation...

Mike Liguori: Right.

Rich Williams: and the impact to the community that...

Mike Liguori: That's right.

Rich Williams: you're trying to...

Mike Liguori: Mitigate.

Rich Williams: mitigate.

Mike Liguori: Right.

Chairman McNulty: Which is the...

Rich Williams: Right.

Chairman McNulty: tough part to do.

Rich Williams: Right. Typically...

Mike Liguori: Right.

Rich Williams: what we do is when we put a timeframe in, it's in there for a review, to make sure their still in compliance...

Mike Liguori: In compliance.

Rich Williams: with the...

Mike Liguori: A compliance review, right.

Rich Williams: And not termination of the permit.

Mike Liguori: Right. And...

Chairman McNulty: Unless they're not in compliance. But wouldn't a notice of violation do the same thing? If they weren't in...if they were found not to be in compliance?

Rich Williams: Yes. The difference is how it...How the action is precipitated. In the one hand, the building inspector has to take it upon himself to go out and look at it. On the other hand, you know...

Mike Liguori: The applicant...

Rich Williams: When it's a condition, the applicant, it's his responsibility to come in and, you know, show compliance.

Chairman McNulty: Right.

Mike Liguori: And then...Look, I'm not advocating one way or the other, but you know, you get issued an appearance ticket for a violation of a site plan. You remedy the violation...Hopefully, you'll remedy the violation of a site plan, but even if you don't, it's a big step to revoke a site plan. That's a huge leap. Whereas, you know, so you have a little hammer, this is 20-pound sledge hammer.

- Chairman McNulty: With a time limitation...
- Mike Liguori: Yeah. Yeah.
- Chairman McNulty: You have a little more beef.
- Mike Liguori: Right. Right. But you know, the basis for tying that to a particular use would be let's say the Town has had a very significant and pervasive problem with, you know, site...properties that exceed outdoor storage. Where, you know, it's rampant and it's difficult to control. That may be a reasonable tie if that's something that the Town has experienced. But the link has to be there. And if it's going to be for one person, it should be for everyone. It shouldn't be for just Joe Blow, it should be for all properties that have, you know, in this particular area. That would be the right way to do it.
- Chairman McNulty: So in our instance, we have conditions no contractor's yards on Route 22 in that corridor.
- Mike Liguori: Mmhmm.
- Chairman McNulty: And we have a possible business that could possibly look like a contractor's yard.
- Mike Liguori: Mmhmm.
- Board Member Taylor: Well...
- Chairman McNulty: Is that enough link to put a time limitation on it?
- Rich Williams: Yeah, I wouldn't see the nexus there.
- Board Member Taylor: Well, but we have. Boniello's. We have the guy with the power equipment: Putnam Power Equipment.
- Chairman McNulty: We have Hebert.
- Board Member Taylor: We have Hebert. The nursery. We've got these issues on [Route] 22 where too much storage outside is always the issue. So would that be enough of a link? I mean, it's not that we resolved any of these things.
- Chairman McNulty: There is a history.
- Board Member Taylor: But there's certainly a history there.
- Mike Liguori: Well, it just depends on what the goal is. I mean, what's the goal of the Board? If the goal of the Board is that, you know, for any...that it's really a larger problem than let's say, you know, what could be from Bill Henry's operation then, you know, we should make that part of the criteria for special permits overall or give the Planning Board the authority to make it a, you know, a condition.
- Rich Williams: Yeah, where I'm having a bit of a problem is we're looking to change the Code to allow something...

- Mike Liguori: Mhmm.
- Rich Williams: and if we're changing the Code to allow something that is already a problem on [Route] 22, then maybe we shouldn't be changing the Code.
- Mike Liguori: Right.
- Rich Williams: Because we're exacerbating the problem.
- Mike Liguori: Sure. Sure.
- Rich Williams: So that's why I'm saying, you know, putting a timeframe in there because we're saying it's a problem.
- Board Member Taylor: Well, but maybe this is a solution to that problem.
- Rich Williams: I don't know. And I, you know, I don't see it as a problem...
- Chairman McNulty: I understand where Rich is coming from.
- Board Member Taylor: Yeah.
- Chairman McNulty: We're kind of acknowledging something up front where...
- Board Member Taylor: Yeah. Well, that's been my issue all along. Why did we even discuss this with him?
- Rich Williams: I don't know. But...And I don't want to detract from Bill because I think Bill's a gentleman and he's going to run a clean operation...
- Board Member Taylor: Yeah.
- Rich Williams: but my concern is what comes after Bill and Mike did a tremendous amount of research which he shared with me and, you know, there was one paragraph that really jumped out at me that I just want to read everybody really quick.
- Chairman McNulty: Give him the microphone, Mike.
- Rich Williams: And this was from the New York State Court of Appeals. And they said:

We recognize that there is a zoning change such as a variance or special use permit is sought, there is ordinarily a specific project sponsored by a particular developer that is the subject of the application and that as a consequence, attention generally focuses on the reputation of the applicant, the applicant's relationship to the community and the particular intended use so that all too often the administrative or legislative determination seems to turn on the identity of the applicant or the intended user rather than upon a neutral planning and zoning principle.

Rich Williams: And we all do that. Every one of us does that. That is so true. And that is something we've got to be aware of.

Chairman McNulty: To stay neutral.

Mike Liguori: When... You know, with the typical first, you know, statement of a land use applicant is? When it's themselves, Hi, I'm so and so. I've lived in Patterson for 35 years. You know, it's the this is my reputation and because of it... You know, just like the decision says you're supposed to be, you know, you've got your hands over your eyes.

Chairman McNulty: So where does that put commercial trade operation and arboricultirists?

Rich Williams: Well, the 64-dollar question is do you... You know, understanding the intent of what we are trying to do with the streetscape and the uses along [Route] 22 and the appearance of the community; how it affects the community. Do you think what's proposed here for a commercial trade operation is reasonable or appropriate and are there the appropriate conditions and requirements within the Code to ensure what we're all looking to do for 22? If the answer is yes, then I think it's time to make a recommendation to the Town Board. If the answer is you're not sure, then we need to take another look at it. And if the answer is no then, you know, need to stop spinning our wheels here.

Board Member Taylor: Well, as the historian, I will say we still haven't resolved the problem of Boniello that has been going for years. So that would even indicate that there's a problem there of some kind. Now, Putnam Power Equipment and if he comes in and gets all the stuff behind his fence and is resolved, then yes, it would seem that the Code was appropriate.

Rich Williams: I will tell you my opinion on Boniello's is not the Code, it's the enforcement of the Code.

Board Member Taylor: Exactly.

Chairman McNulty: Yeah.

Rich Williams: What are we doing here?

Board Member Taylor: Exactly.

Rich Williams: I mean, he's had his sign up for how long that's not legal. They continue to operate.

Chairman McNulty: Empire Power Equipment.

Rich Williams: I've documented to the Building Department that they've got an illegal apartment in there and...

Board Member Taylor: So to answer your question, it's not the problem in the Code.

Rich Williams: Right. In Bob's defense [Building Inspector Bob McCarty] I realize that Bob kind of got thrown into the deep end of the pool because he didn't realize... He thought the job was really about looking at buildings and how they're being constructed. Not...

Chairman McNulty: Surprise, surprise.

Rich Williams: Not about zoning and how to regulate. And he also handed a legacy of non-enforcement that he's trying to catch up on as best he can and I think he's taken a really good tact on trying to do that; working with people and being reasonable, but that takes time.

Chairman McNulty: Well, you're code outlines and which screen a building quite well and give some major setbacks off the road. And your item 6, I had one question. It says accepting a driveway that's 65' setback shall be maintained along the State highway against any impervious surface or fence. Planning Board may require landscaping to be provided in this area in order to maintain attractive streetscape. Is there any cases that it should also say we should have a minimum setback from a Town road that maybe intersects with [Route] 22 because this basically designed for the 22 corridor, is it not? My question is should a Town road setback also be incorporated?

Board Member Taylor: What commercial strips do we have on Town roads?

Rich Williams: I'm sorry, what was that?

Board Member Taylor: What commercial strips do we have on Town roads...

Board Member Montesano: Robin Hill.

Board Member Taylor: where this would apply?

Rich Williams: We do have... Yeah, he's absolutely right, Robin Hill.

Chairman McNulty: Ballyhack. Isn't there...

Rich Williams: No.

Chairman McNulty: down by Empire. Doesn't Ballyhack backup to that commercial site?

Rich Williams: No. But there is Old Route 22 that kind of loops in...

Chairman McNulty: Where I am.

Rich Williams: from Ballyhack. There's Old Route 22 where you are.

Chairman McNulty: So should... If this is going to address that 22... Maybe we should have a setback included for a Town road, also.

Board Member Taylor: In the commercial zone?

Chairman McNulty: Yeah.

Board Member Taylor: And I still, you know... This is just...

Rich Williams: Okay. What are you reading?

Chairman McNulty: Uhhh...

- Rich Williams: Would you hold it up? Let me see it.
- Chairman McNulty: It's an email. It came...
- Rich Williams: No. Alright.
- Chairman McNulty: Item 6...Here. Can you give that to Richie?
- Rich Williams: Alright, let me...Can we take two seconds and I'll make copies for everybody because you probably don't have copies.
- Board Member Taylor: Yeah, see the latest revision.
- Chairman McNulty: Oh. Now it's really complicated.
- [Laughter]
- Board Member Taylor: I have problems...We're talking about improving the look of [Route] 22. And yet we're going to allow this guy to line his cars up on his lawn...
- Board Member Brady: Yeah.
- Board Member Ladau: Yeah.
- Board Member Taylor: essentially, on 22. The motorcycle guy next door to him and another guy next door to him. What's the difference? Because one is sales and the other one isn't sales? Somehow...
- Board Member Montesano: Well...
- Board Member Taylor: there's an aesthetic difference?
- Board Member Montesano: You have a problem with this...When years ago when we came up with a code for signs and I said are we going to make it town wide, and I was told no it's only going to deal with the Hamlet. Why? If we would have a code that covers the whole bloody mess we live in, why do you want to limit it? Because that's where the problems come in. We limit...Oh, well, we can't do it out here. Why? That's the corridor that you want to get to look good.
- Chairman McNulty: Yeah.
- Board Member Montesano: But yet no one would allow it. To answer your question Ron, what it is is the sales in the C-1 district, it's a permitted use for him.
- Board Member Taylor: I understand that. I'm not...But all I'm saying is aesthetically...
- Chairman McNulty: Aesthetically.
- Board Member Taylor: if we're going...
- Chairman McNulty: No, what...

Board Member Taylor: What you're saying on the other side is we're concerned about the aesthetics of [Route] 22.

Board Member Ladau: Mmhhh.

Board Member Taylor: If...

Board Member Brady: You look at Bill Henry, what his product's going to be...

Chairman McNulty: It's going to be aesthetically beautiful.

Board Member Brady: And what this is... With the cars just sitting on the side of the road. Yeah.

Board Member Taylor: I think there's a problem. There's an inherent problem built in the scheme.

Board Member Montesano: We keep having this grandfather clause nonsense.

Board Member Taylor: Well but, this is isn't even grandfathered.

Board Member Montesano: No. But you still have buildings there that are not completed. Anybody want a copy?

Chairman McNulty: You saw that?

Board Member Taylor: You want another one?

Board Member Montesano: Yeah. I think that...

Chairman McNulty: Is this number of pages of the same thing or different? Oh, one's got eight items and one's got seven.

Board Member Taylor: Alright, what you were looking at was the first part.

Board Member Montesano: Yeah.

Board Member Taylor: The seven points.

Board Member Brady: Right.

Chairman McNulty: Yeah.

Board Member Taylor: These seven points are here.

Chairman McNulty: Yup.

Board Member Taylor: And then it's further comments.

Board Member Montesano: (Inaudible). Six? Eight?

Board Member Taylor: So...

Board Member Montesano: Eight?

Board Member Taylor: Still number seven. So your question's still number seven. Didn't change.

Chairman McNulty: Yeah.

Board Member Taylor: So the only difference is number two where you crossed off (inaudible).

Chairman McNulty: About the bins? It's the bins, the difference on two.

Board Member Brady: And now that changes with what he just...

Rich Williams: Right. So...

Board Member Brady: So...

Rich Williams: I've got to...

Board Member Brady: Modify it again.

Rich Williams: Modify it again to basically say some sort of...

Board Member Brady: Storage.

Rich Williams: Temporary...

Board Member Taylor: Temporary.

Rich Williams: You know...

Board Member Taylor: Transfer.

Rich Williams: Outdoor storage bins for temporary storage and transfer of waste.

Chairman McNulty: Well said. Make sure that's on tape.

Rich Williams: I should have used the mike.

[Laughter]

Chairman McNulty: Sarah will remember exactly what you said.

The Secretary: Yeah.

Board Member Montesano: What? You should use a mike?

Mike Liguori: I'm right here.

[Laughter]

Board Member Taylor: You got that down?

Mike Liguori: That's a negative.

Chairman McNulty: So I guess that brings us back to the question with a special use permit. But I think we kind of agree that's not really going to help us in this case.

Board Member Taylor: Well, unless it's as Mike's saying, it's to check compliance. Maybe it would be good especially if we did it with all these places. They came in every ten years and got a check-up. Are you complying or not.

[Laughter]

Chairman McNulty: It also brings into question, you know, maybe it proves out that it's a viable type of business to have on [Route] 22. Ten years goes by and listen, it worked out well. But the car dealership down the road wasn't so good. So maybe it is good to have a trigger to go back and look at it.

Rich Williams: Well I can tell you if starts becoming a problem we're just going to take it right out of the Code. That will stop the problem. And over time, you know, they'll slowly eliminate themselves. Take a long time.

Mike Liguori: Where will you be in ten years?

Rich Williams: I hope retired.

Chairman McNulty: Sitting right here.

Ron Gainer: There you go.

Board Member Montesano: Sunny Hawaii.

Board Member Brady: With two hats.

Rich Williams: Yeah.

Chairman McNulty: Okay.

Board Member Montesano: By himself.

Chairman McNulty: Do we want to try it?

Mike Liguori: I plan on hitting the lotto. I don't know about the rest of you.

[Laughter]

Chairman McNulty: Bob, you're awful quiet over there. Soaking it all in.

Board Member Ladau: Yeah.

Board Member Montesano: This is better than Saturday night...

Mike Liguori: Winning 17 million.

Chairman McNulty: This would be part of the package that we're referring up, correct?

Rich Williams: Well, I would probably do it as a separate memo, but...

Chairman McNulty: But...

Rich Williams: it would allow us the opportunity to consider multiple zoning changes all at the same time.

Chairman McNulty: Mmhmm. Comments?

Board Member Brady: No. I think we should send it up.

Board Member Montesano: Send it.

Board Member Taylor: With the ten years or without the ten years?

Board Member Brady: See, I'm not in favor of the ten years because....

Board Member Taylor: Okay.

Board Member Brady: I just think that...

Board Member Taylor: That's fine.

Board Member Brady: it will never get enforced.

Board Member Taylor: Yup. Okay.

Board Member Brady: It will never...Nobody's ever...We can't enforce what's there now.

Chairman McNulty: Especially if it's three owners down.

Board Member Brady: And put another restriction on it.

Board Member Ladau: Are you objecting to the time limit or the length of time?

Board Member Brady: I think that just putting a time limit on it is the issue because I don't think it's...I just don't think it's ever going get enforced.

Board Member Montesano: It's enforceable if we have someone that can enforce it.

Rich Williams: It's enforceable...Yes. Exactly. It's enforceable every day of the week if somebody is willing to take the time to enforce it.

Board Member Brady: Right.

Board Member Taylor: So it's not necessary then. Alright, so... Yeah, I... Yeah. Okay.
[Laughter]

Board Member Taylor: Second.

Chairman McNulty: You tired, Ron?

Board Member Taylor: I'm getting there.

Chairman McNulty: Okay. I'd like to make a recommendation on 154-34.P with edits dated 4/12/15 from the Planning Board meeting to recommend this zoning amendment up to the Planning...Town Board for review. With...

Board Member Brady: You just have...

Chairman McNulty: With our recommendation.

Board Member Brady: You have to change that one issue in there, right?

Rich Williams: Right.

Chairman McNulty: With the...

Board Member Brady: With the...Discussed changings.

Chairman McNulty: Discussed changings and the transfer of materials.

Board Member Brady: *I second it.*

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

Chairman McNulty: Okay. Make you happy?

Ron Gainer: Getting things done.

Chairman McNulty: Makes me happy.

Rich Williams: No, it just made work for me.

Chairman McNulty: You always have work.

8) MINUTES

Chairman McNulty: Okay, that brings us to minutes. We have minutes from April 29th and we received minutes from May 7th. I have not looked at May 7th. I did get a chance to look at April 29th.

Board Member Brady: I did.

Rich Williams: When you come in tomorrow...

Chairman McNulty: Is everybody good to...

Board Member Taylor: Well, you can't do May 7th anyway.

Board Member Montesano: You weren't here.

Board Member Taylor: You weren't here.

Chairman McNulty: Oh, that's right.

Board Member Taylor: So you...

Chairman McNulty: So does anybody else have May 7th.

Board Member Brady: I didn't review May 7th.

Board Member Ladau: Yeah.

Board Member Montesano: I didn't.

Board Member Brady: We'll start reading them.

Chairman McNulty: We'll start with April 29th. Everybody accept the April 29th minutes.

Board Member Taylor: Yeah.

Board Member Ladau: Mhmm.

Board Member Montesano: Yeah.

Chairman McNulty: Okay. *Motion to accept the minutes.*

Board Member Brady: *Second.*

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

Chairman McNulty: Do May 7th? Or I don't think anybody's looked at those.

Board Member Taylor: Sounds like nobody's looked at it. So let's postponed that to the next...

Chairman McNulty: Okay.

Board Member Taylor: To a work session.

Board Member Brady: Alright.

Chairman McNulty: And I'll abstain from that. Any other comments, items?

Board Member Taylor: Yes.

d) Maplewood North Homes Subdivision Town Line Discussion

Chairman McNulty: I know you gave us something on Ballyhack, Ron.

Board Member Taylor: Yeah, just quickly. Timeline on this.

Board Member Brady: That was pretty good.

Board Member Taylor: Are we moving...I've got a lot more. I'm going to put this into an article that includes pictures of the maps and, you know, explanations of all this stuff. There's a lot more involved in this. I mean, the fact that the Town line may be drawn wrong.

Chairman McNulty: Have we settled that yet?

Ron Gainer: Never heard of it.

Chairman McNulty: Town line in Maplewood, between Southeast and Patterson. Has that been verified?

Rich Williams: No, I identified a discrepancy in what they were showing and what we show in on our tax maps. I brought it to their attention. I asked their surveyor to address it and they haven't been back since.

Ron Gainer: Yeah, it's their obligation to respond.

Board Member Brady: Right.

Board Member Taylor: So is everything on hold until then or do we move ahead with this discussion about what to do with this extra piece and it might become a larger piece if the line's redrawn, or...

Rich Williams: Well, you certainly can have, you know, a discussion about...You're talking about your recommendation to the Town Board on the variance that they've requested.

Board Member Taylor: Right.

Chairman McNulty: For the overlay.

Rich Williams: Yeah. I mean, you could still have that conversation if that's what you want to do.

Board Member Taylor: Okay. So how do you guys want to proceed? You want to talk about this at the next work session and...

Chairman McNulty: I would. I'd like to...

Board Member Taylor: try to make some decisions.

Chairman McNulty: Do a little homework on the whole open overlay code.

Board Member Taylor: Okay. I sent you that stuff. Do you want more or...

Chairman McNulty: No, I still have to look at that.

Board Member Taylor: Okay.

Chairman McNulty: There's plenty there.

Board Member Taylor: Did miss...

Chairman McNulty: And I guess...

Board Member Taylor: anything? Is there some other part of the Code we should be looking at?

Rich Williams: I don't think you missed anything.

Board Member Taylor: Okay.

[Laughter]

Chairman McNulty: Well, I'd like to...

Board Member Brady: I don't know if that was a compliment or a shot.

Board Member Taylor: Oh, it was...

[Laughter]

Rich Williams: It was definitely a compliment.

Chairman McNulty: If everybody could take a look, it's all good training to some degree, in-house here we can learn on this. It's somewhat new to me.

Board Member Taylor: And this would be new in terms of historic stuff, I think.

Chairman McNulty: Yeah.

Board Member Brady: Yeah.

Board Member Taylor: In many ways. I mean, the more I look at this, the more significant it becomes in some ways. As significant as a hole in the ground to be. I mean, you know, it's...But still. I mean, there's a lot of history there. It's just an incredible amount of history there.

Board Member Brady: Well, just what you...

Chairman McNulty: Yeah.

Board Member Brady: gave us today is pretty interesting.

Chairman McNulty: Okay. Anything else? *Make a motion to adjourn.*

Board Member Taylor: *Second.*

Board Member Ladau: *Second.*

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

Meeting was adjourned at 9:20 p.m.