

PLANNING DEPARTMENT

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

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**Planning Board
September 24, 2015 Work Session Meeting Minutes**

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

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

The meeting began at 7:00 p.m.

Sarah Mayes was the Secretary and transcribed the following minutes.

Chairman McNulty called the meeting to order.

Chairman McNulty: Okay, this is the September 24th work session for the Planning Board, Town of Patterson. Hello everyone. Got a few items on our agenda.

1) Patterson Auto Body – Sign Application

Chairman McNulty: Patterson Auto Body, Sign Application.

Rich Williams: Patterson Auto has submitted an application for freestanding sign that will replace the existing freestanding sign they have there advertising the gasoline business.

Ted Kozlowski: Rich, which sign?

Rich Williams: They are looking for a...

Board Member Montesano: The Schmel.

Chairman McNulty: This one.

Rich Williams: for a 10' by 10' Shell logo with a 10' by 20' gasoline sign. If it's placed in the current location, it's probably going to be placed about four to five feet off of the surface.

Chairman McNulty: You said 10' by 10' and 10' by 20'?

Rich Williams: Yes.

Board Member Taylor: Yeah.

Rich Williams: Three hundred square feet that will stand at about 35' in the air.

Board Member Taylor: They already exceeds their permitted signage at the site, do they not?

Ted Kozlowski: They've got a lot of signs at that place.

Board Member Ladau: Yeah.

Board Member Taylor: So until they come into conformance with the other signs, don't see why we should even consider this.

Rich Williams: Well actually, I think most of the other signs are in conformance.

Chairman McNulty: Yeah, because they went through all their site plan.

Board Member Taylor: Are they?

Rich Williams: Yeah.

Board Member Taylor: That tire sign that's on the rope?

Rich Williams: Yeah. I didn't think it was approved and it was approved by the Board.

Board Member Taylor: Zoning Board?

Rich Williams: Planning Board.

Chairman McNulty: Okay. And I can't place their sign they have now. Is it on the Carriage House side or is it...

Rich Williams: It's on the other side. It's on the other side of the gas pumps. There's a little...

Chairman McNulty: Where their car lot is?

Rich Williams: stone planter and the sign comes out of the middle.

Chairman McNulty: And they really want it 35' high?

Rich Williams: Well I'm just, you know, when you put a 10' by 10' on top of a 10' by 20' five feet in the air, you add it up, that's 35'.

Board Member Ladau: Yeah.

Chairman McNulty: Yeah.

Board Member Taylor: Well, it's excessive.

Chairman McNulty: Well, it's definitely excessive.

Board Member Montesano: That's maximum height, right?

Board Member Taylor: And unnecessary.

Rich Williams: What?

Board Member Montesano: What's maximum height?

Rich Williams: Well, we don't actually have a maximum height. We have maximum height...

Board Member Taylor: It's not like you're on a freeway and you need to look down to see where the gas station is.

Rich Williams: is in a GB or C-1 Zoning District for buildings, and we usually apply that against any structure.

Chairman McNulty: What's the size of their current sign? Do you know offhand?

Rich Williams: Not off the top of my head, no. And nor do I think we have any permits or approvals on them.

Chairman McNulty: So that monument...It's a monument sign, right, that you're saying you don't think is...

Rich Williams: Well, it's a sign on top of a pole. And we don't have any record of any permits. I have no idea how long it's...

Chairman McNulty: It wasn't incorporated into that last site plan approval?

Rich Williams: No.

Board Member Montesano: No.

Rich Williams: The location was, but the size of the sign was not.

Chairman McNulty: And does that sign qualify as a monument style sign; 25 square feet? Is that...That's the max, right?

Rich Williams: Twenty-five square feet is the maximum size of a sign that we currently allow.

Ted Kozlowski: And this is how big?

Rich Williams: Three hundred [square feet].

Chairman McNulty: Yeah, so I think they're going to have to redesign.

Rich Williams: Or go for a variance.

Board Member Montesano: Take the legs off.

Rich Williams: I don't know if this Board has a recommendation if they go for a variance.

Chairman McNulty: Well, we just went through this. Who did we just do this with? Getty, up with Sunoco.

Board Member Ladau: Yeah.

Rich Williams: Mmhhh.

Chairman McNulty: You know, where we told them it was excessive and, you know, they're fine to go for a variance but we're looking to stay within certain parameters and limits.

Rich Williams: Right.

Chairman McNulty: And they haven't been back, have they?

Board Member Ladau: No.

Rich Williams: You approved it.

Chairman McNulty: I thought there was a discrepancy.

Rich Williams: The Getty going to a...

Chairman McNulty: The Sunoco.

Rich Williams: Sunoco. You approved it.

Board Member Taylor: We approved it.

Chairman McNulty: They didn't need a variance, huh?

Board Member Taylor: No.

Rich Williams: No.

Board Member Taylor: They were within.

Chairman McNulty: Oh, because of the way the sign was designed and the square footage worked out.

Board Member Taylor: Yeah, so...

Ted Kozlowski: Can this Board approve a sign that doesn't conform with zoning?

Rich Williams: Well, they...No. They already had a variance, Tom. So they went to the ZBA...

Chairman McNulty: And they...

Board Member Ladau: Yeah, they just changed the brand.

Chairman McNulty: Yes. I do remember that. I thought for some reason there was still a discrepancy; we're waiting for them to come back.

Rich Williams: No. It's all done.

Chairman McNulty: Good.

Rich Williams: Putnam Lake's another story.

Chairman McNulty: Putnam Lake.

Board Member Taylor: Now did...What was the sign...What was the variance that Getty had? Do you remember?

Rich Williams: No, I don't. But I think it was about 75 square feet, somewhere around there.

Board Member Taylor: Okay. That's about what we did for Thunder Ridge, too. Isn't it?

Rich Williams: That was about the recommendation made for Thunder Ridge.

Chairman McNulty: Did the Zoning [Board] act on the Thunder Ridge sign? I saw it on the agenda.

Rich Williams: No, because they've never completed their application. So it's been like 18 months.

Chairman McNulty: That's for the paintball sign. That was not incorporated into the sign...

Ron Gainer: That sign.

Chairman McNulty: we approved.

Rich Williams: Right.

Chairman McNulty: But we asked to have it taken down when the sign was approved, if I remember right.

Rich Williams: Right.

Chairman McNulty: So now they're in for a zoning variance. How much zoning are they looking for? Increased size.

- Rich Williams: I don't remember. It's been so long.
- Chairman McNulty: See, this is where the consistency. We have to try and maintain is if, you know, you start telling people they're getting 1005, 75%, you know, we've got to watch where we're going.
- Rich Williams: Well, and if you're going to consistently give people bigger signs than you've got to ask, you know, is our sign ordinance correct?
- Board Member Ladau: Yup.
- Chairman McNulty: I believe it is for the Hamlet but maybe not along [Route] 22.
- Board Member Taylor: Well, I would say we...There's no...We shouldn't...If we do make a recommendation on it, it shouldn't be any greater than what Getty has.
- Chairman McNulty: Or anybody else that we...
- Board Member Taylor: Yeah.
- Chairman McNulty: You know, would this classify gas station. Anybody else along that 22 corridor.
- Ted Kozlowski: You run the risk of every other gas station coming in asking for a 300 square foot sign now.
- Chairman McNulty: Mhmm.
- Board Member Taylor: Yeah.
- Rich Williams: They all are. We've got the Mobil right now who's come in. They wanted to have a...Not a 300 [square foot] but I think it was about 100 [square foot], and we basically told them that, hey guess what? Your current sign is not...never received the Town permits and it's illegal. So they went out and I don't know what they're doing.
- Chairman McNulty: What is the law for posting prices in a gas station? Because I know they have to post it. Is it just at the pump?
- Rich Williams: That I don't know.
- Board Member Ladau: My recollection from something earlier was that you have to post it at the pump, but you don't have...The reason they're posting it out on the road is basically is a...
- Chairman McNulty: It's a marketing...
- Board Member Ladau: Marketing thing.
- Chairman McNulty: It's not a State Law...
- Board Member Ladau: Yeah.

Chairman McNulty: to market at the road.

Board Member Montesano: Now, if you go...

Chairman McNulty: I guess if it's not posted at the pump, it has to be posted somewhere.

Board Member Ladau: Oh yeah.

Chairman McNulty: Yeah.

Board Member Montesano: The pump has to be...

Board Member Ladau: But I think it does have to be posted at the pump.

Chairman McNulty: At the pump it's a requirement.

Ted Kozlowski: Such huge signs. It's an obvious gas station. You can see...

Board Member Montesano: The post...The pump has to be posted because that's supposedly tamper proof.

Board Member Ladau: Yeah.

Chairman McNulty: Okay.

Board Member Ladau: Well.

Board Member Montesano: As far as the weight goes.

Board Member Ladau: Yeah.

Board Member Montesano: But there's no indication that it has to be posted on a sign visible to the public.

Board Member Ladau: Yeah.

Board Member Montesano: You can drive up to the pump, you can see it on the pump.

Board Member Ladau: Yeah.

Board Member Montesano: After that...

Board Member Taylor: I also think the...

Board Member Ladau: I don't understand why we simply don't respond to these people that their application exceeds the current zoning.

Board Member Taylor: Well I think that's what we need...

Chairman McNulty: Well, that's where we're at now.

Board Member Ladau: Yeah.

Board Member Taylor: We're going to have to say...

Chairman McNulty: This is an initial application so if...Rich, do you know if Patterson Auto Body will be in on Thursday?

Rich Williams: I don't know. I certainly can talk to him.

Chairman McNulty: Okay.

Board Member Taylor: Okay. I also think the application's incomplete. We're supposed to assume that the lighting's internal because it's a box sign. Is that the idea? But also they say the color letters are digital.

Chairman McNulty: Are digital.

Board Member Taylor: Digital is not a color as far as I know. Are they talking about red digital, is that what they mean?

Board Member Ladau: Well, they talk about the colors of letters, it's digital. Yeah. That's not a color.

Board Member Taylor: Yeah. So they're just talking about the letters of the numbers and not the rest of the sign.

Board Member Ladau: Yeah.

Board Member Taylor: And the picture they submitted is not the right picture.

Chairman McNulty: It's analog.

Board Member Taylor: Because it's not digital.

Chairman McNulty: Yeah.

Board Member Montesano: Yup.

Board Member Taylor: Yeah, so I think we've got questions for them. But I would agree with Bob, I think, we should tell them.

Board Member Ladau: Yeah.

Board Member Taylor: You're not...What you're proposing is not in...

Chairman McNulty: Yeah. You're...

- Board Member Taylor: conformance and we would not recommend to the Zoning Board anything greater than whatever...
- Rich Williams: We'll give you a spreadsheet showing different signs and what the areas are that have been approved.
- Board Member Taylor: And are you saying they're not in conformance now with that sign? They have no approvals for that sign?
- Rich Williams: I'm saying we have no record of when that sign was put up.
- Board Member Taylor: Okay.
- Rich Williams: Or, you know, whether it's in conformance.
- Board Member Taylor: So are they going to argue pre-existing nonconforming?
- Board Member Montesano: Probably.
- Board Member Taylor: Can they?
- Rich Williams: Well, listen. That's fine if they want to put up a sign the same size, same location, I think that's perfectly appropriate.
- Board Member Taylor: Okay.
- Chairman McNulty: Yeah, I mean if they have a 100 square foot sign now and it's grandfathered in, I think they've got a case to have a 100 square foot sign, not a 300 square foot sign.
- Board Member Taylor: Right.
- Rich Williams: Yeah, but they probably have a 20 square foot sign...
- Chairman McNulty: Yeah, I'm just throwing a number out.
- Board Member Taylor: Yeah. Okay.
- Board Member Montesano: I'm trying to remember what Delta was originally.
- Chairman McNulty: So if they can identify what size their sign is now and a better detail description of what they want to supply, maybe their dimensions are off here because they don't have it described right. They have digital but they show a photograph of analog. So, we need to get some answers and to recommend that 300 square feet isn't going to fly. You know, we'll work with them but...Okay. Any other comments on that one?
- Board Member Taylor: Nope.

2) Thomas Smith – Wetlands/Watercourse

Chairman McNulty: Moving along to Thomas Smith. This is a wetlands/watercourse permit. What's the background on this one, Rich?

Ted Kozlowski: I went to the site late spring, early summer. Very nice man. I didn't look at this application. I advise he...He wanted to convert a very nice wetland into a pond. I think I convinced him not to do that. Rich, have you looked at this?

Rich Williams: Not extensively. I assumed you had.

Ted Kozlowski: I'm...

Chairman McNulty: Where is this...

Ted Kozlowski: I just got it. I'm just assuming that he's going to go with what he told me, which is he needs to sure up his...

Rich Williams: It's to replace the retaining wall.

Ted Kozlowski: Yeah.

Board Member Ladau: Yeah.

Ted Kozlowski: He has a retaining wall holding up his driveway.

Board Member Ladau: Mmhhh.

Ted Kozlowski: And it's failing.

Chairman McNulty: Where is this located approximately?

Ted Kozlowski: Farm to Market Road and Big Elm [Road]. At the end of Big Elm, you make a right, there's one house and he's the next house. He's got a big, white house.

Chairman McNulty: On the right or left?

Ted Kozlowski: Right, going north.

Chairman McNulty: Oh, okay.

Ted Kozlowski: He'll be on the...

Chairman McNulty: He's got a lot of stone walls in the front?

Ted Kozlowski: Yeah. He'll be on the east side of the road and...

Chairman McNulty: And he's applying for this to repair...

Ted Kozlowski: Yeah, and I would recommend the Board...

- Chairman McNulty: repair the retaining wall?
- Ted Kozlowski: Yeah. And I would recommend that...
- Board Member Taylor: Well, he's doing two things.
- Ted Kozlowski: I didn't, I mean...
- Board Member Taylor: He's talking about repairing the existing wall but he's also talking about putting in a sloped driveway down...
- Ted Kozlowski: Oh, he wants...Yes. He wants access...If you look at the property, the driveway is considerably higher than the ground. And he wants to be able to get his lawn mower and get access down and around. And right where that driveway ends and where he wants to improve the retaining wall, it's all debris. It's not...It's within the buffer of the wetland, but that's left over from the construction and all.
- Chairman McNulty: It's already been disturbed.
- Ted Kozlowski: So, he's looking at kind of a grass swale. It's going to...Not a grass swale, but a grass berm or maybe even a paved berm that goes down to the lawn. If you went out on a site walk, you would better understand what I'm trying to explain.
- Chairman McNulty: Any kind of dimension to that? Is it 50 feet? Twenty feet?
- Ted Kozlowski: I didn't look at it, Tom. Sorry.
- Chairman McNulty: Yeah. I...This is the first I'm looking at it.
- Ted Kozlowski: But...
- Board Member Taylor: Where's the wetland here?
- Ted Kozlowski: The wetland would be to the right of the driveway. The wetland...This NYSEG power line...
- Board Member Taylor: It's in the wetland?
- Ted Kozlowski: is within the wetland. The wetlands is with...underneath the powerline.
- Board Member Taylor: Okay.
- Ted Kozlowski: So the wetland encroaches onto his property and it's on...Is that Sate owned, Rich? The right-of-way?
- Rich Williams: Well, the NYSEG easement goes through there.
- Ted Kozlowski: Right. But is that owned by the State?

Rich Williams: No.

Ted Kozlowski: Or they just have an easement?

Rich Williams: NYSEG.

Ted Kozlowski: NYSEG.

Rich Williams: NYSEG owns the property.

Ted Kozlowski: Oh, that's what I meant, NYSEG. So, it's a very nice wetland. What he's proposing is not going to impact that wetland. It's all on...already...previously disturbed area and lawn. The stone...The...I believe it's pressure treated wood that's holding it up now.

Chairman McNulty: Along here?

Board Member Taylor: That's what he said. He asked if you knew.

Ted Kozlowski: Yeah. And he needs to fix it.

Board Member Taylor: Okay. That makes sense. But this access down to here, this is lawn or...

Ted Kozlowski: This is all back lawn. He's got a stream back here; that's in a wooded area.

Board Member Taylor: Okay.

Ted Kozlowski: So...

Chairman McNulty: Is that downhill from him? Where he is?

Ted Kozlowski: Yeah.

Board Member Taylor: And this lawn?

Ted Kozlowski: He's got a little shed in the lawn.

Board Member Taylor: Is this is the buffer?

Ted Kozlowski: The lawn is in the buffer, yeah. He's...

Board Member Taylor: Okay.

Ted Kozlowski: You've got this stream. There's a wetland and a stream associated in his backyard. And that drains into the wetland. There's a big wetland down here.

Chairman McNulty: Is this all actual wetland or buffer?

Ted Kozlowski: It's wetland up to about 20' off that retaining wall. And it's a culvert. There's drainage coming in from across the street...

- Board Member Taylor: Yeah, that's...
- Ted Kozlowski: through a culvert and then into the wetland. The wetland's a good wetland. It's a very productive wetland.
- Board Member Taylor: Okay.
- Ted Kozlowski: It's not full of invasives or anything. He's really not impacting it.
- Chairman McNulty: He's not looking to put a shed or anything up...down there?
- Ted Kozlowski: No. It's just...It's debris from when they built the driveway a very long time ago.
- Chairman McNulty: Do we need to do a site walk on this?
- Ted Kozlowski: I don't think so. I wouldn't recommend it. If you want to do it, that's fine.
- Chairman McNulty: What I want to know is how big this area is.
- Ted Kozlowski: The only question I had, and this was for Ron, the wall...the retaining wall for his driveway exceeds four feet. And I don't know if he needs to have an engineer sign off on that.
- Chairman McNulty: That would be the Building Department, no?
- Rich Williams: The simple answer is yes.
- Ted Kozlowski: Right.
- Rich Williams: And he's got...
- Ted Kozlowski: And I told him that in the field.
- Rich Williams: He's going to have to do that through the Building Department.
- Ted Kozlowski: Right. I told him that in the field.
- [Loud car going by outside]
- Board Member Montesano: At least he didn't blow a horn.
- Ted Kozlowski: I told him in the field that I felt, you know, I certainly wasn't qualified to say it was okay to do this purely from a safety standpoint, because that's a lot of driveway and a lot of material behind that wall that he wants to replace.
- Rich Williams: He has plans into Bob in the Building Department already.
- Ted Kozlowski: Okay. Very nice guy and very, you know, understanding of the wetlands situation and all. And it's very practical of what he wants to do.

Board Member Taylor: Okay. I'd be concerned about the width of this path he's putting in.

Chairman McNulty: The width and the length.

Board Member Taylor: Yeah, so that, I mean, getting his mower down is one thing, but driving trucks down is...

Ted Kozlowski: No.

Board Member Taylor: a whole different thing.

Ted Kozlowski: He didn't indicate that's what he wanted to do.

Chairman McNulty: And then the other question is does he have to add fill to...

Board Member Taylor: Yes.

Chairman McNulty: make that.

Board Member Taylor: Yeah.

Ted Kozlowski: He's going to have to add fill.

Board Member Taylor: Yeah, he says that in the application.

Chairman McNulty: Because...Okay. I'll have to...

Board Member Taylor: But he's going to use the fill that...

Ted Kozlowski: Yeah.

Board Member Taylor: Ted's talking about. There's debris, boulders and things, he's had there.

Chairman McNulty: He said he's going to reclaim what's in the area...

Board Member Taylor: Yeah.

Rich Williams: Yeah.

Ted Kozlowski: Yeah.

Chairman McNulty: and build it.

Board Member Taylor: He doesn't say, I don't think, he doesn't say what he's going to put on the top of it in terms of a finished surface.

Ted Kozlowski: I also...

Rich Williams: Well, it's not...It's not going to be blacktop, it's going be dirt, gravel...

Board Member Taylor: Okay.

Rich Williams: surface because he's...

Ted Kozlowski: I...

Rich Williams: within 100' of the wetlands.

Ted Kozlowski: I also suspect when they put that culvert in, which I don't think he had anything to do with, they dug this trench to get to the wetland. And a lot of that material is...

Board Member Taylor: It's there, too.

Ted Kozlowski: Is there, too.

Chairman McNulty: Where's the culvert run, Ted?

Ted Kozlowski: It's underneath Farm to Market Road. It's coming from across the street and then it enters...

Board Member Taylor: Where is it on here?

Rich Williams: It drains down to Farm to Market Road.

Ted Kozlowski: No, he's draining...It's draining under Farm to Market into that wetland. Into that NYSEG wetland. It's coming out from the other side of Farm to Market.

Chairman McNulty: From west to east?

Ted Kozlowski: Yeah.

Chairman McNulty: So it's down this way.

Ted Kozlowski: Yeah. And it's feeding the wetland.

Chairman McNulty: Over here?

Ted Kozlowski: Yup. It's feeding the wetland.

Chairman McNulty: So it's not where he's...

Ted Kozlowski: No. But it...There's debris associated, I think, with the construction of that culvert.

Board Member Taylor: He says he's got to extend the culvert.

Ted Kozlowski: I would believe he's going to need to do that if he's making that wide of an access.

Board Member Taylor: Does he need...What kind of highway is that? Is that State or is that Town?

Chairman McNulty: County.

Ron Gainer: County.

Ted Kozlowski: County.

Board Member Montesano: County.

Board Member Taylor: County. So he needs their approval for the culvert?

Rich Williams: No. Not if it's all on his property.

Board Member Taylor: Oh, okay.

Chairman McNulty: He's not the disturbing the road at all.

Rich Williams: As long as he's using the same size.

Board Member Taylor: Okay. What about runoff from that into the wetlands?

Ted Kozlowski: Good question. I don't really know where all his drainage goes off that because he's got a...He's got a...It's a very big driveway because he needs to turn his cars around.

Board Member Taylor: Mmhmm.

Ted Kozlowski: I'm not sure where that's going. It's probably going into that drainage area.

Chairman McNulty: Gutters, leader go into there, too?

Ted Kozlowski: You know, that's a good question. I really didn't look at that. It's high. It's high if...

Chairman McNulty: But initial look, you don't...

Ted Kozlowski: I even said to him, I was concerned, you know, if it's an icy situation...

Board Member Taylor: Mmhmm.

Ted Kozlowski: he can go right off that edge. It drops.

Chairman McNulty: Well, it's his property.

Ted Kozlowski: Yeah. It's his property.

Chairman McNulty: Alright. So we've got some questions for him. You expect him to come in?

Rich Williams: Would expect.

Chairman McNulty: Okay, Rich and Ted, you don't have any big, initial problems with it.

Ted Kozlowski: I don't have any real...

Chairman McNulty: We just need to make sure he stays within...

Ted Kozlowski: environmental issues. I think it's more of...Structurally, he's doing the right thing.

Board Member Taylor: Mmhmm.

Ted Kozlowski: Because that wall is higher than 4'.

Board Member Ladau: In his narrative, he talks about per engineering specs.

Ted Kozlowski: Right.

Board Member Ladau: So...

Ted Kozlowski: Like I said, I'm just seeing this for the first time.

Board Member Ladau: Yeah.

Ted Kozlowski: And he didn't...I asked him to call me before he submitted this so I could go over it with him; he didn't. But it's been a long time since I saw him.

Chairman McNulty: Alright. Any other comment on that?

Board Member Ladau: No.

Chairman McNulty: We'll speak to him and get some answers and if we're not comfortable, I guess maybe we can do a site walk. Or get some pictures or something.

3) Megan Denaut – “Reverie Caffè” – Sign Application

Chairman McNulty: Okay, moving on next to Reverie Caffè; Megan Danaut. Denaut? How to you say that?

Ted Kozlowski: Denaut.

Board Member Ladau: Denaut.

Chairman McNulty: We have a sign application. This is right here on Front Street correct, Rich?

Rich Williams: Correct. New business opening up in the former Magnolia's Café. Looking to put up a sign. Sign...We've been working with her. Originally, the sign was going to be white lettering on black background. She's now going to do white lettering on a dark red background.

Chairman McNulty: Okay.

Rich Williams: It meets all our sign criteria as far as size.

Chairman McNulty: Is this similar to the sign that was there before?

Rich Williams: And it's where it was going before. So, you know, you're immunable if you want to approve it subject to her, you know, submitting a color detail before...into the Department before she puts it up, that would be fine.

Chairman McNulty: These are the fonts she wants to...

Rich Williams: Yup.

Board Member Taylor: Alright. I make a motion...

Board Member Ladau: She misspelled Café however.

Board Member Taylor: that we approve the sign...

Chairman McNulty: We have to do SEQRA.

Board Member Taylor: subject to those conditions.

Chairman McNulty: we do SEQRA first?

Ted Kozlowski: Did she really?

Board Member Ladau: Yeah.

Board Member Taylor: Motion in the matter of...

Chairman McNulty: Hold on a second. Let that car pass [referring to the load car passing by outside].

Board Member Taylor: Reverie Caffé. Make a negative declaration of SEQRA.

Chairman McNulty: Second.

Board Member Taylor: All in favor? *Motion carried by a vote of 4 to 0.*

Board Member Montesano: Keep him in practice. Keep him in practice.

Board Member Taylor: In the matter of Reverie Caffé...

Ted Kozlowski: You should ask her if that's the right spelling. Maybe it is.

The Secretary: It is.

Ted Kozlowski: It is the right spelling?

The Secretary: It is the right spelling. She has a website, everything. It's like Italian, I think.

Board Member Taylor: Oh, okay. Do we approve the sign regulation...application with the provision that the colors be submitted for final approval by the Town Planner?

Chairman McNulty: Second.

Board Member Taylor: You're running the meeting.

Chairman McNulty: No, you're calling...It's...

Board Member Taylor: I just made the motion.

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

Board Member Montesano: Keep him in practice. Keep him in practice.

Ron Gainer: Moving right along.

Board Member Ladau: This is a tough crowd.

Board Member Montesano: Watch out, next week you're going to be in charge again.

Chairman McNulty: Okay.

4) Bill Henry Tree Service, LLC – Continued Site Plan Review

Rich Williams: Alright, moving right along: Bill Henry. We have this on the agenda because by the next meeting, we're hopefully...we'll have everybody's response back in on SEQRA and we can do SEQRA. Actually, we've already got everybody's response except for DEP.

Board Member Taylor: And they were favorable?

Rich Williams: Yeah. Everything...Everybody was fine. And DEP never submits anything. They fax it in on the 30 day mark.

[Laughter]

Chairman McNulty: Which is when?

Rich Williams: Should be just before the meeting I believe.

Chairman McNulty: Okay.

Board Member Taylor: Okay.

5) PCLT/See Lot Line Adjustment

Rich Williams: Putnam County Land Trust/See Lot line Adjustment. This is a lot line adjustment that the Board approved quite some time ago. They met all the conditions, the Board signed the plat and gave it back to the Putnam County Land Trust to file. Putnam County Land Trust had 62 days in which to file that plat.

Board Member Taylor: They didn't.

Rich Williams: They filed it somewhere around 180 days later.

Board Member Ladau: It's close.

Board Member Montesano: They had to have a special meeting.

Rich Williams: And the County took it. And then they started to go to closing and one of the attorneys said wait a minute, that wasn't filed properly. We have to redo it.

Board Member Taylor: Yup.

Board Member Ladau: Oh dear.

Chairman McNulty: So where does that bring us, back to square one?

Rich Williams: So next meeting I'll have a resolution for you to approve it.

Chairman McNulty: Basically...

Rich Williams: To reapprove it.

Chairman McNulty: It's basically the same resolution...

Board Member Ladau: Yeah.

Chairman McNulty: with a new approval date. And then they have 62 days again to...

Rich Williams: Well, then they have to give you a whole new plat and...

Board Member Taylor: We have to sign it.

Rich Williams: I tried to convince everybody just to pull the plat that was filed and, you know, just have us resign that plat. But, no. They want a whole new plat.

Board Member Montesano: And they're putting in a new sign, too.

Chairman McNulty: Okay. So you think you'll have that for Thursday?

Rich Williams: Yeah, I'll have the other resolution.

Chairman McNulty: Okay.

Board Member Montesano: That young attorney is no longer in his office.

Chairman McNulty: Okay.

6) Other Business

a) Ice Pond Estates – Revised Resolution

Rich Williams: Ice Pond Estates is on. I believe the last Board meeting, the Board approved a resolution granting a one-year extension. Well, New York State Law says that you can only grant 90-day extensions so their attorney doesn't want the 1-year extension; he wants four 90-day extensions and has asked that the Board...

Chairman McNulty: To run concurrent?

Rich Williams: the Board redo the resolution to grant four 90-day extensions.

Board Member Taylor: Sequentially.

Chairman McNulty: Sequentially. Sequentially. I don't know. Can that be done?

Rich Williams: Well, you have to rescind your previous motion and then make a new motion on it.

Chairman McNulty: But can you run sequential...I mean...

Board Member Taylor: Or do we have to...

Chairman McNulty: They have a 90-day limit for a reason, right?

Ted Kozlowski: You can only do 90 days at a time.

Board Member Taylor: So we'll have to each...In every 90 days, we'll have to do a new resolution.

Rich Williams: Well, that's up to you if you want to do it that way.

Board Member Taylor: Well, we're asking.

Chairman McNulty: Well, that's...

Board Member Taylor: Tom is asking can we do four.

Chairman McNulty: Yeah.

Ted Kozlowski: Can you legally do that?

Rich Williams: I don't see any reason you can't do a year, but...

Chairman McNulty: Maybe that's a question for Mike [Liguori]? To me, it doesn't make any sense.

Board Member Ladau: Yeah.

Chairman McNulty: If you have a 90-day limit, why rescind anything?

Ted Kozlowski: Do you need a variance?

Rich Williams: Hey listen, if you want to have some fun, listen, tell him you can only do one at a time.

Board Member Taylor: Yeah.

Chairman McNulty: We can do a 90-day and a...

Rich Williams: And we're just going to hope that we don't forget.

Ted Kozlowski: I think you would...

Chairman McNulty: They'll have...It will be on them to remember.

Ted Kozlowski: I know it's silly, but I think you can only do the 90 days.

Rich Williams: Huh?

Ted Kozlowski: I would think you can only do the 90 days at a time.

Board Member Taylor: Well, let's do it.

Rich Williams: I, you know...

Chairman McNulty: Well, we can do a 90-day tonight...

Ted Kozlowski: I understand the logic here, but...

Chairman McNulty: and we could always rescind that and change it if Mike changes it.

Board Member Taylor: Yeah.

Chairman McNulty: That way they're out of hot water for now.

- Board Member Montesano: Well, we're not doing anything until Thursday...
- Board Member Ladau: The other option is that they...
- Ted Kozlowski: Let's look at it the other way, what happens if the...
- Board Member Montesano: if we want to, and let Mike have the chance to let us know Thursday night.
- Ted Kozlowski: What happens after four 90-day extensions they sit down to do something and then somebody on another team say hey, wait a minute. The Planning Board did this illegally.
- Board Member Ladau: Either that or they can post date the applications, dating...
- Chairman McNulty: You know, let's talk to Mike about this. It sounds to me like 90-day is what they're going to get and they're going to be on them to remind us to do this, right? It's their...
- Board Member Taylor: Their project.
- Chairman McNulty: Yeah.
- Board Member Montesano: It's their project, right.
- Rich Williams: And the attorneys get richer.
- Board Member Taylor: Yeah.
- Board Member Ladau: Yup.
- Chairman McNulty: Oh boy. I got a story for you after the meeting.
- [Laughter]
- Chairman McNulty: Okay, so let's get Mike's recommendation on that. Okay. Ninety day verse four 90-days.
- Board Member Montesano: Alright.

b) Hebert Site Plan

- Chairman McNulty: Alright. Next we move onto Hebert. I asked Rich to put this on the agenda. I've had some business up in that center over the past month. And when I passed that site...
- Board Member Taylor: It's a mess.
- Chairman McNulty: it's an industrial site in a C-1 zone. And discussed with the Board, if you're in agreement, I'd like to make a recommendation to have the Code Violation Officer go out there and check the site for its conformance and violate it if it's not in conformance. Or make his...do his diligence.

Rich Williams: Well, it's out of conformance which is why he made application for the site plan. But he's not moving on the site.

Chairman McNulty: Well, this has been in front of us for over a year. We've asked him in the past to clean up the outside of the site. To me, I haven't seen any of that. It just seems to be growing with material stockpiled and equipment stored outside.

Ted Kozlowski: You made it very clear at the last meeting to clean up.

Chairman McNulty: I did. And we have nothing back. I was there last week up in the site; the building up at the top of the hill. And it's just piling up. So I don't know. How does the Board feel about that?

Board Member Montesano: Go for it.

Chairman McNulty: I make a recommendation...

Board Member Ladau: Yeah.

Chairman McNulty: for the Town Planner to notify the Code Enforcement Officer to review the site, the Hebert site, at Jon Barrett Road and issue violations for anything that's out of conformance with the current site plan on file, or Code.

Board Member Taylor: Additional violations.

Chairman McNulty: Additional violations.

Board Member Ladau: Yeah.

Chairman McNulty: Well, I don't think there's open violations.

Rich Williams: Issue a violation?

Chairman McNulty: No.

Ted Kozlowski: Additional.

Rich Williams: Oh.

Chairman McNulty: I don't think there's a violation open right now, is there?

Rich Williams: Yeah. Sure there is.

Chairman McNulty: Oh.

Rich Williams: I've never back off on the erosion control.

Board Member Taylor: Yeah.

Chairman McNulty: Why are acting on this application?

Rich Williams: He's in court.

Board Member Taylor: Because we're trying to clean up the violations.

Chairman McNulty: Yeah, I know.

Board Member Ladau: Yeah.

Board Member Taylor: That's why we are... Why are we not recommending for somebody else to take action to force this guy to move faster? I don't know.

Chairman McNulty: Yeah. Well, we're doing that now, so...

Board Member Taylor: That doesn't seem to help.

Chairman McNulty: It's just not fair to everybody else that keeps their place nice up there.

Board Member Taylor: Yeah. No, it's not fair.

c) Zoning Amendment – Bed & Breakfast

Chairman McNulty: Alright. That brings us to bed and breakfast. And I see you have some nice notes on there Bob. I got, Rich, I got the review. All your documentation, which I didn't get to last meeting. I had a question: On one of your items you listed...which leads us back to events. We talked about events and what kind of events to have. Forget where it is here. Item 'r', no more than one employee shall be permitted to work on the premise at any time. Well, that just shuts down events right there.

Board Member Ladau: Yeah.

Chairman McNulty: Because how are you going to have an event with one employee.

Board Member Ladau: Well, maybe they shouldn't have...

Chairman McNulty: Unless I'm reading that wrong.

Rich Williams: No, no, no. You know, listen, I, you know, gave you something that was draft for discussion. If you want to have events with, you know, you're going to need to, you know, make some modifications to that.

Chairman McNulty: Okay.

Board Member Taylor: My feeling...

Board Member Ladau: I don't see how events are compatible with the site in question. I mean, there're just too many other...

Chairman McNulty: Well, let's focus this down. We have a person interested to develop that site...

Board Member Ladau: Right.

Chairman McNulty: in a way that could be beneficial to the Hamlet. So I'm thinking the goal is how do we make it work within that site? And how do we make our Code fair to make it work for that site? And Rich has done a good outline here. You know, all these options between General Business, floating zones, limits bedrooms. We have the two-acre issue: Is it useable or is it just two acres on a whole? It comes down to look at that site. They might not be able to have an antique store and events, but they can have a bed and breakfast. Does that stand alone and work for them financially? I don't know.

Ted Kozlowski: What is that site zoned? Is that residential?

Chairman McNulty: It's residential.

Rich Williams: Residential.

Board Member Taylor: Residential.

Board Member Ladau: Residential.

Ted Kozlowski: So, is these kind of activities allowed in a residential zone?

Board Member Ladau: No.

Chairman McNulty: No. And that's what Rich proposes, that it would be...

Board Member Ladau: Rich is proposing a...

Rich Williams: That's why they're asking for a zoning change.

Ted Kozlowski: Right. So how fair is that to the neighbors around that house?

Chairman McNulty: Well, to go back, wasn't it once a GB Zone, that area?

Rich Williams: No.

Board Member Montesano: No.

Chairman McNulty: It was always residential.

Ted Kozlowski: You've got two houses immediately...

Chairman McNulty: Because [Route] 311 along here had GB at one point.

Rich Williams: Still does.

Chairman McNulty: It does. But not down to that point. When that restaurant was there at the corner years ago...

Rich Williams: That building where the restaurant was where you turn in to go to Patterson Village...

Board Member Ladau: Yeah.

Rich Williams: that is an isolated bubble of GB.

Chairman McNulty: That one lot.

Rich Williams: That one lot. Then it jumps down to Sauro's and comes this way.

Chairman McNulty: So it's not out of line...

Board Member Taylor: No.

Chairman McNulty: to possibly turn another lot. Which answers you question, I think. That's what you're asking.

Ted Kozlowski: But yeah, you've got two neighbors to the backyard, basically, of the house. And then you've got...

Board Member Taylor: That's right.

Board Member Montesano: You have two neighbors there. You've got neighbors directly across the street. And you know what the school does.

Board Member Taylor: I think we're discussing this improperly. I think we need to look at the code for bed and breakfast, and we can look at this site to see whether the code makes sense as a code, but not for this site. I mean, later on we may need to review this site to see whether it fits the Code. And then we also need to be talking about events. I think we need events code.

Chairman McNulty: Or a definition.

Board Member Taylor: Not stick that in the bed and breakfast code. I mean, it makes no sense to stick events and antique stores, for example, in the bed and breakfast code. That doesn't belong in that part of the code.

Chairman McNulty: And I agree with you on that.

Board Member Taylor: Yeah.

Chairman McNulty: Because there's a lot proposed there. And again, like you said, we're looking at bed and breakfast.

Board Member Taylor: Right.

Chairman McNulty: And in the first...The way I see the first look is...I'm looking at that property in particular because that's what brought this to fruition. So, we can apply the zoning...Does general...Start off, does General Business work there or does this floating zone that you mentioned in your summary, does that work? I don't know if that more beneficial.

Board Member Ladau: Or what about...

Rich Williams: I throw it out there all the time because I understand floating zones. I understand how they work and I'm comfortable with them. But I will tell you I'm probably the only one.

Board Member Taylor: Yeah, he said that before that the Town Board would never approve of floating zone.

Board Member Ladau: I don't see why you just don't use it as a special use permit, which is one of the things...

Rich Williams: You can.

Chairman McNulty: My question is, when you establish a floating zone, does that open up the whole Town to the floating zone code?

Rich Williams: It's however you structure the floating zone.

Board Member Ladau: Yeah.

Rich Williams: You could say the R-4 Zoning District. You could say the GB Zoning District. You could say, you know, the R-1 Zoning District in the Hamlet.

Chairman McNulty: Okay.

Rich Williams: You know, it's how you structure it.

Chairman McNulty: Okay.

Ted Kozlowski: I just...I'm not throwing a wet blanket over something, but...

Rich Williams: But...

Ted Kozlowski: You...We just went through a situation in Putnam Lake where the barbeque place opened and no one saw...foresaw the odors. To some people, a pleasant odor. But the constant odor of barbeque floating in a residential zone. Now you're looking at a big house in a residential zone surrounded by residential homeowners that wants to open up a bed and breakfast, have special events and an antique store. Now what it to prevent that...Is that happens, that situation to go into another odor situation? Or is this...

Board Member Taylor: Well...

Ted Kozlowski: To me, this looks like...

Chairman McNulty: Well, I think we set that up to prevent that in our restaurants and...

Ted Kozlowski: Well, a bed and breakfast, they serve breakfast. Okay. And then is this...this become a nuisance to residential tax payers bordering the house? That what everybody understood was a residential zone.

Board Member Ladau: Ted, if you think about it...

Chairman McNulty: But in...

Board Member Ladau: The surrounding residences also prepare breakfast. I don't see where bed and...

Ted Kozlowski: No, but it's a commercial operation. It's not a residential operation.

Board Member Ladau: Yeah, but it...

Chairman McNulty: But it's not like it's open to the public...

Board Member Ladau: Yeah. It's open only to...

Chairman McNulty: for a hundred people a day. It's going to be... You know, a bed and breakfast, to me, is set up for those guests; how many ever there may be.

Board Member Ladau: That's right.

Chairman McNulty: Eight, ten, twenty guests.

Board Member Ladau: Well, Rich is talking about six, but...

Ted Kozlowski: Tom, I'm just saying... I'm just saying, you know, and then events...

Board Member Taylor: Well, no, no, no, no. We're not talking about events.

Chairman McNulty: Not events. We're just talking about bed and breakfasts right now.

Board Member Taylor: Yes. Just bed and breakfasts right now.

Chairman McNulty: And the other thing is that property is within the Hamlet, correct?

Rich Williams: Yes.

Board Member Ladau: Yeah.

Chairman McNulty: So, the Hamlet to me, borders a whole different little area from the rest of the R... I guess R-1 or... It's R-1 here?

Rich Williams: It's R-1.

Chairman McNulty: Is different than R-4, and we're within the Hamlet. And we want to have commerce in the Hamlet to some degree.

Board Member Montesano: Can I ask a question.

Chairman McNulty: Yes, you can.

Board Member Montesano: And it's going to be personal so you can tell me to go to hell. You live across from that lovely administration building.

Chairman McNulty: Yup.

Board Member Montesano: Have you had fun with it?

Chairman McNulty: Well...

[Laughter]

Chairman McNulty: I have, but to be honest with you, it was there before I got there.

Board Member Montesano: Yes.

Chairman McNulty: So that was...

Board Member Montesano: But it was a school, not an administration building.

Board Member Ladau: That's not the question.

Board Member Montesano: And the administration was not held in the school until the new school was put in. And then they moved everything from the high school...

Chairman McNulty: That's a hard example though, Mike, because they're not governed anything the Town does.

Board Member Montesano: No, no. What I'm trying to get is you've got...

Chairman McNulty: They're not a great neighbor. But neither is Metro North.

Board Member Montesano: You've got people all around this house. And I don't know if I'm going to be told recuse myself on that because of the closeness of my house to that.

Board Member Taylor: Well, we're not discussing this...

Board Member Montesano: It's a great idea for a bed and breakfast. Fine. But that's it.

Board Member Ladau: Yeah.

Board Member Montesano: Now, there are bed and breakfasts, that's what they run. They don't run an antique shop. They do not run a flea market of...

Board Member Taylor: Okay, granted. But again, we're just discussing bed and breakfasts at the moment for this property.

Board Member Montesano: Well, the object is do you want a bed and breakfast there? I don't know what the response would be.

Board Member Ladau: I would argue that a bed breakfast is at least where you're limiting the size, as I recall, to six guest rooms, is not inconsistent with residential uses. If somebody built that house today from scratch and put in six bedrooms for their own use, there'd be no argument.

Board Member Montesano: Right.

Board Member Ladau: And the same way, too, I mean, in terms of food odors and so forth, I would suggest that, you know, if you're cooking breakfast for six couples, that it...as long as they're conforming to all the other state codes, I don't think it would be a problem.

Ted Kozlowski: My point...My point is that no one foresaw what the barbeque place...

Rich Williams: That's not true, Ted.

Ted Kozlowski: The impact.

Rich Williams: That is absolutely not true.

Ted Kozlowski: The smells? Somebody saw it...

Rich Williams: Shawn sat right here the night that we looked at the sign and said has anybody thought about the odors? Has anybody checked?

Chairman McNulty: I do remember him saying that.

Ted Kozlowski: But was that after the fact?

Rich Williams: And I went next door the next day and talked to Nick about the barbeque, and I said this is a concern you should be aware of.

Chairman McNulty: Problem is there's nothing in our Code to...

Rich Williams: Well, it wasn't even that.

Chairman McNulty: Yeah.

Rich Williams: You know, I loved the guy Nick, but...

Chairman McNulty: Yeah.

Rich Williams: You know. You can't smell it from Putnam Valley.

Board Member Taylor: Yeah.

[Laughter]

Board Member Taylor: Mike, would you object to having a bed and breakfast?

Chairman McNulty: Only.

Board Member Montesano: No. The bed and breakfast itself doesn't really bother me.

Board Member Ladau: No.

Board Member Montesano: But the...

Chairman McNulty: And think that...

Board Member Taylor: It's the other things.

Board Member Montesano: It's the fact that we stick to bed and breakfast, that's fine. If they want to move on to something else...

Board Member Ladau: That's...

Board Member Montesano: When he had 16 acres of land there, that's one thing.

Chairman McNulty: Yeah.

Board Member Montesano: You're down to three [acres].

Board Member Taylor: Yes.

Board Member Ladau: Yeah.

Board Member Taylor: Well, that's...So wouldn't we move on to other things. For this particular site, then yes. Then that's a consideration.

Chairman McNulty: So what we're looking here is to make a recommendation on bed and breakfasts.

Board Member Ladau: Right.

Chairman McNulty: I think, like Ron has noted, we've kind of taken this an extra step focusing on one property and their desires rather than just look at bed and breakfast to craft it.

Rich Williams: You have to because that's the application.

Chairman McNulty: Yeah.

Ted Kozlowski: Didn't we have a bed and breakfast in the Town at all?

Rich Williams: Nope.

Chairman McNulty: No.

Board Member Montesano: No.

Chairman McNulty: It's not permitted.

Rich Williams: Not permitted.

Chairman McNulty: And that's why we want to create this code. So...And it's something we've talked about in the past. Maybe if the rail trail ever comes, a bed and breakfast may be good right along the rail trail.

Board Member Montesano: Let me put it this way, if you look at the house that's being finally redone...

Chairman McNulty: Next...Behind you?

Board Member Montesano: No. The one...Yeah, the one that's right up the street here that's finally being redone...

Ron Gainer: Yeah.

Board Member Montesano: Now there's a bed and breakfast agenda right there. It's a big house...

Board Member Ladau: Yup.

Chairman McNulty: Mhmm.

Board Member Montesano: And it could be made into a bed and breakfast. And that's the whole thing. Most of these houses through here...

Board Member Ladau: Yeah.

Board Member Montesano: When George Apap got all the Sherman Williams paint that you can use, that's where bed and breakfasts belonged in those houses.

Chairman McNulty: Yeah, well that's one of the things that Rich brings up in his notes, his review, is that do we pick 1900 circa houses? Or do we make a 1920...What is the historic cutoff? So there's a lot of things...

Ted Kozlowski: What about nice raised ranches?

[Laughter]

Chairman McNulty: Move to Middletown. So, I don't have an objection to a bed and breakfast in that house or the other houses in that area there, at [Route] 311 and [Route] 292. But again, we're looking at useable land of two acres. You're not going to get onto 2 acres a whole retail operation.

Board Member Ladau: No.

Board Member Montesano: Let me put it this way, to me, if you're going to have a bed and breakfast, the minimum should...There should be a minimum (inaudible – train going by).

Rich Williams: Alright. Time out.

Board Member Ladau: Can't hear.

Board Member Montesano: Train's coming.

[Laughter]

Board Member Montesano: Have you noticed?

Board Member Ladau: There's noise pollution. Let's go after MTA.

Board Member Montesano: Huh. Join the club. They must have got caught not blowing the whistle.

Board Member Ladau: Yeah.

Board Member Montesano: So (inaudible) it's the same new guy.

Ted Kozlowski: I don't know if you necessarily need to have minimum acreage. A lot of bed and breakfasts are in historic towns on small lots. It's the, which you don't want to talk about right now, is the other stuff that goes...That they're...

Chairman McNulty: Yeah, and that's what we want to address, is the bed and breakfast issue. I agree with Ron. I think the events should be addressed as a separate issue.

Board Member Ladau: Okay, but keep in mind that if you've got a bed and breakfast and you've got six guests, assume you have one car per guest so that's six cars. Plus two that belong to the homeowner plus the one person staff member, you've got nine cars. Are you...What does it take in terms of the useable area to park nine cars so it doesn't look like a shopping center?

Chairman McNulty: Well, that comes into the screening and the landscaping. That would be...

Board Member Ladau: Or does that come into a minimum lot size?

Rich Williams: Nine cars is 1,800 square feet.

Board Member Ladau: Okay. But that's still...Added to the lot coverage of the house and...

Rich Williams: Right.

Board Member Ladau: out buildings and so on.

Rich Williams: And the bigger issue is having a septic system of sufficient size.

Board Member Ladau: That's right.

Rich Williams: Which is one of the driving forces...

Board Member Ladau: Yeah.

Rich Williams: you know, for the two acres.

Chairman McNulty: Mmhhh.

Board Member Ladau: That's right. It's interesting that that development that's, I don't know the name of the road, but it's just...

Chairman McNulty: Right here in Town?

Board Member Ladau: Yeah. On the...

Chairman McNulty: Off West Street?

Board Member Ladau: Yeah. The other side of the Rec building.

Chairman McNulty: West Street.

Board Member Ladau: West Street I guess. There's one family there that has easily seven, eight cars. And you look at that and I mean, you can't stop them.

Chairman McNulty: I've got seven cars in my driveway.

Board Member Ladau: Okay.

Chairman McNulty: You get... You know, everybody's an adult and has a car.

Board Member Ladau: Yeah.

Chairman McNulty: What are you going to do?

Board Member Montesano: Get them a job.

Chairman McNulty: But, again, back to the bed and breakfast issue, I think it's something I can gather we're all in favor of.

Board Member Ladau: Yeah.

Chairman McNulty: It's just how to make it work. The bedroom size. We talked... There's an issue in there about bathrooms. We talked about... You pointed out that most places have a bathroom per...

Board Member Ladau: Yeah.

Chairman McNulty: room. That would be a pretty strict... expensive requirement to place. Maybe we go one bedroom for... One bathroom for every two. As a remodeler, the bathroom's, per square foot, is the most expensive place to renovate in a home. And now you've got a home that has two bathrooms and they have to add three, it just might shot the deal dead right there.

Board Member Ladau: Well...

Chairman McNulty: And you'll never get a bed and breakfast.

Board Member Ladau: But Tom, I think one of the other risks is from a marketing point of view, if the current trend were, I don't know, 90 plus percent of the bed and breakfasts according to their organization...provide private johns for each...private bathrooms for each room.

Chairman McNulty: Mmhmm.

Board Member Ladau: If you don't do that, do you invite, what's the word I'm looking for, but I mean, substandard bed and breakfast. I mean, we don't necessarily want a...

Chairman McNulty: Well, I'm not saying it should be six bedrooms to one bathroom. But maybe we should lighten it up a little bit. I'm thinking two guest rooms for every bathroom. And then if they do well and they want to get a better marketing and they can make room and design additional bathrooms. They have that option.

Board Member Ladau: Yeah, but I don't think they will.

Board Member Montesano: Does the State have a code on bed and breakfast?

Chairman McNulty: I think it makes it prohibitive...

Rich Williams: Yes.

Chairman McNulty: based on the types of all houses that we have in Town.

Rich Williams: But it doesn't deal with bathrooms verses bedrooms.

Chairman McNulty: Most of them didn't have plumbing when they were built.

Board Member Ladau: Yeah. But I would argue, slightly differently, that...

Board Member Taylor: Does the Health Department?

Board Member Ladau: providing bathrooms...

Rich Williams: Yes. The Health Department...

Board Member Ladau: En suite bathrooms for each bedroom.

Rich Williams: bases the design of a septic system on the number of bedrooms.

Board Member Ladau: Maintains the level of quality...

Board Member Taylor: Right. But they don't have anything about the use of those bedrooms and the number of bathrooms related to them. Okay.

Board Member Ladau: in terms of the type of bed and breakfast. If it's over (inaudible – too many talking), I mean, that's the cost of doing business.

Ted Kozlowski: I can't...

Board Member Taylor: Do you know how many bathrooms are in Becky's house?

Rich Williams: No.

Ted Kozlowski: I can't help but ask this question, and I'm being a little cute here.

Rich Williams: You can try.

Board Member Montesano: One. Two. I think there's two and a half.

Ted Kozlowski: But how many people in here wife would share a bathroom with a stranger?
[Laughter]

Board Member Ladau: You stepped in...

Ted Kozlowski: It ain't happening in my household.

Board Member Ladau: It can happen. Yeah.

Ted Kozlowski: I just don't think...

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

Ted Kozlowski: I'm... That's why I'm agreeing with him.

Board Member Ladau: Yeah.

Ted Kozlowski: I just don't think... And I can't see Judy sharing a bathroom with somebody.

Rich Williams: On the other hand...

Chairman McNulty: I used to have a two seat outhouse.

Rich Williams: I have stayed at a bed and breakfast where I shared a bathroom with other people.

Board Member Taylor: Yeah.

Ted Kozlowski: Well, you have a different past, Rich.

Chairman McNulty: I spent six years in the Navy, so...

Board Member Ladau: Yeah.

Ted Kozlowski: I'm just saying, I don't think... I think it would make more sense that...

Chairman McNulty: I just don't want to make it prohibitive for anybody even make the investment. I'm not saying that we should get, like I said, one bathroom for six bedrooms. But maybe we can live with one bathroom for two bedrooms.

Board Member Montesano: You...

Board Member Ladau: I don't think...

Chairman McNulty: And then if the marketer really wants to make a class act, they'll invest the money to put the second, you know...

Board Member Ladau: That's right.

Chairman McNulty: bathroom.

Board Member Montesano: Next.

Board Member Ladau: But I think they've got to be motivated to do so.

Board Member Montesano: Next question, can we oversee the Health Department by saying we want one bathroom per room or one bathroom...

Chairman McNulty: Well, I think that came up last week and it's the bedroom count. It's not the bathroom count.

Board Member Montesano: Yeah, but the object is if we're going to allow six bathrooms...I mean bedrooms, now, does that mean you're going...Can we say yeah. Now you have to have six bathrooms or is the Health Department going to walk in and say no?

Rich Williams: Health Department doesn't regulate bathrooms.

Ron Gainer: Right.

Chairman McNulty: Only bedroom counts.

Rich Williams: You can have a house with a hundred bathrooms in it, one bedroom...

Ted Kozlowski: Yeah.

Rich Williams: and you still have a septic system for one bedroom.

Board Member Montesano: Well, Roosevelt's house. Yeah, I remember.

Board Member Ladau: That's here house.

Board Member Taylor: So I think I agree with you, Tom. Let's not go overboard on this. Let the applicant, you know, figure out how many they need...

Chairman McNulty: Yeah.

- Board Member Taylor: based on the market and so on. But we also have to remember that they've got to live in the house. One of the bathrooms got to be their bathroom.
- Board Member Ladau: That's right.
- Chairman McNulty: Yeah.
- Board Member Taylor: And that...So...
- Chairman McNulty: Well do we...Well, do we require a primary bathroom for the residence only and then guest rooms, require a bathroom for every two guest rooms?
- Ted Kozlowski: I don't even know if it's the Board's responsibility to figure that out. It's a, you know, your guy wants to have....
- Chairman McNulty: Well, this is...We're trying to craft...
- Ted Kozlowski: a bed and breakfast...
- Chairman McNulty: We're trying to craft the code.
- Rich Williams: Tom, what I would do is I would either go down the road of saying every bedroom needs its own bathroom. Or not touch it at all.
- Ted Kozlowski: Let the market figure it out for...
- Rich Williams: Let them figure it out.
- Ted Kozlowski: I would think as a business person, you're going to investigate how bed and breakfasts are regarded today. I would.
- Chairman McNulty: Well, I just know the cost of bathrooms...
- Ted Kozlowski: And I would think I'd want a bathroom for every bedroom.
- Chairman McNulty: and I think we're making it prohibitive.
- Board Member Taylor: Yeah, well so...
- Board Member Ladau: But you know...
- Board Member Montesano: You're not...
- Board Member Taylor: I would take Rich's suggestion. Yeah.
- Board Member Montesano: Yeah. Because you're...
- Board Member Taylor: So let's not touch it.
- Board Member Montesano: What if the guy who's going to buy it is a plumber.

- Chairman McNulty: What do you mean not touch it?
- Board Member Taylor: Leave it open. Not say.
- Ron Gainer: Don't mention it.
- Board Member Ladau: Oh, I think that...No.
- Board Member Montesano: Stop looking at it like...What if I'm plumber and I'm buying it and I can put everything in and it's only going to cost me material.
- Chairman McNulty: Well, how can we craft it so we look at it per property? I mean...
- Ted Kozlowski: Well, it conforms to Health Department Code.
- Board Member Ladau: Yeah.
- Ted Kozlowski: One.
- Rich Williams: Either we're going to set a standard where we want a bathroom with every bedroom because we believe that's what's going to produce a quality bed and breakfast. Or we're not going to touch the issue and then the market's going to drive it. If you want to rent a bed and breakfast in this facility and you call the owner and the owner says you're going to have to share a bathroom and you don't want to do that, then the markets going to dictate whether they are successful or not.
- Board Member Ladau: Yeah, but if they're not successful...
- Chairman McNulty: But see, I go with Bob in that respect that you're going to get a substandard place.
- Board Member Ladau: Yeah. It's interesting, there is a bed and breakfast in Pawling and it's out...
- Board Member Montesano: Oh. [Referring to Councilman Rogan walking in]
- Rich Williams: Hey.
- Chairman McNulty: Special guest of honor.
- Councilman Rogan: You guys get to have all the fun.
- Board Member Taylor: Yeah.
- Chairman McNulty: Hello, Shawn.
- Councilman Rogan: Yeah.
- Board Member Ladau: Hey, Shawn. How are you?
- Councilman Rogan: You guys have to open a window, it's stuffy up here.

Chairman McNulty: They're all open.

Rich Williams: The AC's done.

Board Member Ladau: It's all the hot air in this room.

Board Member Montesano: Congratulations by the way.

Chairman McNulty: Can you find a Town Board Member to work on that?
[Laughter]

Board Member Taylor: They don't do anything on the Town Board.

Councilman Rogan: It's like, you know, you're always complaining it's too hot, it's too cold. Just open the windows, right?

Rich Williams: You need me?

Councilman Rogan: Can I ask you a question real quick?

Rich Williams: Yeah.

Councilman Rogan: Okay.

Chairman McNulty: Off the record?

Rich Williams: You want me to step out because we're on the minutes.

Councilman Rogan: Well, it's a numbers question.

Board Member Montesano: Walk outside and you won't be recorded. And congratulations on your...

Board Member Taylor: Election.

Councilman Rogan: Thank you.

Board Member Montesano: I'll expect my hamburger soon.

Councilman Rogan: You got it.

Chairman McNulty: So...

Board Member Ladau: What I started to say though, is that there's a bed and breakfast in Pawling and it's out toward Morrow Park. And I don't know if you have any...They charge over \$500 a night.

Ted Kozlowski: Wow.

Board Member Ladau: And they're full.

Ted Kozlowski: Each bedroom must have two bathrooms.

Board Member Ladau: I...

Board Member Montesano: No, they all...

Board Member Ladau: Yeah. At the very least.

Board Member Montesano: sit in McKinney and Doyle's though for breakfast lunch and dinner, and then they go back.

Ted Kozlowski: There must be something awful special about that.

Board Member Ladau: I haven't been in there and whatever. But I...Somebody asked me if there was a bed and breakfast...

Board Member Montesano: They get to walk through...to Mr. Morrow's park.

Board Member Ladau: around here and I looked, and that was the one that popped up in Pawling. And it was \$495 a night plus tax.

Ron Gainer: I think there's one on South Street as well; right off the light.

Board Member Ladau: South Street...

Ron Gainer: One on South...The fire station's on.

Board Member Ladau: Yeah.

Ron Gainer: Yeah. There's one up on the east side towards McKeever's.

Chairman McNulty: My goal here would be to create this zone so it's flexible.

Board Member Taylor: Yeah.

Chairman McNulty: And I think one bathroom's asking a lot. But can we ask one bathroom with...and then word it such a way the Planning Board...at the Planning Board's discretion...

Board Member Taylor: Well, I wouldn't want to get into that kind of discretion now.

Chairman McNulty: Yeah, because it's very...

Board Member Taylor: Yeah, it's too iffy.

Chairman McNulty: I know. And that's where I get frustrated to make the flexibility.

Ted Kozlowski: You're making a lot of challenges for yourself there.

- Board Member Taylor: But we're also remembering these houses have several existing bathroom already.
- Board Member Ladau: Yeah.
- Chairman McNulty: Mmhmm.
- Board Member Montesano: Yeah, and there's three, I think, in that one.
- Board Member Taylor: There's at least three in that. There may be four in that.
- Ted Kozlowski: I think you've got to put in there that it's got to conform to...
- Board Member Ladau: Yeah.
- Ted Kozlowski: current Health Department standards.
- Chairman McNulty: Yeah, but the bathrooms aren't within the Health Department standards.
- Board Member Ladau: Tom, the simple fact is that this professional association of inn keepers international that 94% of bed and breakfast rooms have private baths. That's 94%.
- Board Member Taylor: Yeah. So that's...
- Board Member Ladau: So somebody who wants to put in a bed and breakfast is going to anticipate that as a cost.
- Ted Kozlowski: You're not going to, you know...I know there's a...We all want to advertise the Town and get people to come here to recreate or go on vacation or to...I just don't think people are going to come from a distance and share a bathroom with a stranger.
- Board Member Ladau: I agree.
- Ted Kozlowski: I don't see it, Tom.
- Board Member Montesano: Well, let's put it this way: It's not up to us to...
- Ted Kozlowski: They're not going to pay that kind of money. They'll go to Heidi's Hotel.
- Board Member Ladau: Yeah. Where at least they do have a private bathroom.
- Ted Kozlowski: Where they'll have their own bathroom.
- Chairman McNulty: Okay. I brought it up because I just saw it as could be cost prohibitive to...in these older homes to start adding and reno...Well, they're going to renovate the bathrooms regardless if they need it. But o add bathrooms...
- Board Member Montesano: Right.

Chairman McNulty: you know, you're talking \$400 a square foot. And if it's new, it's going to be more.

Board Member Taylor: Well, the question then becomes do we enforce the trend or do we let the homeowner decide how many bathrooms they want.

Board Member Ladau: Yeah except, of course, that you know how they're going to decide. They're going to do something...They're going go cheap.

Board Member Taylor: Well, are they? You were just saying they're not going to get any customers...

Chairman McNulty: But we leave the opportunity if we don't regulate it, that it could go that way.

Board Member Ladau: Yeah.

Chairman McNulty: And that's not what we want. We want to bring in a class act.

Board Member Taylor: Well, then...

Ted Kozlowski: You want to bring in a class act...

Chairman McNulty: Okay.

Ted Kozlowski: But, look...

Chairman McNulty: I'll tell you what...

Board Member Taylor: Then we regulate it.

Chairman McNulty: We can start with the one bedroom...bath per bedroom and if nothing happens in two or three years or if people come back and say this just isn't working, then we amend the Code. So...

Ted Kozlowski: Bob just read a statistic: 94%.

Chairman McNulty: Yup. Okay.

Ted Kozlowski: You know...

Board Member Ladau: Yeah.

Chairman McNulty: Alright, so I'm okay.

Ted Kozlowski: That's telling you something.

Chairman McNulty: We discussed it. It's...

Board Member Taylor: Alright.

Chairman McNulty: So let's stick with the one bath per bedroom.

Ron Gainer: Again, if they want to pursue it and you've got that standard, they can always ask for relief and go for a variance.

Ted Kozlowski: Yeah.

Board Member Ladau: Mmhmm.

Ted Kozlowski: They can say, look, the house can't...

Ron Gainer: It's in zoning.

Chairman McNulty: Yeah.

Ted Kozlowski: You know...

Chairman McNulty: Or we see it's just not working we can craft it later.

Ron Gainer: Give the seller (inaudible – too many talking).

Chairman McNulty: So we'll start with one bath.

Ron Gainer: Let them sell while you can do without.

Board Member Taylor: Okay. Alright.

Chairman McNulty: The other issue with the bed and breakfast are all these zoning options that Rich outlined. I mean, how do we tackle this to a recommendation to the Town Board to make it work? I tend to think...

Board Member Ladau: Special Use Permit.

Chairman McNulty: I was confused with that. Is that a general business zoning with a special use permit?

Board Member Ladau: No.

Board Member Taylor: Residential Zone can use it.

Board Member Ladau: Residential Zone.

Board Member Taylor: And which residential zone then?

Chairman McNulty: Well, that's what my question was. Because that opens up...

Board Member Taylor: You can't...

Chairman McNulty: how many residential zones throughout the Town? Do we want to just make this within the Hamlet?

Board Member Taylor: The R-1.

Chairman McNulty: The R-1. Or do we want to convert it to a general business?

Board Member Taylor: But Put Lake's an R-1, isn't it? Is Put Lake an R-1?

The Secretary: No.

Board Member Taylor: What is Put Lake?

The Secretary: RPL-10.

Ron Gainer: Yeah.

Board Member Taylor: Oh, okay. So R-1 is just the Hamlet?

The Secretary: Yeah, just around that area.

Board Member Taylor: And not the south part of Patterson either?

Ted Kozlowski: You have...There's a few of the R-1s I think...

Board Member Taylor: We've got to check.

Ted Kozlowski: Isn't Sky Lane, that area.

Chairman McNulty: Just my question, if we made it a General Business...

Ted Kozlowski: Sarah, is it? Sky Lane area.

Chairman McNulty: then is it open to other businesses other than bed and breakfasts?

Ted Kozlowski: By Robin Hill? I think there's a few of them.

The Secretary: Yeah. Sky Lane.

Board Member Taylor: No.

Chairman McNulty: It would be...

Board Member Taylor: Because we're defining it in the bed and breakfast section.

Ted Kozlowski: Because it's already pre-existing.

Chairman McNulty: That could only happen in within the General Business.

The Secretary: High View Drive.

Chairman McNulty: But my question is if we make it General Business...

Board Member Taylor: No, because you're...

Chairman McNulty: does that over...Umbrella over the bed and breakfast?

Board Member Ladau: Wait, Tom. We're talking about...

Board Member Taylor: No, it's underneath the bed and breakfast.

Board Member Ladau: You're talking about converting an existing residential facility...

The Secretary: Do you guys want to see this? [Referring to the Zoning Map].

Board Member Ladau: into a bed and breakfast.

Chairman McNulty: Mmhmm.

Board Member Taylor: Yeah.

Board Member Ladau: As opposed to any building that you want to turn into a bed and breakfast.

The Secretary: There's a couple [referring to R-1 zoning districts]. Here.

Board Member Taylor: They're along here. So what are the R-1 Zones?

The Secretary: Here.

Board Member Taylor: Oh, these are single-family homes?

Ted Kozlowski: Yeah.

Board Member Taylor: These are these little suburban homes.

Ted Kozlowski: Yeah.

Board Member Taylor: Alright. We should say the Hamlet then. We don't want bed and breakfasts in Alpine or...Right?

Chairman McNulty: Yeah. I...

Board Member Ladau: Yeah.

Chairman McNulty: I would think we want to keep this to the Hamlet area.

Board Member Ladau: So that's R-1?

Chairman McNulty: Because that's where our commerce...

Ted Kozlowski: Hamlet? Or...

Chairman McNulty: I keep trying to develop...

Ted Kozlowski: how about...

Board Member Ladau: That's R-1.

Ted Kozlowski: Do we have historic designations?

Board Member Taylor: No.

The Secretary: No.

Board Member Taylor: No. They were never...They were proposed, they were never instituted. There were two proposed: One for the Towners four corners and one for the Hamlet. They were never put in.

Ted Kozlowski: But what about, say, an R-4 that's up on Quaker Hill area? You've got some pretty big mansions...

Chairman McNulty: Morrow Park is outside of the Village of Pawling, correct?

Board Member Taylor: Well, that's what we have to...

Board Member Ladau: Yeah, I think you're right. It's a Town of rather than the whole thing.

Chairman McNulty: This is where that floating zone caught my eye.

Board Member Taylor: Yeah, that's where the floating zone would work. I like it, too. But as Rich said, the Town Board would probably never even approve.

Chairman McNulty: Because it leaves...

Board Member Taylor: Because they don't understand it.

Chairman McNulty: Yeah, I don't understand it. I, you know, it sounds great on paper. And said wow, this can give us flexibility because I keep thinking the rail trail or...

Board Member Taylor: Yeah. But we can always expand this.

Board Member Montesano: Alright.

Board Member Taylor: But good point. Birch Hill is a good point.

Ron Gainer: Right.

Board Member Taylor: I mean, there are some big houses up there.

Chairman McNulty: Yeah.

Ted Kozlowski: There are some big mansions there...

- Board Member Ladau: Oh yeah.
- Ted Kozlowski: that have beautiful views. To me, that makes more sense.
- Board Member Ladau: And what zone is that?
- Chairman McNulty: So I think before we go...
- Board Member Taylor: It's R-4.
- Ron Gainer: R-4, right.
- Chairman McNulty: too much further is we tackle the zoning; how we're going to recommend that. And then we can work back to these...
- Board Member Ladau: We could apply...
- Chairman McNulty: Okay. There's the bathrooms and useable land.
- Board Member Montesano: Can I make a suggestion?
- Board Member Taylor: Well, then special use then, right?
- Board Member Ladau: Can we apply the special use permit to all residential districts?
- Board Member Taylor: And then they have to get permission on a case to case basis.
- Board Member Ladau: Yes.
- Board Member Montesano: Yeah. Well, that's a special use permit.
- Chairman McNulty: So it goes back to just a special use permit...
- Board Member Montesano: Association...
- Chairman McNulty: attached to a residential property or a general business property.
- Board Member Taylor: Or a general...
- Councilman Rogan: I just wasn't to real quick, thank you for everybody that copies me on the emails because I do read them. I'm staying in the loop. And we were talking about Master Plan and lots of stuff. And I'm going to head back down and talk about garbage.
- [Laughter]
- Councilman Rogan: Enjoy what you've got.
- Board Member Ladau: Are we for it or against it?

Chairman McNulty: Thanks, Shawn.

Councilman Rogan: Well, we're or getting rid of it.
[Laughter]

Councilman Rogan: But no, enjoy...

Rich Williams: The garbage.

Chairman McNulty: Garbage. The garbage.

Councilman Rogan: Enjoy where... Yeah. That's what I meant.
[Laughter]

Chairman McNulty: One way or the other.

Councilman Rogan: Okay, enjoy what you're doing.

Chairman McNulty: Alright, Shawn. Good seeing you.

Councilman Rogan: Take care guys and lady.

Board Member Taylor: Okay.

Chairman McNulty: So Rich, what we're looking at here is we're tackling how we can recommend to the Town Board a zoning change and do we just incorporate a special use permit that could be applied anywhere in the Town.

Ron Gainer: Any residential.

Board Member Ladau: Any residential district.

Chairman McNulty: Well, what if we have an old house in a GB? Do we want that to require...

Rich Williams: I will tell you this: I've had two people approach me about doing bed and breakfasts in the R-4 Zoning District.

Board Member Ladau: Yeah.

Chairman McNulty: And that's what... We just talked about restricting it to the Hamlet. But then that cuts out the other areas.

Rich Williams: Right. One of them is Bullet Hole Road right on that sharp "s" turn where the barn is on the other side of the road.

Board Member Ladau: Mhmm.

Ron Gainer: Yup.

- Chairman McNulty: They have more than two acres?
- Rich Williams: Yeah. They've got plenty of land.
- Board Member Taylor: Oh yeah. They've got lots of land.
- Board Member Montesano: Oh yeah.
- Rich Williams: They want to do the same thing. They want to do a bed and breakfast. They want to do weddings. They want to do other things. My problem is, the road isn't sufficient for the traffic.
- Board Member Taylor: Yeah.
- Rich Williams: The other one is on South Quaker Hill Road. Again, it's a beautiful place. A beautiful house.
- Board Member Ladau: Yeah. That was what Ted was talking about.
- Rich Williams: It would make a beautiful bed and breakfast. But now you've got all that traffic going up South Quaker Hill Road right at the intersection which is...
- Chairman McNulty: Which brings us back to the event issue, which is a separate issue. It might be fine for a bed and breakfast when you have ten people staying there. The roads can handle that. It's the event...
- Rich Williams: They can handle that but do you really want to encourage anymore traffic and, you know, are where the geometry of the road is not sufficient currently?
- Chairman McNulty: Well, we're looking to put 55 units up on Fox Run. Eighty units, or what...
- Board Member Ladau: Yup.
- Board Member Montesano: If you want to come down South Quaker Hill and try to make that turn going south...
- Rich Williams: Yeah, but you're going out the other way.
- Board Member Taylor: Well, they should make South Quaker Hill one way going uphill.
- Board Member Montesano: Oh. Let me put it this way. There was a project here at one time where South Quaker Hill would have been cutoff.
- Rich Williams: So we can do this by simply requiring...
- Ron Gainer: Yeah...
- Rich Williams: (Inaudible – too many talking).
- Board Member Montesano: And you would have had to come out. Remember that one?

- Ron Gainer: I remember that.
- Rich Williams: State or Town road.
- Board Member Montesano: We tried our best and the guy was going along with it putting a road in and the whole nine yards.
- Chairman McNulty: And that leaves (inaudible – too many talking).
- Board Member Montesano: But it died because he cut all the trees down.
- Rich Williams: Again, I would, you know, doing this I would start small.
- Ron Gainer: Cut the grass back.
- Chairman McNulty: Yeah, well that's what we talked about. We've come to the conclusion one bath per guest room. If nothing happens and we don't encourage...
- Rich Williams: You want one bathroom per guest room?
- Board Member Ladau: Yes.
- Rich Williams: Okay.
- Chairman McNulty: Like you had written. And then if we don't see anybody that...
- Rich Williams: Making me cross things out.
- Chairman McNulty: Yeah. If it's not going to work and people find it cost prohibitive, then we have to readdress it and come back and look at it again. You know, we can craft the Code, tweak the Code, as we have to, right? So now we're looking at how to recommend this zoning to the Town Board. Is it a special use permit just for residential properties? Is it cover GB and residential? Rich just brought up a point that it has to have access from a County or State Road, which to me, is somewhat limiting.
- Rich Williams: What I was referring to is those two facilities, my opinion is you don't want to encourage that volume of traffic on those roads.
- Board Member Ladau: Yeah.
- Rich Williams: Because, you know, if they're successful, what they're going to be doing is you're going to have, you know, an additional volume of traffic...
- Chairman McNulty: Again...
- Rich Williams: Pretty much every weekend.
- Chairman McNulty: we're talking about events though. Right now, we're just concentrating on bed and breakfast.

- Board Member Taylor: No, he's talking...
- Rich Williams: No, I was talking bed and breakfast.
- Board Member Ladau: Yeah.
- Board Member Taylor: He's talking bed and breakfast.
- Board Member Montesano: Bed and breakfast. We talked about...
- Rich Williams: I'm talking bed and breakfast.
- Board Member Taylor: Yeah. Bullet Hole would be, you know, could be a problem.
- Rich Williams: And that's...
- Board Member Taylor: But we can address that with a special use, can't we? If they come asking for special use permit, we'd say no you're a road...
- Rich Williams: If they meet all the criteria, then you have to give them a special use permit.
- Board Member Taylor: Alright. So we...
- Chairman McNulty: But what is the criteria?
- Rich Williams: Well, that's the question. And that's what I'm saying, I threw out to you if they have to have frontage on a State or County road, you know, that takes Bullet Hole out of the equation.
- Board Member Ladau: Also takes South Quaker Hill.
- Chairman McNulty: Or...
- Rich Williams: Takes South Quaker Hill.
- Chairman McNulty: Or they're only allowing four guest rooms. It would limit the amount of traffic. And then the events issue would be a separate...If they have 16 acres, well, that's a separate special use permit. You know, obviously you can't have 100 people events on Bullet Hole Road; it's not going to work.
- Board Member Montesano: Yeah, but what if I come in and let's say we have a (inaudible). Well, we don't. We don't allow it. And can they come in to our other board and suddenly get a variance to say yes you can put it there.
- Chairman McNulty: I think Rich has crafted this so the Planning Board would have full oversight.
- Board Member Ladau: Yeah.
- Rich Williams: For the special use permit.
- Board Member Montesano: Okay.

- Rich Williams: Alright. But, my question is still relevant.
- Chairman McNulty: On the two acre...
- Rich Williams: They could still come in and get any dimensional variance from the Zoning Board of Appeals. If they were talking about a use, then it would be a use variance they would have to get and that standard's much higher.
- Chairman McNulty: Does that count for the bedroom count, too? The guest room count for the zoning.
- Rich Williams: In theory, any dimensional requirement.
- Chairman McNulty: So let's say if we took a Town road and restricted it to "x" amount of guest rooms, they could then go to and...came to us for a special use permit and they wanted six bedrooms on a Town road, we would say no you exceed your limit. They could then go to Zoning and ask for a variance...
- Rich Williams: And get it. Yup.
- Chairman McNulty: Or we could recommend to the Zoning Board, too, our recommendation.
- Rich Williams: You can always recommend.
- Board Member Montesano: You can recommend till you turn blue. But if somebody wants it...
- Board Member Ladau: Yeah.
- Rich Williams: But you can't guarantee what they're going to do.
- Chairman McNulty: Boy, this gets overly complicated.
- Board Member Taylor: But if we specify that it has to be on a County or State road, then that's it. They can't appeal it to anybody. They'd have to change the...
- Rich Williams: No, they could appeal it. But it would have to be for a use variance I believe.
- Chairman McNulty: Which is still the Zoning Board.
- Board Member Taylor: Which you said is more...is more difficult.
- Rich Williams: Yeah, the first test that you have to make on a use variance is to prove under the existing zoning and all the uses allowed, that you cannot get any economic return for each one of those uses.
- Board Member Ladau: Yeah.
- Rich Williams: The intent of having a standard like that is so that the ZBA through a use variance application doesn't usurp the authority of the Town Board to zoning.

Board Member Taylor: How does that apply to residential home though? What's your economic advantage from a residential home?

Rich Williams: A residential home. There's an economic value to having a residential home.

Board Member Taylor: Alright. So you'd have to prove that you can't realize the value from your home in order to meet the standard to...

Board Member Ladau: Yeah.

Board Member Taylor: Okay. That would be pretty difficult to prove.

Board Member Montesano: Let me put it this way...

Rich Williams: It's damn near impossible.

Board Member Taylor: Yeah.

Board Member Montesano: There's attorneys that will prove that the world is flat.

Board Member Taylor: Well, yeah but...

Board Member Ladau: Isn't...

Rich Williams: There are not attorneys that can prove out a use variance.

Board Member Taylor: Yeah, we can't, you know, we can't allow for every case but it seems that that...

Chairman McNulty: So that takes Cushman [Road] out. It takes Bullet Hole out.

Board Member Ladau: Right.

Chairman McNulty: It takes Birch Hill Road out.

Board Member Ladau: South Quaker Hill Road.

Chairman McNulty: Well, South Quaker Hill's a County road, is it not?

Rich Williams: No.

Board Member Ladau: No.

Rich Williams: Town road.

Board Member Taylor: No, Town road.

Board Member Montesano: Town road.

Board Member Taylor: Alright, so all these places...

Chairman McNulty: It's County on the Dutchess County side, isn't it? At the top it is.

Rich Williams: That I don't know. At the top it is.

Board Member Ladau: Yeah, the bottom...

Rich Williams: But that's not South Quaker Hill Road.

Board Member Taylor: So all these places we were saying that we need to include, you know...

Chairman McNulty: Get excluded.

Board Member Taylor: get excluded anyway. So what's the point of doing...

Board Member Ladau: No, the one here in the village...in...

Board Member Taylor: No, no, no. But this is in the Hamlet. We're talking about areas outside of the Hamlet. There aren't any, with the exception of the one house on [Route] 22...

Chairman McNulty: Route 164, Cornwall Hill...

Board Member Taylor: There's that big house on [Route] 22 that's a group home or something, occasionally...

Chairman McNulty: Down next to my shop.

Board Member Taylor: Yeah.

Board Member Montesano: Yeah, well you can get [Route] 292 anyway.

Board Member Taylor: That's about it for big houses along there, right?

Chairman McNulty: That's a Town road. That's on a Town road.

Rich Williams: Yeah, that's actually on a Town road.

Chairman McNulty: Old 22 is a Town Road.

Board Member Taylor: Oh, it's on Old 22. So that was excluded, too.

Board Member Montesano: Yeah.

Board Member Taylor: So we're back to the Hamlet.

Board Member Montesano: Unless you go up [Route] 292; that's a State [road].

Board Member Taylor: Except for my house. I'll turn my house into a bed and breakfast.

Board Member Ladau: There you go.

Board Member Montesano: Yeah, there you go. The Red Roof Inn.

Ted Kozlowski: Yeah. The Red Roof Inn.

Board Member Montesano: Oh, that's already taken.

[Laughter]

Chairman McNulty: No, you don't want to be the Red Roof.

Board Member Taylor: Who else in along that road?

Board Member Ladau: Complete with historical value.

Ted Kozlowski: You can do a program every night.

Chairman McNulty: So Rich, through the special use though, say we didn't restrict to particular roads, and we made it a bed and breakfast accessible through special use permit in a residential district. How open do we... Well, it's hard to say. Every application's different.

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

Rich Williams: Here's the danger that we've always been concerned with: Is somebody makes a substantial investment to create essentially an apartment building; that's what a bed and breakfast is, but it's for transients.

Chairman McNulty: Yeah, you don't want a boarding house.

Rich Williams: Right.

Board Member Ladau: Yeah.

Rich Williams: You don't want a boarding house.

Board Member Montesano: Alright.

Rich Williams: Well, first we have to monitor it to hope it doesn't become a boarding house. And second, if the bed and breakfast doesn't work because there's not an attraction in here that's going to draw people in for a limited duration. You know, they're going to be inclined to get long term rentals out of it.

Board Member Ladau: But you're restricting that in the Code.

Rich Williams: But then it becomes an enforcement issue...

Board Member Taylor: Enforcement issue.

Board Member Montesano: Right. And then it's a Section 8 house. And the next thing you know, you've got everybody...

Rich Williams: That was...

Board Member Montesano: Like certain motels.

Rich Williams: always the concern with everybody around here.

Chairman McNulty: Having a bed and breakfast.

Rich Williams: Yeah. Same thing, you know, years ago you can have apartments over commercial and then we took that of the Code because right out here, right next door...

Board Member Ladau: Yeah.

Rich Williams: I mean, they were renting it out to Section 8 housing and they were having fights in the street. The cops were out here all the time.

Chairman McNulty: This former site. The American House.

Ron Gainer: Right.

Rich Williams: Yeah.

Chairman McNulty: Yeah.

Rich Williams: Yeah. So, it's one of the reasons we stopped doing that. Now we've actually gone back and you can get a special use permit to get residential over commercial.

Chairman McNulty: A mixed use property. So do we want to tackle this, maybe, and start out with baby steps and restrict it to the Hamlet?

Board Member Taylor: Yeah.

Chairman McNulty: And see how it works? And do it...And work with applicants as they come to us. I mean, that comes back to that floating zoning that you brought up. You know, now I'm listening to this, that might make more sense. But how do we restrict that floating zone? Just through...

Rich Williams: You setup your criteria within the floating zone about what would qualify and what does not qualify. And then it becomes a legislative act. A floating zone has to be, you know, dealt by your legislative board, the Town Board. And somebody would make application to the Town Board to anchor that floating zone to a piece of property. So the Town Board would then look at the criteria. They would look at the piece of property, if it was appropriate, then they would anchor it down.

Chairman McNulty: And is that floating zone restricted only to bed and breakfasts? Or does it open things up for other zoning?

Rich Williams: It's however you structure it. It could be limited to bed and breakfasts or you could create floating zones for different uses with different criteria.

Board Member Montesano: Does Association of Towns have any information on one of their former lectures or one of their former attorneys that would cover floating zone under a general...

Chairman McNulty: Or a Town that may have one in affect and see how it's worked for them.

Rich Williams: I mean, I could do research and see who's got...

Chairman McNulty: You think anybody in the County has done that?

Rich Williams: I don't know anybody in the County that's done it.

Chairman McNulty: Let's set the trend.

[Laughter]

Rich Williams: But, you know, I've got all of John Nolan's books. I've got Patti Salkin's books. They all talk about floating zones.

Board Member Montesano: Oh my god, John. He retired finally.

Rich Williams: Yeah, it wouldn't have been likely to find...

Chairman McNulty: I think that would help us with the County verse Town road situation. And it would let us look at particular properties that may be suitable. It gives us flexibility.

Board Member Taylor: But do we encounter the same problem: If we say no, they can appeal to the Zoning Board?

Rich Williams: On...If it was...

Chairman McNulty: On floating.

Rich Williams: a floating zone?

Board Member Taylor: Yeah.

Rich Williams: No, because it's a legislative act.

Board Member Taylor: Okay.

Rich Williams: It's the Town Board who's going to make all the decisions.

Board Member Taylor: Right.

Chairman McNulty: And do they have to establish all these floating anchor properties prior?

Rich Williams: No.

Board Member Taylor: No.

Chairman McNulty: So it's on an application basis and then we would make the review and recommendation to the Town Board?

Rich Williams: That's right.

Chairman McNulty: And it would still be a... Would there still be a special use permit attached to that?

Rich Williams: Nope.

Board Member Taylor: No. The zone.

Chairman McNulty: Strictly to zone...

Board Member Taylor: It would be zoned.

Chairman McNulty: for bed and breakfast. I kind of like that idea. I think it gives us the most flexibility and we can scrutinize the properties individually.

Rich Williams: You may have to wait till January to get it done.

[Laughter]

Board Member Montesano: That's when the new guy takes over...

Chairman McNulty: Alright. Well...

Board Member Montesano: because he doesn't want to do the writing.

Chairman McNulty: We'll still be ahead of the game we took for restaurants.

Board Member Taylor: But we could always start out with the GB zone for the Hamlet. What are the boundaries of the Hamlet?

Rich Williams: They go out to Sonnet Lane and out to the NYSEG right-of-way.

Chairman McNulty: It's just past the swamp...

Rich Williams: Across the street...

Board Member Taylor: So it would cover these properties were talking about then.

Rich Williams: The Hamlet would.

Board Member Taylor: Yeah.

Rich Williams: The GB Zoning District wouldn't.

Board Member Taylor: GB wouldn't.

- Rich Williams: But the Hamlet...
- Board Member Taylor: But the Hamlet would. So we could start out with this code for the Hamlet and then in January we could amend it to a floating zone if we...I mean, we...
- Chairman McNulty: Or if we don't get the progress by then, we can add it in.
- Board Member Taylor: Yeah.
- Chairman McNulty: Or revise it.
- Board Member Taylor: It'd be nice for these people to hear something back.
- Chairman McNulty: Sure. No, I agree. Okay. So we have some options on zoning. So we're looking at the Hamlet area, in particular: That includes R-1 and GB within the Hamlet. Any property within the Hamlet can be addressed.
- Board Member Montesano: As long as it's on a State or County road.
- Rich Williams: Well...
- Chairman McNulty: No. No.
- Board Member Taylor: No.
- Chairman McNulty: It goes out. With the Hamlet...
- Board Member Montesano: You want to go out? Okay.
- Chairman McNulty: Yeah. I would just include the Hamlet proper.
- Board Member Taylor: Yeah well, if we go to two-acres that excludes a whole lot of property just in the Hamlet.
- Chairman McNulty: Because that takes Front Street right out of the picture.
- Board Member Taylor: Yeah. And then...So that's...Maybe that's the next issue. I mean, my proposal on useable...I mean, there's two parts to it: First of all, useable is just a definition which involves no taking at all, it's a definition. How it's applied in the Code would involve the takings. If we apply it to bed and breakfasts, I don't see how it's a taking in any way. We're just...We're defining what that two-acre for the bed and breakfast is.
- Board Member Ladau: Mhmm.
- Board Member Taylor: Now if we apply it to residential, then new developments, I mean, that might well be a taking which needs to be looked at, too. Because we've talked about this whole issue of how big of a lot...
- Chairman McNulty: Is useable...

Board Member Taylor: Is useable. Yeah.

Chairman McNulty: within the buffers and out of buffers.

Board Member Taylor: But for now, just getting the definition, figuring out what we agree upon as a definition of what is useable, could then be applied to this bed and breakfast issue. So I threw out... This is stuff I pulled out of an old... This is stuff that Mike found for me from the 80s and the 90s.

Board Member Montesano: Yeah.

Board Member Taylor: Just... I simplified it. I mean, it was much more complicated in there, but...

Chairman McNulty: I did see that come through. I didn't look at it.

Board Member Taylor: Yeah.

Rich Williams: And you might want to take a look at our current Zoning Code because we have a definition in there for useable farmland. And if you just take the farm out, you're almost where you are.

Board Member Taylor: Okay. Alright.

Chairman McNulty: So you're saying you want to develop a useable lot for Town wide use.

Board Member Taylor: I just want to develop a definition of useable. And then how it's applied it is...

Chairman McNulty: Okay.

Board Member Ladau: It's a different issue.

Board Member Taylor: It's a different issue. But we need... I think we need it... We can't just say two acres for bed and breakfast. I think we need...

Chairman McNulty: I agree. Useable...

Board Member Taylor: Yeah.

Chairman McNulty: two-acre minimum useable.

Board Member Taylor: Yeah.

Ted Kozlowski: Yeah. What happens if that two-acres is mostly wetland?

Chairman McNulty: Well then there's a problem.

Board Member Taylor: Then it's not useable.

Board Member Montesano: It's not useable.

- Board Member Taylor: Yeah. So that's the point of...
- Board Member Ladau: Yeah.
- Board Member Montesano: We had four-acre zoning and...Well, let me put it this way...
- Chairman McNulty: Again, it's to look at it. If it's a disturbed wetlands...
- Ted Kozlowski: Well, isn't that...Isn't the property in question here on the corner, isn't a good chunk of it wetland?
- Rich Williams: I don't know how much is wetland and how much of it...
- Board Member Montesano: Not the three-acres that are left, I don't think.
- Ted Kozlowski: I think everything behind him is wetland.
- Board Member Taylor: Well, so we'd have to look at that property and see if it would fit.
- Chairman McNulty: Mmhmm.
- Rich Williams: And usually if you're going to define useable land, just so you know, you're going to have two separate criteria: One is the total lot area and the other is how much of it has to be useable.
- Chairman McNulty: And again, if it's a Town wetland, we have flexibility, correct?
- Ted Kozlowski: No. That is a State wetland back there.
- Chairman McNulty: And the 100-foot buffer is the 100-foot buffer. We can't waive that at all?
- Ted Kozlowski: You can't waive a State wetland...a wetland stuff. You can waive Town, but you can't waive State.
- Chairman McNulty: So Town, we have flexibility.
- Ted Kozlowski: But that behind there, that...Because the neighbor to the south...
- Chairman McNulty: Is the wastewater treatment plant.
- Ted Kozlowski: Well that's on...That's all...You got to cross the wetland to get to get to it. That's State wetland back there. And I think the Old Curtis House, what's behind there, is wetland. I can't say for certain, but the two houses next to it had wetland issues when they were built. So, be careful with what you're doing here because that two acres or three acres is not useable.
- Board Member Taylor: Yeah. But then we could look at it the other way which is what we were talking about earlier. How much do we need for parking? How much do we need for septic? How much do we need for a lawn and a swimming pool?

- Chairman McNulty: So how much out of that two-acres do you need useable.
- Board Member Taylor: Yeah. So instead of us saying two-acres, we can say so many square feet.
- Chairman McNulty: Or we need a 2,500 square foot minimum property. You need 1,800 [square foot] parking and tree...So, again, we need to come up with numbers for that.
- Board Member Taylor: Yeah. So...
- Chairman McNulty: That's something you'll work on, Rich?
- Rich Williams: Yeah. I mean it's easy enough. It's easy enough to figure out you've got four bedrooms, poor soils. What you're going to need for linear feet of septic. Right, Ron?
- Ron Gainer: Yeah.
- Rich Williams: Yeah.
- Ron Gainer: Other codes use the term buildable land, but...
- Rich Williams: Right.
- Ron Gainer: it's defined. Yeah.
- Chairman McNulty: I like useable because...
- Ron Gainer: It's not a tough threshold but it's clearly defined in terms of some minimum size and some minimum dimension. So...
- Chairman McNulty: Alright. So we need to define useable. That's a question mark right now for us. And then bedroom counts we talked about. Do we want to have a minimum? And do we want to have an age for the house? I don't know to give some leeway. We talked about 1900. As somebody in the building trades, construction changes in certain periods of time. You can see it go from post and beam to balloon framing, to...
- Board Member Taylor: Stud.
- Chairman McNulty: you know, plaster. Do we look at an era and...Maybe 1930 was a time when things changed.
- Board Member Montesano: Yeah. But it depends.
- Chairman McNulty: Or do we just think of pre-war in the New York City off and everything, is...it's a pre-war building.
- Board Member Ladau: Which war?
- Chairman McNulty: World War II. The one...
- Ted Kozlowski: The big one.

Chairman McNulty: It's still...The big one. So that was some thoughts I had on that.

Board Member Montesano: Yeah, but if I...Let me put it this way, I remember when the Bourbon's House was being considered to be redone, and the guy came in from out in the mid-west and said I'll build the whole damn house for you and it cost you less then it would cost to fix that house up.

Chairman McNulty: Well, he's right.

Board Member Montesano: And that...And I'm saying, we're going to sit there and say you've got to have a 1900 era house. Wait a minute, I can build one for cheaper than...

Chairman McNulty: Well, I think the point is we want to keep it historic to some degree. We don't want to see bed and breakfast going in a raised ranch.

Rich Williams: The point of doing bed and breakfast in many communities is to take this older, historic houses and give them more economic value...

Board Member Ladau: Yeah. Make them viable.

Rich Williams: and more reason for people to fix them up...

Board Member Ladau: Yeah.

Rich Williams: restore them and maintain them in a historic condition so they don't loss the history in the community.

Ted Kozlowski: I think there's a lot of people that like to partake in that and...

Chairman McNulty: Oh, I love remodel and stuff like that.

Ted Kozlowski: enjoy the experience of being in an old house.

Chairman McNulty: Bob, your thoughts as an architect, do you have a time frame? Is 1900 the number or? Or are we being too restrictive again?

Rich Williams: You want to think about it?

Board Member Ladau: I did...I picked up on, you know, stuff you wrote. I just...Short answer is that I'm ambivalent; I don't know.

Chairman McNulty: That's the way I felt.

Board Member Ladau: Yeah.

Chairman McNulty: And then I was thinking about construction phases and changes...

Board Member Taylor: Well, you won't find many big houses in Town built after 1900 unless you go to the McMansions. There just aren't. It didn't...They weren't building them.

- Chairman McNulty: Yeah, well mine is 1896 and it's a smaller home.
- Board Member Taylor: Yeah. Yeah, most of them are substantially before 1900.
- Chairman McNulty: Alright, so for now we'll stick with the 1900 timeframe.
- Board Member Taylor: Yeah.
- Board Member Montesano: Oh, come on. Let's go back to the Civil War and have it done right.
- Chairman McNulty: Come on, Mike, get with the program.
- [Laughter]
- Board Member Montesano: I am, I want to go back to the Civil War. I like shooting them things.
- Chairman McNulty: Well, let's try and craft something here so we can get to the Town Board. Another issue I thought of as I was reading through this was egress. I didn't see anything in your notes or review about egress for a building like this. Now, I know that's a building code issue. But is it anything that we need to address from a planning board...Are fire escapes allowed aesthetically on a building?
- Board Member Ladau: Oh god.
- Board Member Montesano: State Fire Code may even demand them.
- Chairman McNulty: You know, this might be something we come across. I know, again, does ADA play in? Again, it's...I understand...
- Board Member Ladau: ADA does.
- Chairman McNulty: That's a Building Department issue, but is it anything we have to...
- Rich Williams: ADA's everybody's issue.
- Board Member Ladau: Yeah.
- Chairman McNulty: Okay.
- Board Member Ladau: ADA compliance is required, generally.
- Ted Kozlowski: Do you have a historic designation?
- Rich Williams: There are different standards for buildings with historic designation. There are flexibility. But for the most part, no. Once you go to remodel even an eight...an old historic building for public place, then you have to meet certain ADA requirements.
- Ted Kozlowski: So you're going to put an elevator or an escalator in an old, historic house?
- Rich Williams: No.

- Board Member Ladau: No.
- Rich Williams: That's what I'm saying, there is some flexibility. You don't always put an elevator in.
- Board Member Taylor: Well, I think those things are pretty restrictive and they're out there. I don't think we have to address them. They've got to comply with...
- Chairman McNulty: Just something I wanted to bring up and...
- Board Member Taylor: the modern building codes, right? And that all comes in...I mean, fire escapes, all that stuff, is...
- Chairman McNulty: Mhmm. Sprinklers. Egress.
- Board Member Taylor: Yeah. I don't think we have to deal with it at all.
- Board Member Ladau: Here.
- Board Member Taylor: I mean, it's going to be a big pain in the ass for these people because...
- Board Member Ladau: What I picked up off the internet...
- Chairman McNulty: Well, yeah. Because it's going to come up and...
- Board Member Taylor: Yeah.
- Chairman McNulty: That's why...
- Board Member Ladau: Wait. What I picked up off the internet is according to the Department of Justice, bed and breakfast/inns are subject to the requirements of the ADA unless it is occupied by the proprietor and has five or fewer rooms for hire. All remodeling or renovation must comply to "the maximum extent feasible with the ADA accessibility guidelines.
- Rich Williams: It's the maximum extent feasible that they're referring to...
- Board Member Ladau: Yeah.
- Rich Williams: There is some flexibility.
- Board Member Ladau: Yeah.
- Board Member Taylor: Well, they're also accepted and...
- Chairman McNulty: So does that bring us back to the room count? He mentioned five guest rooms. Do we want to change our minimum to five because we changed it six, now they have to meet additional code.
- Board Member Taylor: Well, but that's their problem.

Board Member Ladau: Yeah. There's more.

Board Member Taylor: I mean, again, I don't think we should be dealing with things that are dealt with by other people. If they want to do six that means they have to go to the extra of meeting the ADA requirements for all six of them.

Chairman McNulty: Well, I'm just going back to crafting.

Board Member Taylor: Okay.

Chairman McNulty: We want to make something as friendly and useable as possible.

Board Member Ladau: The ADA impose...

Board Member Taylor: How does it make it more friendly to say five instead of six?

Chairman McNulty: Well, because now if you go to six, you add that extra criteria that they have to meet.

Rich Williams: Yeah, but if they want six bedrooms, they know they have to do the additional...

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

Chairman McNulty: But what I'm saying if we make it a minimum...

Rich Williams: But what you're doing is telling them that...

Chairman McNulty: of six, we're requiring that extra...

Board Member Montesano: No we're not.

Board Member Taylor: Well, we're not making it a minimum of six.

Ron Gainer: Six was the maximum.

Chairman McNulty: Oh, the maximum.

Board Member Taylor: Six was the maximum, yeah.

Board Member Ladau: Okay. The ADA...

Chairman McNulty: Straighten me up.

Ron Gainer: There you go.

Board Member Ladau: The ADA imposes a duty...

Ted Kozlowski: That's alright, Tom. You've had a tough month.

Board Member Ladau: Guys. The ADA imposes a duty to spend an additional maximum of 20% of the original cost of the alteration in making the area accessible to persons with disabilities by creating accessible paths of travel, entrance to the facility, altered area and so on and so forth. If the cost of making path of travel fully accessible would exceed 20% of the original cost, any changes can be made without exceeding 20% must be made. So there's that financial limitation.

Board Member Taylor: Yeah.

Chairman McNulty: Okay.

Board Member Taylor: So that's...

Chairman McNulty: So we're looking at...brings it back...You want to declare a maximum of six guest rooms.

Board Member Taylor: That seemed reasonable.

Chairman McNulty: I thought so.

Board Member Taylor: Especially given the houses in Town.

Chairman McNulty: Yup.

Board Member Ladau: Yeah.

Board Member Taylor: I mean, we don't...And then we... You know...

Board Member Ladau: I don't...I can't think of any house in Town that would accommodate more than...

Board Member Taylor: Right.

Board Member Ladau: six.

Board Member Taylor: And we don't want them subdividing rooms to...

Chairman McNulty: No.

Board Member Ladau: No.

Board Member Taylor: Yeah.

Chairman McNulty: Okay, so you can put that on your list, Rich. Six bedrooms maximum.

Board Member Montesano: That house can do more than six if you want to.

Board Member Taylor: Your house?

Board Member Montesano: No.

- Board Member Taylor: Oh, that one.
- Board Member Montesano: The one it's in. That can do. All you've got to do is go upstairs.
- Board Member Taylor: Yeah.
- Board Member Montesano: That attic is already...
- Board Member Taylor: They could divide it up. Yeah. But we...Yeah, so that's why we should go with...
- Board Member Montesano: It was a kennel at one time.
- Chairman McNulty: Another thing we talked about were parking; offsite parking. Which brings us back of within the Hamlet. Again, if you're on [Route] 311 in Cornwall Hill, there's not a lot of offsite parking there.
- Rich Williams: Yeah, you got to make sure all the parking's on the site.
- Ron Gainer: Yeah, it's got to be on site.
- Chairman McNulty: I think in your summary, you mentioned something about offsite parking. Or is that in the other code I read? I forget; it was late.
- Board Member Ladau: No. It should be on site.
- Board Member Taylor: It was onsite in Rich's.
- Chairman McNulty: So we requiring that a minimum of one parking space per guest room plus two spaces for the residents.
- Board Member Ladau: Yeah. And plus...
- Board Member Montesano: Don't forget, there's a garage on that piece of property.
- Board Member Ladau: Okay. But that's onsite parking.
- Board Member Taylor: Well, there's still a space, isn't it?
- Board Member Montesano: Huh?
- Board Member Taylor: Space in a garage. Doesn't that count as a parking space?
- Board Member Montesano: Well, I don't know. The way I look at...
- Chairman McNulty: Well, we're looking at establishing...
- Board Member Montesano: is that we're looking outside.
- Chairman McNulty: We're looking at establishing a minimum requirement for the...

Rich Williams: Mike, that's the antique business.

Board Member Montesano: Up a level. There's the apartment...

Chairman McNulty: Are we good with that. Rich?

Board Member Montesano: That's probably where they can live, by the way.

Chairman McNulty: It's all minimum one per guest room and two per the residents, onsite.

Board Member Taylor: Yeah. They could live in the carriage house.

Board Member Montesano: They could live in the carriage house.

Chairman McNulty: Okay. What else do we have to discuss in this that we can start honing this down? Talked about bathrooms. Useable...Egress. Parking. Employees. Rich had drafted up one employee...

Board Member Ladau: Yeah.

Chairman McNulty: Per time. And the principal residence don't count as employees.

Board Member Ladau: Yeah.

Chairman McNulty: Do you want to say one to two?

Rich Williams: You don't want to say one to two. You say one or two.

Board Member Taylor: Well, maximum would be two.

Chairman McNulty: Could be short.

Board Member Taylor: Well, let's think about...What employees are they going to have? You have somebody cleaning...

Board Member Ladau: Chamber maid.

Chairman McNulty: Chamber maid.

Ted Kozlowski: Cook.

Board Member Ladau: That's about it.

Board Member Taylor: That's one employee.

Chairman McNulty: Are contractors employees?

Rich Williams: Well, they could have a cook and a chamber maid.

Board Member Taylor: Temporary independent contractors. Temporary unless they have a fulltime handyman, then he'd be an employee. But no, otherwise he's not an employee.

Ted Kozlowski: You can have a cook and a chamber maid like Richie said.

Chairman McNulty: Yeah.

Ted Kozlowski: You could have two.

Chairman McNulty: See, you may have two. And you may have the third guy plowing the snow.

Board Member Ladau: But he's not a full time...

Board Member Taylor: No, but he's not an employee.

Board Member Montesano: He's not a...He's a...

Ted Kozlowski: He's a contractor.

Chairman McNulty: Or a handyman.

Ted Kozlowski: Well, contractor...

Board Member Ladau: Handyman.

Chairman McNulty: I'm just saying. I'm being devil's advocate.

Board Member Ladau: Yeah.

Board Member Taylor: Yeah, well...

Chairman McNulty: But I think maybe we should make it two.

Ted Kozlowski: One or two.

Board Member Montesano: One or two.

Chairman McNulty: One or two. Well, if you could have two, you could have one.

Rich Williams: You don't do one or two. You do one...

Ron Gainer: Right.

Rich Williams: or two.

Board Member Taylor: You do two.

Ted Kozlowski: That's what I just said.

Chairman McNulty: Let's do a maximum of two.

Ted Kozlowski: That's what I said.

Rich Williams: But you don't do one or two.

Ron Gainer: One number in the Code.

Board Member Taylor: Yeah. Okay.

Chairman McNulty: Alright. So two employees.

Board Member Taylor: Seems to me like it should be one. They should have to cook the meals themselves if they're going to live there and run a bed and breakfast.

Chairman McNulty: You're getting \$500 a night, they can afford to hire someone.

Board Member Montesano: Now if there's a microwave in the apartment, consider it an apartment, like a certain organization I know.

Chairman McNulty: And not everyone can cook.

Board Member Montesano: Microwaves inside...

Chairman McNulty: So...

Board Member Montesano: don't make it an apartment.

Chairman McNulty: Rich, does that give you something to work on?

Rich Williams: Yup.

Chairman McNulty: Okay.

Rich Williams: And Mike, I think what I wrote, you couldn't have a microwave in the room.

Ron Gainer: Let me take a peek at that.

Ted Kozlowski: Hey. What is this?

Board Member Taylor: Yeah, he excluded it.

Chairman McNulty: Yeah, you said there was something in there the way...

Rich Williams: They can have like a coffee maker...

Chairman McNulty: Yeah.

Rich Williams: That's about it.

Chairman McNulty: Okay.

- Board Member Montesano: How did the Jehovah's get away with theirs? When they came in...
- Chairman McNulty: Any other comments on that for tonight?
- Board Member Ladau: Nope.
- Board Member Montesano: that was one of their (inaudible – too many talking).
- Chairman McNulty: Alright. I like that we can move something along.
- Board Member Montesano: They would put a stove in because they had the microwave (inaudible – too many talking).
- Chairman McNulty: Alright. We have Comprehensive Plan was on there.
- Rich Williams: Tommy, one of the things that the business plan shows for this bed and breakfast, they also wanted to run a restaurant out of there.
- Board Member Montesano: No.
- Board Member Ladau: No. That shouldn't be.
- Chairman McNulty: Well...
- Ron Gainer: That would be GB.
- Ted Kozlowski: That changes. They would go to the...
- Chairman McNulty: That changes into a restaurant from a bed and breakfast.
- Ted Kozlowski: barbeque.
- Board Member Ladau: Yeah.
- Chairman McNulty: Again...Again...
- Board Member Ladau: And parking.
- Ted Kozlowski: They would go to parking and barbeque.
- Chairman McNulty: If we look at the floating zoning for...and attach bed and breakfast to that, that separates restaurants, does it not?
- Rich Williams: Correct.
- Chairman McNulty: So then this becomes a special use permit to the bed and breakfast to have a restaurant.
- Rich Williams: You would want to keep them separate anyway, regardless.

- Board Member Ladau: Mmhhh.
- Rich Williams: And if you were going to permit it on this site, you would want to keep them as two separate uses on the site.
- Board Member Ladau: Yeah.
- Rich Williams: Now, that doesn't mean the people in the bed and breakfast couldn't come down to the restaurant. But I'm just saying you would permit the site to be a bed and breakfast and also a restaurant as two separate uses like you would warehouse/light manufacturing.
- Ted Kozlowski: How would a restaurant impact those neighbors?
- Chairman McNulty: So why don't we...Can we...If we add a restaurant, change the useable area for it.
- Board Member Taylor: But that belongs in the restaurant code, not in the bed and breakfast code.
- Board Member Ladau: Yeah.
- Board Member Taylor: What...If they wanted a restaurant, what would they have to do now to get a restaurant? Is it a special use?
- Rich Williams: Well, they'd have to...Well, yeah. No. Right now it's in a residential zone...
- Chairman McNulty: They'd have to go change it to C-1.
- Rich Williams: so it's not permitted. They'd have to...
- Board Member Taylor: change to GB.
- Rich Williams: Change the zoning to allow a restaurant to be on that site. And they'd probably have to come in for site plan approval. They'd have to put a commercial kitchen in. But for site plan improvements, they'd have to talk about the sign. They'd have to talk about parking.
- Chairman McNulty: Well, bed and breakfasts have to talk about a sign, too, regardless. Right?
- Rich Williams: Oh yeah.
- Board Member Taylor: So we're covered in terms of restaurants now for this site?
- Rich Williams: No. This site could not have a restaurant...
- Board Member Taylor: No, but I mean we don't need to craft code. If they want a restaurant, they've got to come in and get the zoning changed to GB so they can have a restaurant there.
- Rich Williams: Yeah.

- Board Member Ladau: That's right.
- Board Member Taylor: Yeah, that's what I meant. We don't need to be crafting more code here.
- Board Member Ladau: Yeah.
- Rich Williams: No. So the question is do you want to make a recommendation as to put them in the GB Zoning District?
- Chairman McNulty: And what is the minimum lot requirements for GB lot?
- Rich Williams: 30,000 square feet? 30,000 square feet.
- Chairman McNulty: So just under an acre.
- Rich Williams: Yeah.
- Ted Kozlowski: I don't think that's fair to the residents around them.
- Board Member Ladau: Yeah.
- Ted Kozlowski: I think that's shove...that's not a good deal. If I lived there, I would be really pissed off.
- Board Member Ladau: Yup.
- Chairman McNulty: Not if the food was good.
- Ted Kozlowski: Tom...
- Board Member Montesano: I don't care if the food's good or not.
- Board Member Ladau: Yeah.
- Ted Kozlowski: That could become another barbeque place. They could have outdoor fresco dining till one o'clock in the morning. Parties...
- Chairman McNulty: Again, we just...Didn't we just update our restaurants so we could control ours? Control operations of business.
- Rich Williams; Yeah.
- Ted Kozlowski: You want a restaurant next door to your house? Do you? I don't.
- Board Member Ladau: No.
- Chairman McNulty: But I don't have land next to my house that's conducive to that.
- Board Member Montesano: Yeah, well I do, that you want to make a restaurant.

Chairman McNulty: I'm not saying I want to make a restaurant. I want to look at...be as fair as we can to the code and...

Board Member Montesano: Why? The hell with them.

Chairman McNulty: Great commerce.

Board Member Montesano: You're not being fair to the towns' people.

Board Member Taylor: I think we should make a restaurant there.

[Laughter]

Chairman McNulty: I'm all for it.

Board Member Montesano: I think we're going to sit there and I'm going to make up this new truck that going to be parked across from the school district that's sponsoring the school district...

Chairman McNulty: I think with the Hamlet...

Board Member Montesano: at 2 o'clock at the morning.

Chairman McNulty: we could create a way for us to be able to look at it and determine if can have a restaurant. Can they have the screening? What are their hours of operation? How do we control that? And then if does, just say they have to go to GB. We're not using tat floating zone anymore, are we? Because now the restaurants...

Rich Williams: You don't...

Chairman McNulty: are going to be the primary...What would be the primary? Bed and breakfast or a restaurant?

Rich Williams: Neither would be the primary. There'd be two...

Board Member Ladau: Two separate, independent....

Rich Williams: principal uses coexisting.

Board Member Montesano: Going to send you to law school.

Board Member Taylor: Well, I think we could probably vote on that tonight, can't we? Whether we want to recommend that the zoning be changed so they could have their restaurant there. Do we need to discuss this more? Seems like people have pretty much made up their minds.

Board Member Ladau: Yeah.

Rich Williams: Well, I just want to put out to you that the building on the other side of the stream, as you pointed out, was a restaurant/bar for years.

Board Member Ladau: Yeah.

Chairman McNulty: Mmhhh.

Board Member Taylor: But it's already in the GB Zone.

Rich Williams: We put it in the GB Zone.

Board Member Ladau: Yeah.

Rich Williams: We put it back in the GB zone.

Board Member Montesano: And he was very successful.

Rich Williams: And he's never done anything with it.

Board Member Taylor: Yeah.

Rich Williams: Bought that and (inaudible – too many talking).

Board Member Montesano: And then when Hell's Angels came in...

Chairman McNulty: They know.

Board Member Montesano: and moved into the apartment in the back...

Ted Kozlowski: Now he's in a flood zone.

Chairman McNulty: It's just that...

Rich Williams: Actually, he's not.

Chairman McNulty: you know...

Ted Kozlowski: He's not?

Chairman McNulty: What are the parking requirements? I don't think they could get a site plan approval for a restaurant on that property. I don't see how it's going to work. How do we...How many tables could they have in there and make it worthwhile? I mean...

Board Member Ladau: It depends on how much they charge.

Chairman McNulty: Now that's when the Health Department would get involved, would it not?
For a restaurant.

Rich Williams: Well, they're going to get involved in anything but, yeah, they're definitely going to get involved in a restaurant.

Board Member Ladau: Sure.

Chairman McNulty: Well for a bed and breakfast they're going to get involved for bedroom count. For a restaurant, they're going to get involved...

Rich Williams: They're going to get involved...

Chairman McNulty: for a table count...

Rich Williams: in other aspects of it.

Chairman McNulty: will they not?

Board Member Taylor: Well, there needs... They have to put in a commercial kitchen for a restaurant.

Ron Gainer: Right. Use table count.

Rich Williams: Mmhmm.

Chairman McNulty: Yeah.

Ron Gainer: or number of seats.

Board Member Taylor: Right.

Chairman McNulty: Yeah.

Board Member Taylor: And the number of seats and so on. So yeah.

Chairman McNulty: Yeah.

Ted Kozlowski: I would...

Board Member Taylor: But they could put a restaurant in there. There's a whole... That whole eastern side of the building, is a ballroom. That's where the restaurant could go.

Rich Williams: Right.

Chairman McNulty: So do we limit... That would be the Health Department that would limit the number of seats depending on the...

Rich Williams: Well, it's going to be a combination of things. I mean, it would be available parking; that limits the number of seats.

Chairman McNulty: Mmhmm.

Rich Williams: And sewage flows.

Board Member Taylor: So...

Ted Kozlowski: I think you really got to think about the residents. That's... This is...

Chairman McNulty: No, I agree.

Board Member Ladau: I just think it's opening a can of worms in terms of odor and...

Ted Kozlowski: We're more concern about this guy establishing a business...

Board Member Ladau: noise.

Ted Kozlowski: than the impact to the residents.

Board Member Taylor: Well again, are we ready for a vote on this?

Chairman McNulty: No, I'm not.

Board Member Taylor: I think we're at the point... You're not.

Chairman McNulty: I've got to think about it.

Board Member Taylor: Okay.

Board Member Ladau: Alright.

Board Member Taylor: Think about it for a week and let's vote on it next week and get this issue out of the way. I think most of us are ready to say no restaurant.

Chairman McNulty: Yeah.

Board Member Ladau: Yeah.

Board Member Taylor: Period.

Chairman McNulty: I've got to think about it.

Board Member Taylor: Well, it's three to two, so...

Board Member Ladau: Yeah, I was going to say...

[Laughter]

Board Member Ladau: You're outnumbered.

Chairman McNulty: I don't know. We'll see.

Board Member Montesano: As the former chairman leaves the room...

Board Member Taylor: He's going to politic.

[Laughter]

Chairman McNulty: You have to recuse yourself anyway.

- Board Member Montesano: Do I?
- Chairman McNulty: Now it's two to two.
- Board Member Montesano: Why do I have to?
- Chairman McNulty: You said you were going to.
- Board Member Montesano: I didn't say I was...I says I'd have to find out.
- Chairman McNulty: I think we all have a particular site in mind and that's what we're looking at. But maybe another site maybe conducive to a restaurant.
- Board Member Taylor: But then...We're not designing that future site. We're talking about whether we want to recommend to the Town Board that this particular site have its zoning changed. So it didn't have a restaurant.
- Chairman McNulty: But we're not talking that particular site. We're talking about a code in general, are we not?
- Board Member Taylor: No, no. We're talking about this particular site.
- Ted Kozlowski: You were talking about this site, Tom.
- Rich Williams: You've got an application from an owner, or potential owner...
- Chairman McNulty: But we don't have an application.
- Rich Williams: of a particular site. The Town Board has a zoning application...
- Chairman McNulty: Oh, Town Board.
- Rich Williams: a request from a particular site to rezone it to allow them to do certain things: Events, restaurant, antique store, bed and breakfast. And that's what's before the Town Board.
- Chairman McNulty: Okay.
- Rich Williams: And that's also what is before you because it was referred over.
- Chairman McNulty: Let's talk about it again Thursday. I think that brings in events then. It does complicate things.
- Board Member Taylor: Well, let's deal with one issue at a time.
- Chairman McNulty: Yeah, but if you...If we go on a restaurant, we have to tie events in because now they could have events.
- Board Member Taylor: But we're not going to go with a restaurant.

Rich Williams: No. Not...
[Laughter]

Board Member Ladau: Tom, you're not reading the rumor.

Chairman McNulty: Alright. Let's talk about it Thursday.

Rich Williams: Alright. I just want to be clear though, you can separate a restaurant from events.

Board Member Taylor: Yeah.

Rich Williams: You can make that distinction...

Board Member Ladau: Yeah.

Rich Williams: and separate them.

Board Member Ladau: But I mean, just as a sidebar to...not to beat this to death, but in terms of events...

Board Member Montesano: We'll just call up...

Board Member Ladau: if you think of somebody running a wedding reception there...

Chairman McNulty: Even a business convention of some sort.

Board Member Ladau: No, no, no. Wait a minute. Let...Think about it or, you know, it's more likely that you're going to have a wedding there if you have 50 people and either a band or recorded music, that's going to drive the neighbors absolutely crazy.

Chairman McNulty: No doubt.

Board Member Ladau: And I would submit that that's totally incompatible in a residential district.

Rich Williams: Well, I think everybody's taken events off the table.

Ted Kozlowski: I think if you make this zoning change, Tom, you better...

Board Member Ladau: I think, yeah.

Chairman McNulty: I think we're driven by number of seats.

Ted Kozlowski: you better change your mailbox to (inaudible – too many talking) one.

Chairman McNulty: If you can only have...

Board Member Ladau: Yeah, but Tom is saying...

Ron Gainer: Thank god when I got married with my house I didn't even ask for a permit.

Chairman McNulty: in the restaurant...

Board Member Ladau: Yeah, but the restaurant has nothing to do with... Your point was that if you've got a restaurant, you have to allow events.

Board Member Montesano: I did my anyways. (Inaudible – too many talking).

Board Member Ladau: And I'm suggesting that that's not correct.

Chairman McNulty: Okay.

Ron Gainer: Did you drive past that day? I can't remember.

Board Member Montesano: Yes.

Ron Gainer: Yeah.

Chairman McNulty: But my thought is if we just outlaw restaurants, they may only have ten seats.

Ted Kozlowski: Outlaw?

Chairman McNulty: Not outlaw, but prohibit.

Board Member Taylor: We're not prohibiting restaurants.

Board Member Montesano: Why don't we prohibit train whistles?
[Train going by]

Board Member Taylor: We're recommending...

Ted Kozlowski: Hold on, Ron. [Referring to the train whistle being loud]

Rich Williams: That's a loud one.

Ron Gainer: He was cursing at you. He was bleeping out all the cuss words.

Board Member Ladau: Well, here's the sign that says (inaudible – train too loud).

Chairman McNulty: Go ahead, Ron.

Board Member Taylor: We're recommending that this particular site...
[Train whistle blowing]
[Laughter]

Board Member Taylor: not be given a restaurant.

Chairman McNulty: Yeah, but I'm not so sure on that because it might only be a ten seat restaurant.

Board Member Taylor: Okay.

Chairman McNulty: It may not be a high flow traffic.

Board Member Taylor: Okay. Alright, so let's talk about it again on Thursday.

Chairman McNulty: So Thursday.

Board Member Taylor: Next Thursday. Okay.

Chairman McNulty: Anything else, Rich?

Rich Williams: Nope.

d) Comprehensive Plan

Chairman McNulty: Okay. Moving along to another fun topic: Comprehensive Plan.

[Laughter]

Chairman McNulty: Rich, you talked to me about this earlier. You added it on. I guess the Town Board is working on it again.

Rich Williams: Well, it's not that they are working on it. You know, after the All Boards meeting everybody kind of went away and there was no clear path, I think, set after that. Everybody was given a lot of information. But as I recall, you know, the Planning Board had indicated that they might be interested in, you know, looking at the comprehensive plan and going through it and seeing if there were any particular sections that jumped out at them that they wanted to work on revising.

Chairman McNulty: Yes, we did talk about that.

Rich Williams: Yes. And it came up last night at the Town Board, so I told them that I would come back to the Planning Board, refresh your...

Chairman McNulty: Yup. I just have not looked at it, to be honest.

Board Member Taylor: Well, let's think back over issues that we keep coming up against. I mean, one of them is this useable land.

Chairman McNulty: Mmhhh.

Board Member Taylor: It comes up all the time. I think that needs to be dealt with in some way. What else? I still have a problem with the definition of active adult.

Board Member Ladau: Yeah.

Board Member Taylor: I'd like to look at that and see if we can't craft that in some way where we have more review power. Or it's required that they deal with the impacts in advance so that we don't have to argue with them about it. I don't know. Other issues we have, the problems with buffers and so on, it's pretty clear in the Code. I mean, we've got them all the time.

Chairman McNulty: Mmhmm.

Board Member Taylor: I don't know how we deal with that. Or this thing on Cushman Road. People coming in on sites, they think because it was a field at one time they can put a house on it.

Chairman McNulty: That comes back to the useable area section that we keep talking about.

Board Member Ladau: Yeah.

Board Member Taylor: Yeah. So...

Board Member Ladau: Do we need also to address...

Chairman McNulty: We also have how to develop other development. We talked about greenways and form based code. I know we talked about it a little bit for the Hamlet. How do we pick up the Hamlet? How do we encourage downtown Putnam Lake to be more developable? There's parking issues. There's infrastructure. I mean, does that all tie into the Comprehensive Plan, does it not?

Board Member Taylor: Yup. Certainly does.

Rich Williams: That does, yeah.

Board Member Taylor: Yeah.

Chairman McNulty: Yeah.

Board Member Ladau: Do we need to address our architectural heritage or historical issues further than...

Board Member Taylor: Well I think, as I'd said at one time, I think if you just add the word historic to some of these other conservation things, I mean, I think that would address a lot of it.

Board Member Ladau: Right.

Board Member Taylor: We don't have a whole hell of a lot of historic stuff left. And I think the issues are not issues that we can deal with. I think they're really economic issues, with the exception of extending the sewer line down so that those buildings can perhaps be saved. Otherwise, they're gone.

Board Member Ladau: Mmhmm.

Chairman McNulty: Mmhmm.

Board Member Taylor: But I mean, I would think the issue on Front Street would be, you know, traffic and parking and those issues.

Chairman McNulty: Traffic, parking, infrastructure...

Board Member Taylor: Mmhmm. Yeah.

Chairman McNulty: sewer...Water.

Rich Williams: You know, for me anyway, water is not insurmountable. We just have to throw money at it. We know that. We know what the solution is. For me, the biggest issue is going to be parking, followed quickly by stormwater.

Board Member Ladau: Mmhmm.

Rich Williams: And unless...

Chairman McNulty: How is stormwater tied into the Comprehensive Plan now? Because it is, because of MS4, it is such issue.

Rich Williams: Well, it's tied in in the venue that the Master Plan wants us to be more environmentally conscious and be aware of our environment and protect and nurture the natural environment and keep land use, you know, the various types of uses compatible with areas where it's appropriate to have those that are not impacting the wetlands, steep slopes, ridge lines.

Chairman McNulty: Restaurants. Okay. So we're looking...Are we going to have another All Board meeting to discuss, or are they just looking for a recommendation?

Rich Williams: They weren't looking have another...They weren't looking for All Boards Meeting. They were looking for some sort recommendation back and that would dictate whether we had an All Boards Meeting.

Chairman McNulty: So again, I have to go back and look at those. Did we ever find minutes for that? I think you sent them to us. Didn't you, minutes from the All Boards Meeting?

Rich Williams: Yeah, I thought I did.

Board Member Taylor: Yeah, you sent those.

Board Member Ladau: Yeah.

Chairman McNulty: Yeah, you did send them. I'll have to go back and review those and pick out our comments and notes and...

Board Member Montesano: You'll have to wait until January anyway.

Rich Williams: You've got to wait for 98 days.

[Laughter]

Board Member Taylor: Well, the other issue we have...

Chairman McNulty: I don't have to wait to look at it.

Board Member Taylor: and I don't know if we can address this in (inaudible), we have the problems of the building inspector. Either he's not enforcing things or he enforces things only within the limits of the house and he's not looking at the other things.

Rich Williams: In the past, it's been a problem with our building inspector who basically looks at from the four walls, in. You know, Bob's new. Bob's great with the construction. Bob didn't realize what being a code enforcement officer in the Town of Patterson was going to be. And there's a bit of a learning curve with Bob, but he's doing a great job picking it up and...

Chairman McNulty: He's grasping it.

Rich Williams: Oh yeah. Yeah. And he's trying to do a good, reasonable job.

Board Member Taylor: Okay.

Rich Williams: And, you know, he understands it's about compliance not punishment. So, you know, and doing it that way it takes a little bit longer.

Chairman McNulty: And again, it's our recommendation on the Hebert property tonight.

Rich Williams: Right.

Chairman McNulty: I'm not looking to punish the guy as much as just get it cleaned up. Come in conformance.

Board Member Taylor: Yeah.

Chairman McNulty: If it requires punishment then...

Rich Williams: Well, unfortunately it's been extended period of time.

Ted Kozlowski: For a long time.

Board Member Ladau: Yeah.

Rich Williams: I've got him coming back up in court, I think, in November. And at that point I was just going to put it to trial.

Chairman McNulty: Yeah.

Board Member Ladau: Yeah.

Chairman McNulty: So...

Board Member Taylor: But we...I mean, there's all this stuff on site plans all the time that it's either...It seems like it's ignored by the builder or by the building inspector. Are you saying that it's just an issue of getting the building inspector better educated? Or can we do something else to...

Rich Williams: I'm saying it's education. It's the individual. And it's the individual overseeing the position.

Board Member Taylor: So we don't need to change anything in the Code or add an environmental inspector...

Rich Williams: No.

Board Member Taylor: who goes out and looks at the...

Rich Williams: No, you start with changing the Town Board.

Board Member Taylor: Okay.

Chairman McNulty: Yeah. We have more than enough code.

Board Member Taylor: Well, we've got a great Code, it's just not enforced.

Chairman McNulty: Yeah.

Board Member Taylor: I mean, I was at this work shop and people were astounded at how advanced our Code was in some ways. And I said don't...It's...We're not able to enforce it. You know, it doesn't matter in some ways. But some Towns have an environmental inspector. Not like you [referring to Ted Kozlowski]. But a guy who goes out along with the building inspector and he deals with the site issues.

Board Member Montesano: Right.

Board Member Ladau: Yeah.

Board Member Montesano: But...

Board Member Taylor: That's his focus. So you don't think we need that. Or we probably can't afford it.

Rich Williams: I don't think we need that right now with the level of development that we have.

Board Member Taylor: Okay.

Rich Williams: And with Bob.

Board Member Taylor: Okay.

Rich Williams: I think we've needed it in the past. That was kind of my function. But, you know, I had a Town Board that would constantly hold my hand, you know, tie my hands.

Chairman McNulty: Right.

Board Member Taylor: Hold you back. Yeah. Okay.

Chairman McNulty: Okay. So I'm going to try and look at the All Board Meeting minutes.

Board Member Taylor: Yeah.

Chairman McNulty: And maybe we can just come up with an outline of things that we want to see focused...focused on.

Board Member Taylor: It would make our job better.

Chairman McNulty: Yeah.

Board Member Taylor: I mean, that's what I say we should concentrate on.

Chairman McNulty: I mean, ultimately the Comprehensive Plan is what we're...is our guide.

Board Member Taylor: Yeah. I think it's a great plan.

Chairman McNulty: Yeah. No, I went through it.

Board Member Montesano: Yeah. Maybe we can open up the school as a restaurant.

Chairman McNulty: and I refer to it in certain cases when we need to see well, how are we supposed to look at this? And that's the place to go to. Okay, anything else?

e) Useable Land

Chairman McNulty: We have useable lands. I think we discussed it somewhat.

Board Member Taylor: Yes.

Chairman McNulty: Ron, you have some more comments?

Board Member Taylor: No. I don't. We talked about it.

Chairman McNulty: Yeah.

Board Member Taylor: I just think we need to figure out how we're going to do it. We got to deal...Mike's got deal with, you know, this taking thing [referring to Mike Liguori]. With how much we can apply this to other things and make our job easier.

Ted Kozlowski: I just have a quick comment. And I'm not comfortable with the word useable because that's a...For instance, you may get a person that has a house and then it's 15 acres of wetland behind there. Now, that may not be useable for a number of things but that person might like to hike in

there. Might like to hunt in there. Might like to fish in there. Might like just the fact to go and watch birds. To him, or that person, that's a use.

Rich Williams: That's wonderful. But if you're putting a house on the piece of property, you don't want to put it in the wetlands.

Ted Kozlowski: But...

Rich Williams: That's not useable area for the wet...for the house.

Ted Kozlowski: then maybe the word should be developable, not useable.

Chairman McNulty: Let me step back to your comment.

Ron Gainer: Could be buildable.

Board Member Taylor: Well, I don't think...

Ted Kozlowski: Well, developable because you could develop a lawn. You could develop a garden.

Rich Williams: It's...

Ted Kozlowski: You could develop a house.

Rich Williams: At the end of the day, it's how you define it and how you apply it.

Ted Kozlowski: Right. But I...

Rich Williams: Doesn't matter what you call it. You could call it apples and pears, it's how you define it...

Ted Kozlowski: Right. But...

Rich Williams: until you apply it.

Ted Kozlowski: It's, again, the word useable...

Board Member Taylor: Okay, well can we look at other codes as to what word they use? I don't like the word buildable because it implies building on it.

Chairman McNulty: Yeah.

Board Member Ladau: Yeah.

Chairman McNulty: And...

Board Member Taylor: And you don't build on your septic.

Rich Williams: Yeah.

Chairman McNulty: the buffer you can't go into it at all. You can't...

Ted Kozlowski: What?

Chairman McNulty: step foot in a buffer.

Rich Williams: Again, some codes call in environmentally constrained lands.

Ted Kozlowski: No, you can. And that's use...you could use it.

Board Member Taylor: So it would be not environmentally constrained lands that we're concerned with.

Ted Kozlowski: You use the Great Swamp. When you go for a hike with Judy (inaudible – too many talking).

Rich Williams: Well, they define environmentally constrained lands...

Ted Kozlowski: You're using it. And it's a good use.

Rich Williams: and they come up with wetlands and streams and the 100' buffer and...

Board Member Taylor: Right.

Ted Kozlowski: There's nothing wrong with what we do there.

Rich Williams: steep slopes. And then they say...

Board Member Taylor: And everything else.

Ted Kozlowski: And that's a useable activity.

Rich Williams: You have to have a minimum of one acre of...

Ted Kozlowski: It's developable where you're going to alter the terrain.

Rich Williams: lands that are not environmentally constrained.

Board Member Taylor: Right. Okay. Okay.

Ted Kozlowski: How about alterable land?

Rich Williams: Alter...What?

Ted Kozlowski: Alterable.

Chairman McNulty: I think we just define useable...

Rich Williams: Did you say altar boy? What?

Ron Gainer: Oh, the Pope's here.

Chairman McNulty: to the degree of landscape, build thing.

Ted Kozlowski: You must be thinking of the Pope.

Board Member Montesano: He's on his way in, right?

Ted Kozlowski: Alterable or...

Chairman McNulty: You know.

Board Member Taylor: Yeah.

Ted Kozlowski: You know, manipulate...Just...

Chairman McNulty: I could just be useable outside the buffer.

Ted Kozlowski: Changing of the existing conditions.

Board Member Taylor: Well, yeah. The buffer is one of the exclusions.

Rich Williams: We'll work on it.

Ted Kozlowski: Yeah.

Board Member Taylor: Yeah.

[Laughter]

Chairman McNulty: Okay.

Ted Kozlowski: It's just...Because you don't want to say wetlands are totally forbidden.

Board Member Taylor: No, we're not saying that.

Ted Kozlowski: Because they should be.

Board Member Montesano: Somebody go get a Roger's, please, so we can look up the word to use.

Board Member Taylor: Alright. So let's just get the definition and then we can debate the word.

Chairman McNulty: Yup.

f) Maplewood North Subdivision

- Chairman McNulty: And then we have Maplewood North Subdivision. Are we done with useable?
- Board Member Ladau: Yeah.
- Board Member Taylor: Yeah.
- Chairman McNulty: Yes. Sorry, Ron. I didn't really get a chance to look at your notes. I saw you sent some things over.
- Board Member Taylor: I was just trying to figure out a way we could craft this so it didn't matter where the boundary line is and we can send it on to the Town Board. I mean, if we do the 28, if that's reasonable to people, then...
- Chairman McNulty: And that's within the guidelines of the overlay, right? You took it right from there.
- Board Member Taylor: Yeah. Then let the engineers compute it down the line. Does that make sense to you, Rich?
- Rich Williams: Yup. I was fine with it.
- Chairman McNulty: Would it be easier to give the Town Board some kind of color coded site plan so they could understand...you have a lot of division here. We've walked the property.
- Rich Williams: We could do a mock up.
- Chairman McNulty: Yeah. But...
- Board Member Taylor: I would...I excluded from that stuff the conservation area, the septic area.
- Chairman McNulty: Mmhmm.
- Board Member Taylor: Mike Liguori was suggesting we could draw a line right across the septic because once it's in, it's going to remain undisturbed. But I...You know, disturbed is disturbed to me and I think it should be excluded. So we draw a line, you know, contours around these areas.
- Chairman McNulty: One question that I had on your notes, Ron, was the right-of-way of the width of a Town road be allowed on the eastern portion of the parcel where the farm road now exists. So you're looking for a public right-of-way?
- Board Member Taylor: No. I...Well...
- Chairman McNulty: Because this is all...
- Board Member Taylor: eventually, it might be. The only access to that north parcel that Green Chimneys has, because it's surrounded by the river and the hillside, is that existing farm road. If they decide to develop that land at some point, then I...

Rich Williams: They don't have access all the way down through that farm road, though. That farm road crosses through a number of different private properties.

Chairman McNulty: So that...Is that piece somewhat landlocked?

Board Member Taylor: That's not their property, right? It looked...On the map, it looks like the two connect together.

Rich Williams: The old Ballyhack Road?

Board Member Taylor: No, no, no, no, no, no, no.

Chairman McNulty: No.

Rich Williams: Oh.

Chairman McNulty: This is a right-of-way...

Board Member Taylor: All the way over next to the river.

Rich Williams: Okay. I'm not familiar with it.

Board Member Taylor: Okay. Because there's a farm road. If you look at the survey map, there's a farm road that runs up in there and if you look on the aerial you could see there's this road that runs up to those 30 acres, or whatever it is, on that bend of the river.

Chairman McNulty: And it comes out on what road? Because I can't picture it on there.

Board Member Taylor: There's...It doesn't...It comes out through Green Chimneys. It's a farm road that runs through Green Chimneys. It's one of their farm roads.

Chairman McNulty: Okay.

Board Member Taylor: All I'm saying is that that land is landlocked. If we put a conservation easement all the way across, it doesn't allow them to cross it.

Chairman McNulty: We don't leave a right-of-way.

Board Member Taylor: And I think they need...I mean, by right, they should have a right-of-way.

Ron Gainer: Right.

Board Member Taylor: That's all I'm saying. And assuming it's developed...

Chairman McNulty: Okay. That's where I was confused on what you meant by that.

Board Member Taylor: Yeah, I don't know what the wording would be. But I think they need a right-of-way or they could put in a two-lane, you know, Town road at some point if they need to. Not that we want them to develop that. But I don't think...I mean, it's a taking otherwise, right? I mean, that's a huge taking; that whole piece of property there.

Chairman McNulty: Yeah.

Board Member Taylor: So, that was all. I was just trying to move this thing along instead of sitting here waiting for them to resolve the boundary, let's send something on that, you know...So that's why I put that...I said that. If it makes sense, then I'm sure Rich can add words...the appropriate words because...

Board Member Montesano: And I'm sure Green Chimneys would love to have...

Board Member Taylor: I don't know the words.

Board Member Montesano: access to it legally.

Chairman McNulty: Well, that would be a recommendation...

Board Member Taylor: Well, they do now.

Chairman McNulty: back to the Town Board after the one we rescinded.

Rich Williams: Right.

Chairman McNulty: Yeah.

Board Member Taylor: Okay. Yeah.

Chairman McNulty: Have you looked at Ron's notes?

Rich Williams: Briefly.

Chairman McNulty: Alright. Maybe take a look at it; give us a review or recommendation on it. Overall, I looked at it quickly. The only thing that stood out was the right-of-way. I didn't understand what that was.

Board Member Taylor: Yeah.

Board Member Montesano: We need 35 days before we can do all this review. Sorry.

g) Adam Levine Discussion

Chairman McNulty: The only other question I had was Levine. Anything new on that? Did he go to court?

[Laughter]

Chairman McNulty: Oh, a chuckle.

Board Member Ladau: You stepped in what?

Chairman McNulty: I've been out of the loops. I haven't heard anything.

Rich Williams: Okay. Listen, you know the application well enough. What do you think Mr. Levine had done at this point?

Ted Kozlowski: Nothing.

Chairman McNulty: Absolutely nothing. Has he been back to court?

Rich Williams: No, because his new attorney isn't up to speed yet.

Board Member Taylor: Oh, he got a new attorney.

Chairman McNulty: Oh.

Board Member Taylor: Oh.

Chairman McNulty: Who's the new attorney again?

Board Member Taylor: Clever.

Ted Kozlowski: Didn't we take bets on the last meeting that...

Board Member Taylor: Yeah, we did.

Board Member Montesano: And we didn't even put the quarter on the table.

Ted Kozlowski: Yeah, was it (inaudible – too many talking).

Chairman McNulty: Is he a local attorney?

Rich Williams: Yeah.

Board Member Taylor: So...

Chairman McNulty: What happened to... Was it Burt Lanski?

The Secretary: Bart.

Chairman McNulty: Bart.

Board Member Montesano: Yeah, he didn't get paid so he finally quit.

Chairman McNulty: Oh.

Rich Williams: My understanding, and I've had conversations, I've been on conference calls, is he is currently working with Robert Leader.

Chairman McNulty: Yeah, I don't know him.

Ted Kozlowski: Bob Leader?

Rich Williams: Yeah.

Ted Kozlowski: I went to court with him. Nice guy. But...So he's got a whole yellow pages book of attorneys.

Board Member Taylor: Of attorneys, yeah.

Ted Kozlowski: So we could do this every month for the rest of our lives.

Board Member Taylor: Or every six months.

Rich Williams: We weren't backing off. Said Bob, you better get up to speed really quick. Yeah, well can we do this? No, we've already talked about that. Can we do...No, we've already talked about that.

Ted Kozlowski: Bob Leader was the guy that defend Danial.

Board Member Taylor: Okay.

Chairman McNulty: Oh, okay. That didn't go over...

Ted Kozlowski: Danial was the...

Chairman McNulty: very well.

Ted Kozlowski: Well, he's...

Rich Williams: It actually went very well for him.

Ted Kozlowski: Yeah.

Chairman McNulty: Oh. Okay. Alright, anybody else have any items?

h) Black Birch Realty Discussion

Board Member Taylor: Just Black Birch. Just the SEQRA for Black Birch.

Chairman McNulty: Oh, I saw you sent an email; I haven't seen it at all.

Board Member Taylor: Yeah. Look at it. And I'm just, again, because it's the industrial area and all these things we've already covered in the past, I think we can move ahead. I was suggesting doing a conditional neg dec where we can just lay out some conditions. And as long as they meet them as they go down the road...Does that make...Will that work or...You've got that look on your face.

- Chairman McNulty: It's a little too early to...
- Rich Williams: I thinking about if we've never done a conditional neg dec. But, yeah. You could.
- Chairman McNulty: Does that mean we have to go back then and do a final declaration?
- Rich Williams: No, no, no. Nope.
- Chairman McNulty: No?
- Rich Williams: No. It's just a negative dec with conditions on it for an unlisted action.
- Chairman McNulty: Are we far enough along on that to... We declared lead agency on that or anything? It was basically a concept.
- Board Member Taylor: No, we haven't done anything yet. He asked us to declare lead agency and you said you weren't ready. But I... We certainly should be ready, aren't we?
- Chairman McNulty: Yeah. Well, he's not on the agenda this month.
- Rich Williams: Well, there was additional questions that the Board wanted resolved...
- Chairman McNulty: I have to go back and look at my notes.
- Rich Williams: that I would be more comfortable resolving. I would rather wait to see him come back in and make a submission; get a little bit farther along.
- Chairman McNulty: We have the legwork and the groundwork in place. So we're... I appreciate that, Ron. Thank you.
- Board Member Taylor: Well, that's all I'm saying. Just let's look at it.
- Chairman McNulty: Yeah.
- Board Member Taylor: Let's be ready for him...
- Chairman McNulty: Sure. We can...
- Board Member Taylor: so we don't have to say when he comes in...
- Chairman McNulty: Yup.
- Board Member Taylor: you've got to wait 30 days.
- Chairman McNulty: I saw the notes, the email, when I got home and then I looked at the agenda and I said we don't have Black Birch on here.
- Board Member Taylor: No, it's not.

Chairman McNulty: But I haven't read your email yet, so...

Board Member Taylor: Yeah. No, it's...

Chairman McNulty: Okay.

Board Member Taylor: but it's hanging.

Chairman McNulty: Good. So...

Board Member Taylor: The SEQRA for Hebert is hanging, too, right? We haven't done that yet.

Rich Williams: Yeah, he can't come up with what he wants to do out there.

[Laughter]

Board Member Taylor: Yeah.

Chairman McNulty: Yeah.

Board Member Taylor: But I'm just saying, I terms of our response to something...

Rich Williams: A year and a half, he can't come up with what he wants to do.

Board Member Taylor: Yeah. So...But we could look at that. I haven't found it, actually. It's been buried so long I haven't found it yet.

Chairman McNulty: I asked...Sarah sent me the...

Ted Kozlowski: That's the new Levine.

Board Member Ladau: Yeah.

Chairman McNulty: the Hebert application because I couldn't find it anywhere.

Board Member Taylor: Oh, okay. Could you send me the...

Chairman McNulty: I'll forward what I have.

Board Member Taylor: the short EAF.

The Secretary: The short EAF?

Board Member Taylor: Yeah, just the electronic.

Chairman McNulty: You can send that to me, too, if it wasn't in the package you sent me.

The Secretary: No, it was. I sent you the application...

Chairman McNulty: Okay. I haven't opened it yet, that's all.

Board Member Taylor: I just couldn't find the original application.

7) Minutes

Chairman McNulty: Alright. Anybody else any comments? I didn't look at the July 30th minutes yet, so...

Rich Williams: You need to look at the July 30th minutes.

Chairman McNulty: I do?

Rich Williams: Because State Law says the minutes are supposed to be done in two weeks.

Board Member Taylor: In two weeks?

Chairman McNulty: Well, we only meet once a month.

Rich Williams: Well, there's a little bit flexibility there. But this is now we're heading into October...

Chairman McNulty: Well, we just got the July 30 minutes in this last month, didn't we?

Rich Williams: When you get them?

Chairman McNulty: We just got them?

Rich Williams: When? Last month.

Board Member Taylor: A month ago.

Chairman McNulty: Did we get them before the last meeting, Sarah?

Board Member Taylor: Well, in the matter of July 30th minutes, I would recommend that we accept them as submitted.

Board Member Montesano: As submitted. Second.

Board Member Taylor: All in favor? *Motion carried by a vote of 5 to 0.*

Chairman McNulty; You want to do July 2nd?

Board Member Taylor: Yeah.

Chairman McNulty: That's the one that's really outstanding.

Rich Williams: Yeah.

Chairman McNulty: That one I've looked at. I'm good with that.

Board Member Taylor: Okay, July 2nd.

Board Member Montesano: Second.

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

Chairman McNulty: Minutes are approved.

Rich Williams: Good.

Board Member Montesano: Now you don't have to go to jail, Mr. Chairman.

Chairman McNulty: I like to breeze through them. I did, briefly.

Board Member Montesano: I thought maybe you wanted a vacation.

Ted Kozlowski: Tommy had good reason.

Chairman McNulty: Make a motion to adjourn.

Board Member Ladau: Move.

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

Meeting was adjourned at 8:55 p.m.