

**PLANNING DEPARTMENT**

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**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**ZONING BOARD OF APPEALS**

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**PLANNING BOARD**

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

**Planning Board  
October 1, 2015 Meeting Minutes**

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

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

Chairman McNulty called the meeting to order.

The meeting began at 7:00 p.m.

Sarah Mayes was the Secretary and transcribed the following minutes.

There were approximately 3 members of the audience.

Chairman McNulty led the salute to the flag.

**1) PATTERSON AUTO BODY- Sign Application**

No one was present to represent the application

Chairman McNulty: Welcome to Patterson Planning Board Meeting for October 1<sup>st</sup>. New month. New agenda. I don't know where Rich went. I don't see anybody here from Patterson Auto Body. They have a sign application into us. We've talked about it at the work session.

Board Member Taylor: I think we approved it, didn't we?

Board Member Montesano: No.

Chairman McNulty: No.

Board Member Taylor: Oh, we're talking about Patterson Auto...

Chairman McNulty: No. Paterson Auto Body.

Board Member Taylor: Oh, oh. Then we just skip it.

Chairman McNulty: Yeah. Rich, anything on Patterson Auto Body sign application? No response from them?

Board Member Montesano: Table them.

Rich Williams: They were called today.

Chairman McNulty: Alright. Well, we'll table it. If they come in, well, we have questions for them and we'll...Real quick, before we table it. Rich had printed out...Everybody see the signs that were previously approved? There is some give and take in there. We just have to find out exactly what they want and how big their existing sign is and take it from there. Alright, table that for now.

## 2) THOMAS SMITH – Wetland/Watercourse Permit Application

Mr. Thomas Smith was present.

Chairman McNulty: Next, we have Thomas Smith, Wetland/Watercourse Application.

Mr. Thomas Smith: Step up?

Chairman McNulty: Yup. Mr. Smith?

Mr. Smith: Yes. I'm not sure of the format.

Chairman McNulty: How are you?

Mr. Smith: Do I...

Chairman McNulty: Just announce your name, please.

Mr. Smith: Okay. Thomas Smith at 370 Farm to Market Road.

Chairman McNulty: Okay. Now, you're looking to replace a retaining wall and build some access, it looks like, to the rear of the wall.

Mr. Smith: Correct.

Chairman McNulty: Is this is a new wall?

Mr. Smith: It's not...Well, I'm looking to replace the existing wall, which is around 60 feet and then extend past where the wetlands...The wetlands; I'm not encroaching on any of the wetlands. But just to continue the retaining wall up further and then put some sort of access. I don't want to call it a driveway or whatever just because I own the property all the way down and I have no access to it. So, if I want my well found there and things like that. So I do have photos if you'd like to see.

Chairman McNulty: So you're well is back down in there?

Mr. Smith: Yes. Yeah.

Chairman McNulty: Okay.

Mr. Smith: Yeah. And I do have photos if you like. I already got a DEC permit; they classified it as a minor project. They already issued me a permit with some stipulations. Mostly that I clear out some wood chips and things like that, brush, that I had cleared out to get contractors to give me a price on. And my restrictions are with them, I cannot go more than two feet in front of the existing wall. And this time around, I'm going to put a rock wall. I'm going to put a rock retaining wall which I'm in the process of getting drawings done. I had a survey done a couple of weeks...Two weeks...Not a survey. They came over. They're going to be doing a survey of that area so that I can...

Chairman McNulty: Plot the new wall.

Mr. Smith: Plot the new wall and then get the engineer for the building permit. That's for the Town. For the building permit. I need...I got Putnam Engineering ready as soon as I get that survey done. They're going to, you know, do the loads and everything else. Do like a...

Chairman McNulty: This wall over four feet high?

Mr. Smith: In...For the most part, it goes from 3-feet to 6-feet, I'd say. For the most part, it probably averages around 4 feet. There's one side away from the wetlands. That's about the 6-feet. Five and a half, six feet level.

Chairman McNulty: Okay. I think anything over 4 feet, if it's a retaining wall, has to be engineered.

Mr. Smith: And that's why...

Chairman McNulty: Putnam Engineering.

Mr. Smith: I have to go through...

Chairman McNulty: Yup.

Mr. Smith: I've already spoke to the Building Inspector.

Chairman McNulty: The biggest question I have is this little access you want to build...

Mr. Smith: Right.

Chairman McNulty: down behind the walls. Is how wide and long is this...

Mr. Smith: Probably 8 feet. Ten feet, just in case I've got to get a trailer...

Chairman McNulty: Wide?

Mr. Smith: down there. I want to really put a garden someday there in that area. But more access. I really have no access because the road drops off there. So, I'm really just looking for an access more than anything else.

Chairman McNulty: And you said your well is back there.

Mr. Smith: Yeah. My well is right, you know, there. And I do have plans. I think you've got them in front of you anyway.

Chairman McNulty: This plan here. Well, Ted Kozlowski during the work session, he had no big issues with it. And our concerns were how... You said 8 to 10 feet wide on the driveway. How far back would it reach?

Mr. Smith: It would go... The grade that it would have to pick up, it's probably going to go... If you look on there by my well, I foresee it, just to keep a nice grade to go down to where the well is and be making a turn. Okay...

Chairman McNulty: Ten feet? Thirty feet?

Mr. Smith: Ten feet. Not thirty feet.

Chairman McNulty: Okay.

Mr. Smith: Yeah, it's...

Chairman McNulty: So you're looking to take the ten feet here and another, say, 10 to 15 [feet] there.

Board Member Taylor: What kind of surface are you going to have on it?

Mr. Smith: Haven't decided. I might... I got to reblacktop my driveway which led to the whole replacing of the retaining wall because it's bulging anyway. So, I got a rather large driveway. So, when I have the blacktoppers there, I'm probably going to just look to put blacktop on top of it.

Rich Williams: Dirt. No, it's going to be a dirt surface.

Mr. Smith: Okay. It's going to be a dirt or item 4 or something like that.

Rich Williams: Unless you want to go and deal with New York City.

Mr. Smith: No. No, I don't want to deal with...

Chairman McNulty: Yeah, I would keep the...

Mr. Smith: I told the DEC, whatever you tell me, I'm doing. I'm not...

Chairman McNulty: Keep the blacktop to your driveway line and then...

Mr. Smith: Okay.

- Chairman McNulty: And then have the dirt or item 4 is acceptable, right?
- Rich Williams: Item 4's fine.
- Chairman McNulty: Yeah.
- Mr. Smith: Okay. Then that's fine.
- Board Member Taylor: You've got to worry about runoff down that driveway into the wetlands.
- Mr. Smith: The runoffs, there's a lot of things going on with the runoff. When I built the house 25-30 years ago, the Town, many years before I bought the property, had diverted a stream under the road and dumped it on the property that I bought which led to a year or two of going back and forth with the DEC.
- Chairman McNulty: Where on the property, if you can indicate.
- Mr. Smith: May I step back? Or step in front? How do you want me to do it [referring to locating where stream was diverted to on a plan].
- Chairman McNulty: Just you...Yeah, just point it out.
- Mr. Smith: Okay. So what's happening...What happened here...Let me just get my bearings. Okay, the house is over here. There was an existing stream right here that came out, dumped it, and flowed back to here. And this created what the DEC at the time classified as a wetlands. At the time, I argued with them, for the lack of any other word, that this would not be a wetland if you didn't dump it...the Town didn't dump this. They finally agreed so I put a manhole, a catch basin, in here at my cost, and put a culvert pipe; runs all the way over. And that dumps into the wetlands. And that is in the wetlands. That is going out to the wetlands. I don't have...
- Chairman McNulty: The culvert you mentioned is going to be extended?
- Mr. Smith: It's going to be extended as part of DEC...
- Chairman McNulty: The two feet to get...
- Mr. Smith: permit. The two feet to get to the wall.
- Chairman McNulty: Okay.
- Mr. Smith: Yeah. And I don't know if you want to, you know...
- Board Member Taylor: Now, the question I had was about the runoff from this ramp that you're putting gin.
- Mr. Smith: It's pretty far from the wetlands and it's...The only thing there is my well.
- Chairman McNulty: Yeah, but how is that pitched there? Is there a picture that shows the pitch of the driveway?

Mr. Smith: No. Unfortunately, my driveway's pitched. So all the water does run there now. It runs down there and close to the road. So, I'm not sure how to answer the question. It's going to pitch down over here, but the wetlands are over here. And the wetlands is a...Encroaching a wetlands, just so you know, is just to have it down, the wetlands are...Maybe there's a better picture here. I thought I had a better picture. The wetlands, you can't really tell, it's a piece that juts in. I have another map if you want. The part of the wetlands, and I know the rules are that it's a 100' from the wetlands...

Chairman McNulty: Well, I think what Ron's getting at is when you...to get that ramp in is how can you control the runoffs so it doesn't create a river there...

Mr. Smith: I'm going to put drains. I already...The contractor's already...gotten his price putting in drains...

Chairman McNulty: A curtain drain in, across the top...

Mr. Smith: A curtain drain, yeah.

Chairman McNulty: of that?

Mr. Smith: At the bottom of my driveway because I don't want that water now and that sometimes drains...

Chairman McNulty: Okay.

Mr. Smith: It clogs. So I'm going to put it...

Chairman McNulty: And then where would that go? Into that...

Mr. Smith: Am I allowed to put it into the wetlands at that point?

Rich Williams: Yeah.

Mr. Smith: Yeah? So, I would put it there. Ideally, that would be the place.

Chairman McNulty: Is that the answer you were looking for?

Board Member Taylor: So you're saying you're not going to have water streaming down this ramp then.

Mr. Smith: Right. I'm definitely putting drains across that whole...

Board Member Taylor: Okay. So drains...

Mr. Smith: area.

Board Member Taylor: Yeah.

Mr. Smith: The parking area is a square and I told them it's already in there to put a drain right across this whole thing.

- Board Member Taylor: Okay.
- Chairman McNulty: What is that, going in that 2' space?
- Mr. Smith: No.
- Chairman McNulty: No.
- Mr. Smith: Well actually, I don't know. I didn't talk to the contractor about that. But I priced in there to put me a French drain or whatever. Not a French drain but, you know, a drain.
- Chairman McNulty: A curtain drain of some sort.
- Mr. Smith: Yeah.
- Chairman McNulty: Okay. Does anybody else have any questions? I'll make a motion on this. SEQRA on this?
- Rich Williams: Yes. Unless you're waiving the permit.
- Chairman McNulty: No. Okay. I'll make a motion for SEQRA in the Thomas C. Smith, Jr. Wetlands/Watercourse Permit I declare a negative determination.
- Board Member Montesano: Second.
- Chairman McNulty: All in favor? *Motion carried by a vote of 5 to 0.*
- Chairman McNulty: And then I'll make a recommendation on the Thomas C. Smith, Jr. Fresh Water Wetland/Watercourse Application for a new retaining wall to be placed two feet in front of the existing retaining wall and that this...there would be an eight foot to ten foot wide access, ten feet deep, to gain access to the well and the area behind the wall.
- Board Member Montesano: Second.
- Rich Williams: Just...
- Chairman McNulty: All in favor?
- Rich Williams: Just to be clear, you're making a motion to waive the public hearing requirements, which you can do, and approve the wetlands permit as submitted. That's what your intent is?
- Chairman McNulty: That's...
- Board Member Montesano: Yeah.
- Board Member Taylor: Well...
- Board Member Montesano: Yeah.
- Chairman McNulty: Yeah, I'm good with that.

Rich Williams: Okay.

Board Member Montesano: Second.

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

Mr. Smith: Now, that doesn't waive the...I've still got to go to the Building Inspector on this.

Chairman McNulty: Yes. Yeah, you're still going to have to go through all the procedures.

Mr. Smith: Okay.

Chairman McNulty: You just can go to them now and get the ball rolling.

Mr. Smith: Okay.

Board Member Taylor: Okay Rich, I had a question on the application. On Part 2 where it says location of project, should that be Patterson? He put down his mailing address which is Brewster.

Mr. Smith: It is Patterson.

Rich Williams: It should be Patterson, yeah.

Board Member Taylor: Okay. So that needs to be corrected.

Mr. Smith: Thank you. Thank you.

Board Member Taylor: Good evening.

### **3) MEGAN DENAUT – “REVERIE CAFFE” – Sign Application**

Chairman McNulty: Okay, next on the agenda was the Reverie Caffe, and we approved that at the work session contingent that we get some sign colors before she moves forward.

### **4) BILL HENRY TREE SERVICE, LLC - Continued Site Plan Review**

Ms. Jamie , Insite Engineering and Mr. Bill Henry were both present.

Chairman McNulty: And then we have Bill Henry Tree Service next. Hey, Bill. How you doing?

Mr. Bill Henry: Good. How are you?

Chairman McNulty: Good.

Ms. Jamie: Can you make this taller next time? [referring to board for hanging plans]

Mike Liguori: We did that for Harry Nichols, so he couldn't get up there.  
[Laughter]

Chairman McNulty: Hi, how are you?

Mrs. Jamie LoGiudice: I'm good. How are you?

Chairman McNulty: Good.

Mrs. LoGiudice: Jamie LoGiudice for Iniste Engineering. Basically we're back after the intent to declare lead agency. And we're here to set the public hearing.

Board Member Taylor: Okay.

Chairman McNulty: Okay.

Board Member Taylor: Did you bring us an elevation?

Mrs. LoGiudice: We did. We have, I guess, Charter Elevations here with a floor plan. If you guys want to pass that around. And then we also have some color choices.

Chairman McNulty: Are you looking at a pre-engineered type metal building or...

Mrs. LoGiudice: Yes. It's going to be roughly the...a red. Essentially, it will look like a barn. So you have a country red and then the united white.

Chairman McNulty: For the trim?

Mrs. LoGiudice: Yes.

Chairman McNulty: And the type of roof? Is it a metal roof or...

Mrs. LoGiudice: We have a metal roof.

Board Member Taylor: And what color on the roof?

Mrs. LoGiudice: It will be like a silver/grey.

Board Member Taylor: Okay. Do we want a front elevation? Or in the front simply blank?

Mrs. LoGiudice: The front, actually, is where the doors are right there where your thumb is.

Chairman McNulty: What about the [Route] 22 side, though. It says front.

Board Member Taylor: It's labeled rear.

Mrs. LoGiudice: We can give you an elevation of that.

Board Member Taylor: Yeah, because we're concerned about the view from [Route] 22.

Mrs. LoGiudice: Right.

Board Member Taylor: Not from once you pull in.

Mrs. LoGiudice: Okay. We can provide that for you.

Chairman McNulty: Do you have a plan? Is it just window space? Is it... There's no doors really. Are there porches or decks or anything?

Mr. Henry: No. Just windows and...

Chairman McNulty: And it's a strict gable roof?

Mr. Henry: Yeah.

Chairman McNulty: Alright. Country Red.

Mrs. LoGiudice: Country Red.

Board Member Taylor: Country Red. Not Colonial, right?

Mrs. LoGiudice: Nope. Country Red.

Chairman McNulty: Yeah, they're pretty similar.

Board Member Taylor: Yeah (inaudible – too distant).

Chairman McNulty: Yeah.

Board Member Taylor: Okay.

Chairman McNulty: Well, we're at the point we can declare SEQRA on this, right?

Rich Williams: Mhmm.

Chairman McNulty: And we're looking at this information, does this bring us to the point where we're able to move forward towards a public hearing?

Board Member Taylor: I think we need a cut; sample.

Chairman McNulty: Sample of?

Board Member Taylor: The siding.

Mrs. LoGiudice: Is that something we can bring to the public hearing?

Board Member Taylor: I would think so.

Chairman McNulty: Yeah.

Board Member Taylor: I mean, don't we still have this problem of metal siding?

Rich Williams: I don't know what you're looking at, so...

Board Member Taylor: We're looking at just the colors. Yeah.

Chairman McNulty: It's pretty straightforward. It looks like a big barn, basically. I'm sorry.

Board Member Taylor: We're talking about the siding that will be on it. The Code says it can't be metal. Is that what the Code says?

Rich Williams: Yeah.

Board Member Taylor: Or do we need to waive it?

Rich Williams: The intent was that buildings that they used to put up...

Board Member Taylor: Yes.

Rich Williams: They were all metal.

Board Member Taylor: Yup.

Rich Williams: You know, not very attractive. They didn't have any sort of longevity. Town was not interested in seeing those types of buildings. Now, Tommy pointed out the one up on Route 22 in Pawling that I drive by every day, I thought it was wood siding until Tommy said something and I stopped.

Board Member Brady: Yeah.

Chairman McNulty: I had to verify that.

Rich Williams: I had somebody in the office today that did the same thing. I said, because he was looking to do a metal building and I said, well, there's metal and there's metal. If you're doing it like Pawling...No, no, no. That's wood.

[Laughter]

Chairman McNulty: Well, the key is the siding type. You want a profile that's got a soft look to it. Not a hard, deep reveal.

Mr. Henry: Right.

Chairman McNulty: to look like a real hardcore commercial building.

Mr. Henry: Okay.

Chairman McNulty: You're trying to achieve a barn look, from what I can tell.

Mrs. LoGiudice: Yes.

Board Member Taylor: So is this company the same company used up in Pawling? Do you know?

Mr. Henry: No. They did the two in the back.

Chairman McNulty: Well here's the profiles.

Mrs. LoGiudice: The two directly behind.

Chairman McNulty: So, yeah. These are the roof panels. Yeah, this is a roof panel. These are wall panels.

Board Member Taylor: Yeah.

Chairman McNulty: So you have one inch. Three sixteenths. This a...No, they look about the same. Three inch offset. Oh, I'm sorry. These are the panels...These are roof panels. So we don't want something like that, I don't think.

Board Member Taylor: Well, I'd like to see it...

Board Member Brady: Can't we get a sample?

Chairman McNulty: Well, if you can get a sample of the panel that you're proposing...

Mr. Henry: Okay.

Chairman McNulty: Okay. What else do we need to discuss about this at this point? It's kind of...We went through the trees. We got the location. We got the heights. I haven't verified the...What's your overall height for the gable? You have 18' to the...

Mr. Henry: That's the walls.

Chairman McNulty: the eve.

Mr. Henry: What, 22'? I think. Total height.

Mrs. LoGiudice: I don't think it has it on there [referring to the plans].

Chairman McNulty: I guess we also have to consider that your property's on a slope.

Mr. Henry: Okay.

Chairman McNulty: So technically, where is that height measured from? The low side?

Rich Williams: Yeah.

Chairman McNulty: So we're at the highest, highest point. So at the low side of the slope is where it would be measured.

Rich Williams: I'm taking it there are no dimensions on the plan you've got in front of you.

Mrs. LoGiudice: Which...

Chairman McNulty: Just...There's an 18' dimension on the wall height. But we don't have the additional...Give this to Rich.

Mrs. LoGiudice: So you're saying it starts at which slope?

Board Member Taylor: Well, that's what we're asking. Where does this...

Mrs. LoGiudice: I would imagine it would start at the edge...

Rich Williams: Well, it starts at the edge of the building, generally. You know, unless there's sharp slope behind it.

Chairman McNulty: Well, it sounds like you're going to be below the 35' ...

Mr. Henry: Oh yeah. Definitely.

Chairman McNulty: maximum.

Mr. Henry: Definitely.

Mrs. LoGiudice: Yes. Yes.

Chairman McNulty: Alright. Well, everybody ready to make a motion on SEQRA? I'll make a motion on SEQRA here. Ron, you're thinking.

Board Member Taylor: Yeah. I'm thinking about what it's going to look like.

Rich Williams: Sarah.

Ron Gainer: Let me steal that. Thanks. [referring to plans]

Board Member Brady: Well, I want to see a sample before I really do anything.

Board Member Taylor: Yeah.

Board Member Brady: I want to see what it's going to look like.

Board Member Taylor: I'd like to see...I guess we just ask for an elevation. But I think what I meant was what do you call it where you show it in place?

Board Member Ladau: A rendering?

Rich Williams: An architectural rendering.

Board Member Taylor: Right. Okay, a rendering. From [Route] 22. We're concerned about 22, the look of it, as you're driving down 22.

Mrs. LoGiudice: Okay.

Board Member Taylor: That's what I'd really like to see.

Chairman McNulty: Do you have a company selected yet to furnish the building?

Mr. Henry: Not yet. But soon.

Chairman McNulty: Will they work with you to provide some kind of rendering of two or three sides of the building; what it would look like and the color you'd select? Sometimes, some of these places you can do it on the internet.

Mrs. LoGiudice: We can do that. We can actually do that.

Board Member Taylor: Og, Insite can do that.

Mrs. LoGiudice: Insite can do that.

Chairman McNulty: Okay. Well, sometimes they'll do it for free though. That's what I'm saying.  
[Laughter]

Mrs. LoGiudice: Fair enough.

Ron Gainer: There you go.

Chairman McNulty: Not to cut you out.

Mrs. LoGiudice: Fair enough.

Chairman McNulty: Just to...

Mike Liguori: Tom wants to see it built.  
[Laughter]

Board Member Taylor: We can certainly set the public hearing.

Chairman McNulty: We could set the public hearing. And can you have that for the next meeting?

Mrs. LoGiudice: Yes.

Chairman McNulty: Okay.

Mrs. LoGiudice: We can do that.

Chairman McNulty: And then if public comes, they'll have a good eyeball on it, too.

Mrs. LoGiudice: Yes.

Chairman McNulty: Alright. I'll make a motion...

Board Member Brady: Just one thing, we need it ahead of time, though. We don't want to get it at the meeting.

Mrs. LoGiudice: Right. Yeah, you'll have it at...

Board Member Brady: You know, because seeing that drawing tonight, you know...

Mrs. LoGiudice: the submission day.

Board Member Brady: didn't give us a chance to look at it...

Mrs. LoGiudice: Right.

Board Member Taylor: Yeah. We need it at the work session.

Board Member Brady: for discussion.

Mrs. LoGiudice: We can give it to you at the submission deadline.

Chairman McNulty: Yeah.

Board Member Taylor: Yes.

Board Member Brady: Okay.

Chairman McNulty: Okay, I'll make a motion to set the public hearing for the application of Bill Henry Tree Service.

Board Member Ladau: Second.

Chairman McNulty: All in favor?

Board Member Taylor: For next month's...

Chairman McNulty: For the next...

Board Member Montesano: For November 5<sup>th</sup>.

Chairman McNulty: scheduled meeting.

Board Member Taylor: Okay. Aye.

*Motion carried by a vote of 5 to 0.*

- Chairman McNulty: Okay. So...What's that?
- Rich Williams: You didn't do SEQRA yet.
- Chairman McNulty: And you have to do that before a public hearing?
- Rich Williams: Well, no. You don't have to. But generally we encourage you to do SEQRA before the public hearing, yes.
- Chairman McNulty: Yeah, in this case though, everybody wants to see a piece of the sample.
- Board Member Taylor: We can do SEQRA at the work session.
- Chairman McNulty: We could.
- Rich Williams: I think you're getting a little backwards there.
- Chairman McNulty: I need a cheat sheet.
- Rich Williams: I understand that. But as far as SEQRA goes, I think... You've got the environmental assessment form. You know what the impacts are going to be to the site. I mean, you've got sufficient information...
- Chairman McNulty: We could work out the colors and details through the process, correct?
- Rich Williams: Right. What I heard the Board say the last time was they wanted to see an architectural rendering before they set the public hearing so that they knew what it was going to look like. So...
- Chairman McNulty: We did get an elevation. We have some sense of what it's going to look like. At least I can picture it. You know, it's what I do, so...
- Board Member Montesano: What, take pictures?
- Board Member Taylor: But...
- Rich Williams: So what I'm saying is...
- Chairman McNulty: We need to make a motion on SEQRA.
- Rich Williams: You've got enough information on SEQRA if you wanted to do SEQRA.
- Chairman McNulty: I'm fine with it. Make a motion in the application of Bill Henry tree Service for SEQRA to declare a negative determination.
- Board Member Montesano: Second.
- Chairman McNulty: All in favor? *Motion carried by a vote of 5 to 0.*

Chairman McNulty: Not in favor? Okay. All in favor.

Mrs. LoGiudice: Thank you. Is that it?

Chairman McNulty: You have anything else for us?

Rich Williams: You want anything else?

Mrs. LoGiudice: Not necessarily. Can I actually take that back and I can give you copies [referring to building plans and color detail].

The Secretary: Sure. Both of them?

Rich Williams: Why don't you let me go make a copy?

Mrs. LoGiudice: If you don't mind, that would be great.

Rich Williams: Okay.

Mrs. LoGiudice: Thank you. Thank you very much.

Chairman McNulty: You're welcome. Thank you.

Board Member Brady: (inaudible) I say no.

Chairman McNulty: Well, you hesitated. You have that right. Yeah, I have this, Mike.

Board Member Montesano: I know. You just got to use it.

[Laughter]

Chairman McNulty: It doesn't give you the sequence though.

Board Member Montesano: You want everything?

Chairman McNulty: Yes.

Board Member Montesano: Mark it down then.

(Inaudible – too many talking).

Board Member Taylor: Too much going on.

Mr. Henry: Bye.

Board Member Brady: Bye-bye.

Chairman McNulty: Okay. Goodnight, Bill.

## 5) PLCT/SEE LOT LINE ADJUSTMENT

Chairman McNulty: And we have the...Let's wait for Rich for a minute. The lot line adjustment. This was a plat that it was not filed in time; the 62 day deadline. And it has since been re...I don't know. It's not really reapplied. What's the case of this?

The Secretary: Reapprove.

Board Member Montesano: It's got to be a redo.

Chairman McNulty: It's...Does anybody have any questions on this before we move forward?

Board Member Taylor: No. I've got no problem.

Chairman McNulty: Okay.

Board Member Taylor: You just want to do it?

Chairman McNulty: You want to do the resolution?

Board Member Taylor: Yeah. I've got it right here.

Chairman McNulty: Okay.

Board Member Taylor: In the matter of Raymond and Nicole See, 501 Farm to Market Road, and the Putnam County Land Trust Lot Line Adjustment, motion to adopt the resolution with 6 general conditions, 62 day approval...

Ron Gainer: It says 2015.

Rich Williams: Yeah, what about it.

Ron Gainer: (inaudible – too distant).

Rich Williams: Oh yeah. It's got to be fourteen. It's got to be fourteen.

Board Member Taylor: And Rich wanted to point out which one? Six. General Condition number 6 needs to be emphasized to those who are doing the filing.

Chairman McNulty: Do I have a second?

Board Member Montesano: Second.

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

Board Member Taylor: Do we have to SEQRA again on this? We've done it once.

Rich Williams: Lot line adjustment?

Chairman McNulty: Yeah.

Board Member Taylor: Yeah.

Rich Williams: Did you just do the resolution?

Chairman McNulty: Yes.

Board Member Montesano: Yeah.

Rich Williams: Too late.

[Laughter]

Board Member Taylor: Well, we already did SEQRA, right? We don't have to redo SEQRA, do we?

Rich Williams: No, you're right.

Board Member Taylor: Yeah.

Rich Williams: That's why I took it out.

Mike Liguori: A lot line is a type 2, so you don't have to do it.

Rich Williams: Why is it a type 2?

Mike Liguori: On residential property, a lot line is a type 2 action.

Chairman McNulty: It's just a procedure.

Board Member Taylor: But he wasn't here. So...

Chairman McNulty: It just a reset.

Board Member Taylor: Yeah.

Rich Williams: A lot line varies.

Mike Liguori: No, a lot line adjustment.

Board Member Montesano: You want it on everything? This makes it interesting.

Board Member Taylor: Okay.

Chairman McNulty: Okay.

- Board Member Taylor: Still no one from Patterson Auto, huh? So...
- Ron Gainer: (Inaudible – too distant).
- Board Member Montesano: Table it.
- Board Member Taylor: Table it for a month.
- Board Member Brady: Yeah.
- Board Member Montesano: If they can't get here...
- Board Member Taylor: to answer our questions. So what do we... We need a measurement of the existing sign, right? Is that what we need then?
- Chairman McNulty: We should...
- Board Member Brady: Existing signs.
- Mike Liguori: Most people think that...
- Chairman McNulty: Yeah, there's two signs.
- Board Member Montesano: You need the existing sign. You need what the sign is going to look like.
- Mike Liguori: [Inaudible – too many talking – having side conversation with Rich Williams].
- Board Member Montesano: You want to know is it going to be lit internally? Externally? What is he doing? Is it a digital sign? Is it not?
- Chairman McNulty: Also the height of the sign.
- Board Member Montesano: You've got to know... Well, the size of the sign will give the height and the width and hopefully...
- Chairman McNulty: Well, I brought this up once before, I don't remember, Rich, is there a height restriction for the sign in the Town? I guess 35' would be the restriction, right?
- Mike Liguori: Not necessarily.
- Board Member Montesano: Not necessarily because it's not a house... it's not a building.
- Board Member Taylor: Yeah, it's not a building. Well anyway, yes. So he needs to clarify...
- Chairman McNulty: Rich, we're discussing Patterson Auto Body. Is there a height restriction for a monument sign?

Rich Williams: Generally, we apply the maximum height of any structure that we have listed in our Zoning Code.

Chairman McNulty: That's what I thought.

Rich Williams: So you're not going to go higher than that.

Chairman McNulty: Yeah.

Rich Williams: But...

Chairman McNulty: It's just the signs now are not very high.

Rich Williams: It's a grey area. Yeah, no. You've got nothing that high and nothing that big.

Chairman McNulty: Yeah. And personally, I wouldn't want to see it go high. So we were just saying, we need to know how big the existing signs are. Exactly where it's located.

Mike Liguori: What would you consider a lot line variance?

Board Member Montesano: We don't have that.

Rich Williams: If somebody needed a variance: side, rear...

Chairman McNulty: You guys want the mike [referring to Rich Williams and Mike Liguori using the microphone].

Rich Williams: front yard line.

Mike Liguori: Isn't that a setback.

Board Member Montesano: It's a private conversation.

Rich Williams: Yeah.

Chairman McNulty: Okay.

Ron Gainer: I'll take it...

Chairman McNulty: Alright, so this is tabled for a month. Maybe we'll get some information from them on what they want to do. Yup.

Mike Liguori: When I read it...

## 6) OTHER BUSINESS

Chairman McNulty: Brings us to other business.

Ron Gainer: Not as clear to you as you thought.

Mike Liguori: Yeah. No, I'm always the first person to say if I'm wrong, but I...I'm sorry guys.

Rich Williams: And I brought it out so you could show me I was wrong.

**a) Ice Pond Estates – Revised Resolution**

Board Member Taylor: Do Ice Pond.

Chairman McNulty: No, we wanted to ask Mike about the 90-day running...

Board Member Taylor: Oh, oh, oh.

Chairman McNulty: addition.

Board Member Taylor: Yeah, Rich sent us that...

Chairman McNulty: Note. We have Ice Pond Estates. We want to extend their...

Mike Liguori: Alright, so I think Rich and I...

Chairman McNulty: Hold on. Hand him a mike.

Board Member Montesano: Hand Mike the mike.

Mike Liguori: I think Rich and I are on the same page. I think about what the particular issue is.

Rich Williams: Stupid is as stupid does.

[Laughter]

Board Member Montesano: That's an issue. I thought it was...

Board Member Ladau: Turn that into a motion.

Mike Liguori: So Neil Alexander's concern is that fact that the section of Town Law that's been amended to grant...to give the Planning Board the authority to grant, basically, unending extensions of site plan or subdivision approval. Neil's issue is that they've been granted a 1-year extension, but the Code provision says that it could grant 90-day extensions, so he's asked us to readjust our last resolution to grant four 90-day extension or to consider it to be extended until such time as, if I have it worded correctly, until they decide that they're not going to grant anymore extensions. I don't know. I think we've resolved that they...we just grant four 90-day extensions at one time.

Rich Williams: Yeah. And then they raised the valid point that, well, if it mattered to the State to set 90 days, do they have the authority to grant more than one 90-day extension at a time?

[Laughter]

Mike Liguori: I'll tell...

Chairman McNulty: That's where you came into the picture.

Mike Liguori: Yeah. You know...

Rich Williams: Yes. One of them.

Mike Liguori: I've asked for, and have been granted, multiple year extensions based the revision to the Code. I think the only person who is even questioning it was Neil. I think you guys were within your right. But...

Rich Williams: If I could cut to the chase...

Mike Liguori: Yeah.

Rich Williams: Anything you want to do is legal till somebody challenges it and the judge says otherwise.

Mike Liguori: Yeah. I...

Rich Williams: Pretty much.

Chairman McNulty: So if we're not putting the Town in hot water, does anybody have an objection to four 90-day extensions to run...

Board Member Montesano: Yeah. And that gives us...

Board Member Ladau: Consecutively.

Board Member Montesano: nothing to do for three of those 90-day periods.

Board Member Brady: Not consecutive.

Board Member Ladau: Yeah, consecutively.

Board Member Brady: Not...

Mike Liguori: Wouldn't it be better...

Board Member Taylor: If Neil wasn't charging these guys, I'd say make him come every 90-days and get a new one.

Mike Liguori: It's up to you. Do you want it on your agenda every 90 days?

Board Member Taylor: But he's going to charge these guys...

Chairman McNulty: Yeah.

Board Member Taylor: which is unfair to them, so...

Chairman McNulty: My concern is we're not doing something that's invalid or illegal.

Board Member Brady: Wouldn't we be better off doing it 90-days. Then next month do another 90-day. And then, you know...

Chairman McNulty: To do four.

Board Member Brady: To do four.

Chairman McNulty: Yeah.

Mike Liguori: Well, that's where Neil had resolve. Neil had said instead of granting one-year, give me four 90-days. And Rich and I wrote back, well, we basically got back to him and said what's the difference?

Board Member Brady: Yeah.

Mike Liguori: You know. I mean...

Board Member Brady: No, I'm just saying instead of doing it all in one shot...

Mike Liguori: Well, you can. You could have it, you know...

Rich Williams: Then Neil's, as Ron said, Neil's going to make a lot of money writing letters.

Chairman McNulty: Let me ask you, when does this extension actually start? Because we granted him one year, you said.

Board Member Taylor: Puts him behind.

Rich Williams: I don't have it in front of me.

Board Member Taylor: He's behind already.

Chairman McNulty: So...

Board Member Taylor: He came in late with it, didn't he?

Board Member Brady: Well, if there's no problem, then I would say just do it and be done with it and move on.

Board Member Taylor: Do the four. Yup.

Chairman McNulty: In the matter of Ice Pond Estates, I make a motion to grant four 90-day extensions to run consecutively.

Board Member Brady: Second.

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

Chairman McNulty: And condition on the 90-days, the first 90-days, starts when the last one expired or is about to expire.

Mike Liguori: That's correct.

Chairman McNulty: Okay.

#### **b) Hebert Site Plan**

Chairman McNulty: Moving on, Hebert Site Plan. I see the Planning Board recommendation was sent and the Code Enforcement Officer acted; sent the land owner a letter. And we'll see where that goes from there.

Board Member Taylor: Well, he did more than send him a letter.

Chairman McNulty: Well, he sent him a violation.

Board Member Taylor: Sent him a violation.

Chairman McNulty: A Notice of Violation in a letter.

Board Member Taylor: And when are you going to court on him again?

Rich Williams: I don't know. I didn't look at it.

Board Member Taylor: Oh.

Chairman McNulty: Have you heard anything back from their engineer?

Rich Williams: Nope.

Chairman McNulty: No. So you don't know if he conveyed our last meeting's message to him.

Rich Williams: Nope.

Chairman McNulty: Okay.

**c) Zoning Amendment – Bed & Breakfast**

Chairman McNulty: And that next brings us to Zoning Amendment – Bed and Breakfast. We kicked this around quite a bit the other night. Rich, I think we gave you some information to work with so far to start drafting...

Rich Williams: Yes.

Chairman McNulty: additional to...

Rich Williams: Yup. Started working on a recommendation.

Chairman McNulty: Some of the things we talked about, because there's a current applicant out there or a person of interest, to put a restaurant in with a bed and breakfast. And we talked about that. I had sent some thoughts out on that and had some response back on it. And I don't know, maybe my intent is...wasn't conveyed properly. What my thought is, is if a bed and breakfast is in existence and they serve food at a bed and breakfast style manor, if they wanted to open up and serve some breakfast or lunch to the local public, or any of the public, in that manor, in the bed and breakfast situation, I don't have a problem with it. I just threw out some ideas on how to maybe guideline it; put it together. And my thought is you just...not a significant help, but it helps the landowner, the bed and breakfast operator, have a little more option a couple days a week. And it opens it up to the local people, not just tourists.

Board Member Ladau: Tom, the problem is twofold: Number one, putting in a restaurant in a residential area where....

Chairman McNulty: Well, that's where I...

Board Member Ladau: it's commercial...

Chairman McNulty: Maybe I'm being misconstrued. I don't want to see it as a restaurant. But if it's a bed and breakfast and it seats 12 people, and on Monday to Wednesday they have no guests...

Board Member Taylor: But the applicant requested whether...They wanted to put in a restaurant. They didn't want to put in something like a bed and breakfast eating facility. So I think we need to address this as the Code is currently configured for restaurants. And are we covered? Can they have a restaurant in the Hamlet? Anywhere in the Hamlet?

Rich Williams: In the GB Zoning District, they can have a restaurant.

Board Member Taylor: Only in a GB.

Rich Williams: In the GB Zoning District.

Board Member Taylor: Alright.

Chairman McNulty: Not in a residential.

Board Member Taylor: And not in a residential.

Chairman McNulty: No.

- Board Member Taylor: Okay. So they're not covered. So we...And they would have to go to Zoning to get...Can they get it waived?
- Rich Williams: Yes. They can go to Zoning but it would be probably an impossible hurdle...
- Chairman McNulty: Within a residential district.
- Board Member Ladau: Yeah.
- Rich Williams: For them to prove the statutory requirements for getting...
- Board Member Taylor: Right.
- Rich Williams: a use variance.
- Board Member Taylor: Yeah. So it looks...It...
- Rich Williams: And if you're going to go down that road, you know, why not just change the zoning which is what's under consideration?
- Board Member Taylor: Yup.
- Chairman McNulty: Well, I also attached...I've been to Saratoga several times; it's full of bed and breakfasts. And well done.
- Rich Williams: Next week.
- Chairman McNulty: And I was just curious to how they wrote and they broke it out. They had one that that was called a corridor bed and then a neighborhood bed and breakfast which I thought was interesting. But a neighborhood didn't have events. Didn't, you know, couldn't have weddings or any of those types of things. Which I think is what fits our Hamlet. We don't have any space provided big enough within the Hamlet, that I know of, that would allow a place to have events of a big magnitude. So, I don't know if that's something we want to entertain. Maybe outside there's a bed and breakfast within the Town that could be a corridor style where they have events. Maybe something by the farm out on East Branch Road or within that...
- Rich Williams: There's a blue house over there, maybe. It's got a pool.
- Chairman McNulty: So Rich, from our work session, can you summarize what you have so far that we can recommend to the Town Board or not off the top of your head.
- Rich Williams: Can you give me five minutes.
- Chairman McNulty: Sure, it's early still. Just because I don't want this to drag. I want us to be able to come to a consensus...
- Rich Williams: Why don't you go on to whatever's next and I'll pull my notes.
- Board Member Taylor: Well, we can go on with what...

Rich Williams: Teddy's here. You want to adjourn?

Board Member Montesano: Yeah. Why not?

Ted Kozlowski: Late night.

Board Member Taylor: They wanted to recommend....recommendation on bed and breakfasts...

Ted Kozlowski: Late day of work, guys. Sorry.

Board Member Taylor: restaurants, antique store...

Ron Gainer: They weren't giving you up.

Board Member Taylor: and...

Board Member Ladau: And party palace.

Board Member Taylor: Party palace. Alright. It seemed like we were all pretty well convinced that it was inappropriate for events.

Chairman McNulty: Yeah.

Board Member Taylor: And the other problem is, apparently, there's no Town Code on events so you'd have to write another section of Code about that which we may not want to get into.

[Laughter]

Chairman McNulty: Not right now.

Board Member Taylor: Antique store, where do we stand on that? Is it permitted? Well, we'd have to ask Rich if...

Chairman McNulty: Well currently, it...

Board Member Taylor: Would it be permitted in this zone?

Chairman McNulty: It's currently a residential zone.

Board Member Taylor: Or would that be GB again?

Mike Liguori: No. I think he'd have to be in GB.

Chairman McNulty: GB.

Board Member Ladau: Within General Business.

Chairman McNulty: For any kind of retail operation.

- Board Member Taylor: But we could recommend that the zone be changed to GB.
- Board Member Ladau: If we want to rezone. And is that spot zoning as opposed to a...
- Chairman McNulty: No.
- Board Member Taylor: No.
- Chairman McNulty: That's within our prevue to be able to craft our Code.
- Board Member Taylor: Yeah, and it would simply be extending. And it's already to the building next door.
- Mike Liguori: As long as you, you know, if the Comprehensive Plan is silent...
- Chairman McNulty: (Inaudible – too many talking).
- Mike Liguori: then you have to amend the Comprehensive Plan as a part of the rezoning.
- Board Member Taylor: Probably not because the driveway is (inaudible – too many talking) I'm just saying, in terms the way the Hamlet works.
- Chairman McNulty: It looks like there's three houses. Well, six houses that might be...
- Board Member Taylor: But they're set back.
- Chairman McNulty: Across the street would be concern, too.
- Board Member Montesano: And you also have the ones going up Cornwall Hill which is right there. From the acreage he has, you're going to put in an antique shop. Alright. Now we got to worry about parking. What if he has this bargain sale and 30 people show up, where do they park? The next thing is if you have the restaurant in there, where do they park? What happens if he has all the rooms in the house full and now he wants to have an event, where do they park? Where?
- Board Member Taylor: I think those are issues we deal with on a site plan basis.
- Chairman McNulty: Yeah, but we're just looking to recommend for Code now.
- Board Member Montesano: Right. But the object is you have a residential area.
- Board Member Taylor: Yes.
- Board Member Montesano: You're going to put a commercial business in a residential area, no matter how you look at it, that's what it's going to be. And they want to go from a bed and breakfast, which is Point A. Now we're going to B. We want to have also a restaurant. We want to have an antique shop. We want to make a village. Why don't we just take a mall and put it in there?
- Chairman McNulty: Well, to slow down a little but, we are in a Hamlet and the Hamlet is generally an area where there is commerce and residence.

Board Member Montesano: Yeah, but that...

Board Member Taylor: It's mixed use.

Board Member Montesano: When you have... Alright, when the original one was the Hamlet ended there, alright. Now it's been extended to Cross Road and up in that area. So what was previously done was not... It wasn't allowed before. Not if this thing is extended. You've got residential all through there. All these years and now we've extended it and now we're going to take a chance on putting in a business type thing. The object is if you want a business, put them in a business area. There's plenty of open space and there's plenty of places that you can put it in a building.

Chairman McNulty: Well, I don't think we're talking about putting in a strip mall. We're talking about...

Board Member Montesano: It's the same... Well, you're going to put four... We're going to have...

Chairman McNulty: The thing we have to be concerned with, if it converts to general business, then we do open it up to more retail. That's why...

Board Member Montesano: Yeah. So now you're going to sit there and take a residential area and you're going to make it like Thunder Ridge. Now we're going to have four, five different... Now, what happens if we get it... if we approve having an antique shop and a restaurant and a whatever. Now I want to have... I'm going to sell the business. I sell you... get the bed and breakfast and he gets the antique shop and he gets the restaurant.

Chairman McNulty: Well, we're talking about one site in particular there.

Board Member Montesano: But it's also...

Board Member Ladau: Yeah, but that's what Mike...

Board Member Montesano: opening up Pandora's Box.

Board Member Ladau: Yeah.

Board Member Montesano: You're going to sit there and take a residential area and make it into a business area.

Chairman McNulty: Well, I don't think that's unreasonable for within the Hamlet area.

Board Member Montesano: I think it's unreasonable for that location to tell me that you're going to put four businesses in an area that's, what? Three acres?

Board Member Brady: I agree. I think...

Chairman McNulty: I don't think the Board is for four business within that lot. We all know that lot is constrained. What we're looking to do is be able to craft something to allow something to happen there.

Board Member Montesano: To craft it to what it...the size is. If you want a bed and breakfast, okay. Do you need a restaurant in it? No. If the guy can't make it as a bed and breakfast, then he'll sell it to the next person. Do you need an antique shop in there? We have plenty of places that are along [Route] 22 that were antique areas. Now you're going to put one right in the middle of Town. You sit there on...tonight and watch how long it takes you to come out of Cornwall Hill. You going to put a traffic light there?

Chairman McNulty: No. I don't think there's one necessary there. Let's...I think we're getting off track though for what we're looking to do. We're looking to create code to allow a bed and breakfast, correct? We already have a restaurant code.

Board Member Taylor: No, no, no. We're looking to do two different things. We're looking to create code for bed and breakfast, correct. But we're also looking for a recommendation to the Town on these four uses for this particular site.

Chairman McNulty: For the zoning.

Board Member Taylor: So I think Mike is on track, in that sense.

Board Member Brady: I agree with Mike. I think that as far as a recommendation to the Town Board, I'd be definitely in favor of it being a bed and breakfast.

Board Member Ladau: Yeah.

Board Member Brady: I'd question whether the restaurant would fit in there on top of that.

Chairman McNulty: I agree with you on that one.

Board Member Brady: Okay. But the other things they want, no. Absolutely not. I think it's too much for the area. I think there's too many negatives, not enough...no positives. See how we go.

Board Member Ladau: Can we call the question? I mean, we're sort of repeating ourselves from the work session.

Board Member Taylor: Well, I think...

Chairman McNulty: Well...

Board Member Taylor: One thing, when we talked about other locations for bed and breakfasts in Town, we named a couple of areas and then we back track because of the roads. Alright. We want to encourage businesses in Town. This is a form of business in Town. It may not fit our model of what...or the history of business in Town in terms of lining [Route] 22 with shops. But that hasn't been particularly successful up to this point. And there is a prior history in Town from some of these larger houses to have been inns more than bed and breakfasts because they had restaurants attached to them.

Chairman McNulty: Several buildings in Town that used to act as inns, correct?

Board Member Taylor: Yeah. Well, and boarding houses and all kinds of things. So I'm just concerned that we might not be straightjacketing ourselves here. I mean, it's one thing to say for this site it's inappropriate for these reasons. But to lay it on in the Code in such a way that we're denying review for other sites because they're on some kind of a road...

Chairman McNulty: Yeah, and that's where I thought the Saratoga definitions were interesting because they separated one from a larger event type bed and breakfast...

Board Member Taylor: Yeah.

Chairman McNulty: to a neighborhood bed and breakfast.

Board Member Taylor: Well right now, we're talking about small scale bed and breakfasts.

Chairman McNulty: Small scale, neighborhood style.

Rich Williams: But if I could jump in here, it's the geometry of the road which is the driving factor in not considering bed and breakfasts or any sort of commercial activity along those roads. I mean, the two roads of...the roads we were talking about is Bullet Hole and South Quaker Hill Road. And South Quaker Hill Road, the geometry of that intersection coming out onto [Route] 22...

Board Member Taylor: Yes. But...

Rich Williams: is incredibly dangerous with the traffic that's coming out of there now. Any sort of increase in the intensity of use along that road which would generate more vehicle traffic coming out at that intersection, needs to really be considered hard.

Board Member Taylor: But we'd also talked about Birch Hill. We talked about locations around Town that would fit, you know, the blueprint we have created for bed and breakfasts.

Rich Williams: Mmhmm.

Board Member Taylor: And then we backed off by saying, well no. The roads are too small. Bullet Hole, because of where it's located on Bullet Hole, may certainly be a problem. But that would be a site specific denial, same with South Quaker Hill. Be site specific denial rather than writing it in the Code that any Town Road or any is...You can't have a bed and breakfast on it.

Rich Williams: Yeah, but...

Board Member Taylor: We put 80 units on Bullet Hole Road with at least two cars and maybe three cars. So it's not Bullet Hole Road itself, it's the fact that it's that curve on Bullet Hole Road.

Rich Williams: It's that whole area. It's that whole section coming up to Ice Pond Road.

Chairman McNulty: Yeah. It's the narrowest part of the road.

Rich Williams: Yeah.

Board Member Taylor: So...

Rich Williams: After you get around over by Fox Run, after you get over by [Interstate] 84, the road...the geometry of that road is entirely different. But, you know, I'll ask Mike to weigh in on this that, you know, if you create a code that says this is what you can do, to actually deny something that meets

those code requirements is damn near impossible. So once you say it's okay to put bed and breakfasts on Town roads without any sort of qualifier...

Board Member Taylor: Well, then we put in qualifiers. I mean, that's the point of SEQRA, is it not?

Chairman McNulty: That's where you can't think of all of them. That's the hard part.

Rich Williams: No, that's not the...No. It's not the point of SEQRA.

Board Member Brady: But do you have to...This all came up from this one place. Do we have to create a code for bed and breakfasts? Or can we deal with it as they come up individually? Do you have to have a specific...

Rich Williams: My recommendation is you stay focused on the Hamlet right now. That's where the request is.

Board Member Brady: Right.

Rich Williams: Right? So you can evaluate this particular area.

Board Member Brady: Right. But I mean, I just don't think that writing a code for bed and breakfast right now for the whole Town, or for certain areas of the Town, is...works because you've now backed yourself into a corner.

Rich Williams: Right.

Board Member Brady: How are you going to...

Rich Williams: And I still have my, you know...Just my personal concern about all of this, I think if we can have bed and breakfast in the Town that would be great. But...

Board Member Brady: Oh, I absolutely agree.

Rich Williams: you know, what happens is people, you know, have all the best of intentions and they move forward and they, you know, invest substantial amounts of money, it doesn't work. Well they still have that investment, you know? So they're going to do what they have to do to recapture that investment, even if it's not in compliance with the Code. Case and point, we have a road over in Putnam Lake, South Lake Road. Very tight residential area over in Putnam Lake. Very small lots. Very small houses. Somebody grabbed one of the houses and turned it into a psychiatric outpatient house. I would...We're trying to get them out.

Board Member Brady: Good luck.

Rich Williams: Yeah.

Chairman McNulty: So, we're looking at several issues here. One is bed and breakfasts: How do we craft it to create a code to allow bed and breakfasts within the Hamlet. Start with the Hamlet. The other thing is a recommendation to the Town Board about a zoning change within the Hamlet to allow additional services of restaurants, antique shops, that kind of thing. Am I correct?

- Rich Williams: Right now, the GB Zoning District, you can have an antique store, you can have a restaurant. Might even be able to get, you know, push the envelope with an event based business in the GB District.
- Chairman McNulty: But the only GB in that area is that one building at the corner of Patterson Village.
- Rich Williams: Well, then you come down to Sauro's Deli. Everything...
- Chairman McNulty: Well, down along [Route] 311 I understand. But on the outer limit of the Hamlet, that's the last GB...
- Rich Williams: Right.
- Chairman McNulty: section. So I think we can all say we're in agreement that... Well, I don't know if we can all say, but not to turn additional properties beyond Patterson Village into GB. Because those are all houses there. To keep it residential. But yet, and then to look at bed and breakfast, if we can have a bed and breakfast and allow and bed and breakfast to operate within a residential area, but just a bed and breakfast, and limit the rooms and, you know, cap the guest size. And again, site specific. You know, the site has to work for that. There has to be parking. Has to be sewage. Any thoughts on that?
- Board Member Taylor: Well, that's going to come before review, isn't it, for a site plan?
- Rich Williams: Yes.
- Chairman McNulty: If it works.
- Board Member Taylor: Do they have to do a site plan?
- Rich Williams: Typically, any nonresidential use has to come in for site plan.
- Board Member Taylor: So we deal with parking and...
- Board Member Brady: So you get a shot at it then.
- Board Member Taylor: driveways and all of that at that point.
- Chairman McNulty: Yeah, but even if we craft something that's a bed and breakfast, neighborhood style bed and breakfast in a residential area, we should require that to be up for site plan as well.
- Board Member Taylor: Well, he's saying it would be. That's what I just asked.
- Board Member Montesano: It would be.
- Chairman McNulty: Yeah, but it's in a residential... But it's a nonresidential use, so it would be up for site plan.
- Board Member Taylor: Yes.

Chairman McNulty: Okay.

Board Member Taylor: Yes. That's what he just said.

Chairman McNulty: Yup.

Board Member Taylor: So, I think bed and breakfasts, we're satisfied with the code so far.

Chairman McNulty: Well Rich, give us what you came up with from the meeting the other night.

Rich Williams: Alright. Generally, the Planning Board felt that bed and breakfasts are not incompatible with residential use. They opine that they can initially setup bed and breakfast as a special use permit in the Hamlet with consideration of a floating zone for bed and breakfasts outside of the Hamlet. Board would like to see a minimum useable area of land defined for bed and breakfasts. There should be 14 bedrooms, maximum, for a bed and breakfast. And they should be houses that were built prior to 1900.

Chairman McNulty: Six bedrooms max.

Rich Williams: Six? You sure?

Chairman McNulty: Well, that's what we said.

Rich Williams: Okay.

Board Member Taylor: Mmhmm.

Chairman McNulty: You just checking us?

Ron Gainer: Yeah, he must have been pushing you there.

Mike Liguori: That must be the Board...

Chairman McNulty: You had Ron and I looking at each other going what's he talking about?

Board Member Montesano: The dog house is not considered a bedroom.

Board Member Taylor: He's got some other place inclined, doesn't he?

[Laughter]

Board Member Taylor: Some place he hasn't told us about.

Chairman McNulty: Does it have metal siding?

Rich Williams: Bed and breakfasts should not have more than two employees at any given time. That's what I've got.

Board Member Taylor: Right. Plus...

Chairman McNulty: And...

Rich Williams: Oh, and the issue with the bathrooms that I forgot to...I just...

Chairman McNulty: Bathroom per...

Rich Williams: That you want a bathroom per...

Board Member Montesano: Per unit.

Chairman McNulty: Per guest room. And then also, would it be addressed in there that that use would be allowed in a residential or GB. Obviously GB it would be, but residential as well?

Rich Williams: We can do it in the GB. No, that was not something.

Chairman McNulty: Something that needs...

Board Member Taylor: But your introductory mark was that we felt that it should...

Chairman McNulty: Special use.

Board Member Taylor: That bed and breakfasts were not incompatible with....

Rich Williams: Incompatible with residential uses. Yes.

Board Member Taylor: residential.

Rich Williams: Yes. That's what you had said...

Chairman McNulty: Got you.

Rich Williams: at the last meeting.

Board Member Ladau: Yeah.

Board Member Taylor: Yeah. So that's...Yeah. And then of course, we have no problems with the rest of the Code as he drafted for us, do we?

Board Member Ladau: No.

Chairman McNulty: No, I don't.

Board Member Taylor: Yeah. So you fit this in the context of what you had already said.

Rich Williams: Right.

Chairman McNulty: Okay. And as far as a recommendation about changing the zone, I don't think we're...We're not going to recommend to the Town Board that beyond Patterson Village gets changed to a GB District. Is everybody in agreement with that?

Rich Williams: That was just one way to skin the cat.

Board Member Brady: Right.

Rich Williams: So...And you're not in favor of...

Chairman McNulty: That will...

Rich Williams: You're not in favor of antiques, restaurants and events on the site.

Board Member Montesano: On that particular site.

Chairman McNulty: On that particular site. We're not opposed to that within the Hamlet, but...

Rich Williams: Right.

Chairman McNulty: it's...Within that site, we think it's constrained...It's two acres. I mean, how much you going to get on there?

Board Member Brady: Yeah. It's too much.

Board Member Taylor: And no special events. Right?

Chairman McNulty: Or just no events.

Board Member Taylor: Yeah. Well here, it's special events.

Chairman McNulty: Is there anywhere that you could identify within the Hamlet that would be adequate for events of 100 people?

Board Member Montesano: Yeah.

Chairman McNulty: Within the Hamlet?

Board Member Montesano: Mathew Patterson School.

Chairman McNulty: Yeah. Well, the fire department.

Rich Williams: Yeah. I mean, you can do something at the fire department with a lot more than 100 people. Mathew Patterson, Recreation Center, if you're looking at that type. But if we're focused on...

Chairman McNulty: Bed and breakfasts and...

Rich Williams: houses that might suffice as bed and breakfasts, it doesn't...

Chairman McNulty: I would say off the top of my head there isn't a place for it.

Rich Williams: It doesn't meet the 1900 requirement. But Joe Plaskett's house. Joe Plaskett. Right across the street from you.

Board Member Montesano: Yeah. I'm trying to think.

Chairman McNulty: Where? Way up on the hill there?

Rich Williams: Yeah. He's got the big, sweeping lawn.

Chairman McNulty: Oh, it's just...Yeah. It sits up on the hill.

Board Member Montesano: Yeah. He could probably get enough parking in there.

Board Member Taylor: That's a different issue.

Board Member Ladau: What about that open space area behind the Board of Education Building here in Town?

Board Member Montesano: I don't know if his neighbors would appreciate it too much.

Rich Williams: Mathew Patterson School? Or are you talking about the Town land?

Board Member Ladau: I'm talking about the Town land.

Rich Williams: On West Street.

Board Member Ladau: I guess.

Chairman McNulty: It's a vacant lot. It's a big lot.

Rich Williams: Backs up to a residential house.

Board Member Ladau: Yeah, that great, big vacant lot.

Chairman McNulty: Across from the administration...the little red school house?

Board Member Ladau: Yeah.

Board Member Brady: That's...

Chairman McNulty: That's the Town.

Board Member Brady: park...That's Town parkland, right?

Rich Williams: Yeah.

Board Member Ladau: Yeah, but to hold an event in there, it would not be a problem, would it?

Rich Williams: You have to drive through a residential neighborhood. You're backing up to all the residential properties up there. What kind of event? There's no building on the site.

Board Member Ladau: No.

Board Member Brady: There's no power. If anything...

Board Member Montesano: A tent.

Board Member Ladau: Yeah.

Board Member Brady: If anything, you can create a parking lot there.

Board Member Ladau: But there's no building on the fire department's site if you think about it.

Board Member Brady: It's just good for sleigh riding.

Board Member Montesano: We'll make it a safari.

Rich Williams: What.

Board Member Ladau: Yeah. There's that whole front lawn.

Rich Williams: No...

Board Member Ladau: that fronts on [Route] 311.

Rich Williams: Yeah, but you've got a building and a pavilion.

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

Board Member Taylor: Right, well...

Rich Williams: Unless I'm losing myself. I do that. I don't know.

Ron Gainer: Well, you almost lost it a billion years ago but it's still there.

Rich Williams: Yeah.

[Laughter]

Chairman McNulty: We're you going to say something, Ron?

Board Member Taylor: Yeah, I was asking...I was thinking about specific objections we had to operations on this site. What do we have in the Code as we wrote it to deal with hours of operation so that they don't have people sitting out late at night barbequing, things like that?

Chairman McNulty: Is that in the bed and breakfast particular?

Board Member Taylor: Or is it covered as part of site plan review or...

Rich Williams: That would be with a site plan, you can set hours of operation.

Chairman McNulty: We can call it quiet hours for a bed and breakfast.

Mike Liguori: Those would be the...your...

Chairman McNulty: Between 9 [p.m.] and 9 [a.m.] or something. Nine and 8 [a.m.]

Mike Liguori: You have it as a special permit. Or...I guess it doesn't matter which way you skin the cat, but in the special permit language of the Code if your, you know, we have the ability to draft it from scratch. Then you might say that the following activities may be limited based on site specific criteria. You know, hours of operation. You know, outside or congregating outside. Thing like that. Lighting or, you know, your nuisance neighborhood concerns could all be...

Board Member Taylor: Right.

Board Member Montesano: Well, you got a pool on that particular site.

Board Member Taylor; Yes, you do.

Board Member Montesano: Now you're going to sit there, let's say you have the operations or you have quiet hour after 10 p.m. because what happens if the guy doesn't...he's there stopping by and he decides he's going to use the pool at 12 o'clock at night and starts singing and having a great old time because...

Chairman McNulty: Well then he'd be in violation of the quiet hours.

Board Member Montesano: Would he?

Rich Williams: Well how about you have an open pit burn with the guitar player.

Board Member Montesano: Yeah, he can do that, too. Why not.

Board Member Taylor: Right. I'm just asking, are we covered somewhere else for that or do we need to write it into this?

Mike Liguori: Um...

Board Member Taylor: You had barriers in your draft, didn't you, about putting up...

Chairman McNulty: For screening.

Board Member Taylor: screening.

Chairman McNulty: And that kind of thing.

Rich Williams: Screening.

Board Member Taylor: Yeah, you had that in.

Rich Williams: Yeah.

Board Member Taylor: Alright. So do we need to add the noise and the...

Mike Liguori: I just have to take a look at the...your site plan...our regular site plan requirements. There are a lot criteria for review under our site plan requirements. But we want to just compare that to the use to make sure that we pick up anything. And, you know, even if it's not delineated specifically, you know, as in the hours must be x, y, and z, we can give the enabling legislation as part of the special permit to say upon the issuance of a special permit, the Board will analyze the following criteria: hours...

Board Member Taylor: Yeah.

Mike Liguori: lighting, sound.

Board Member Taylor: Okay.

Mike Liguori: This, you know, and list them. And that gives you guys... You could say well, we have the ability to look at what goes on outside. So we're going to look at what goes on outside.

Board Member Taylor: Alright, so...

Chairman McNulty: And this recommendation is solely...we're talking about the Hamlet area itself. And Rich, the Hamlet is fully designated; there's a true map?

Rich Williams: It's not designated but it's defined.

Chairman McNulty: It's defined on a map, the Hamlet? So that's the word I'm looking for.

Board Member Taylor: Oh, he's in fighting form tonight, isn't he?

Chairman McNulty: I'm getting tired.

Rich Williams: I don't know. Maybe it's just late.

Board Member Taylor: Okay.

Board Member Brady: You could smack him.

Chairman McNulty: Hey, I'd hate to pass it and find out well we... You know, Patterson and Southeast don't line up.

[Laughter]

Chairman McNulty: I have to ask.

Board Member Montesano: You're getting very picky.

Mike Liguori: In case you guys...If you want to feel better, most towns don't. So...

Chairman McNulty: Don't what?

Mike Liguori: Line up.

- Chairman McNulty: No. That makes me feel better.
- Board Member Montesano: You can't even get a school district to line up.
- Chairman McNulty: Okay, Rich. You comfortable with what we've recommended here? Is everybody here comfortable?
- Board Member Taylor: Yup.
- Rich Williams: Has Chris Boryk called you?
- Mike Liguori: No, he hasn't.
- Rich Williams: I'm going to smack that boy. I'm sorry, what was that Tom?
- Chairman McNulty: I'm just...The Board's comfortable with what we recommended. So if you want to draft it up for us to take a look at before you send it.
- Rich Williams: Yup. I'll draft it. I'll shoot you an email.
- Chairman McNulty: Okay, great.
- Board Member Montesano: Can you just send it? I hate the shooting stuff.

#### **d) Comprehensive Plan**

- Chairman McNulty: That brings us to the Comprehensive Plan which I still have not had time to take a look at. I don't know if anybody has comment on that from past minutes. Anybody?
- Board Member Taylor: Well, as I said before, I think the Comprehensive Plan is pretty good. I mean, you don't have to go over it in detail again. I do have some notes on it.
- Chairman McNulty: Maybe wait till we all look at it.
- Board Member Taylor: It's the Zoning Code that is the problem. And we've listed some of these things: Ridgelines is not in the Code. We've adopted it as a standard practice but it's not in the Code. Some of those things I would think. So I would suggest, you know, changing the Code in some areas rather than the Comprehensive Plan. The other problem is time. You know, we've put a lot of time into some of this stuff. I mean, reviewing comprehensive plans. The other problem is time. You know, we've put a lot of time into some of this stuff. I mean, reviewing comprehensive plans is going to be a big...
- Chairman McNulty: Yeah.
- Board Member Taylor: A lot of work. So...
- Chairman McNulty: Alright, when everybody gets a chance. Bob, I don't think you went to that All Boards meeting, did you?

Board Member Ladau: I'm sorry.

Chairman McNulty: The All Boards Meeting...

Board Member Ladau: What about it?

Chairman McNulty: that we had. You weren't on the Board when we had that.

Board Member Ladau: No, I was there.

Chairman McNulty: You were there?

Board Member Ladau: Yeah.

Chairman McNulty: Alright. So, you have the minutes for it. You can take a look and try and talk about this the next meeting.

#### e) Useable Lands

Chairman McNulty: Alright, useable lands. That brings us to...There was some conversation back and forth; we talked about it. Ron had some notes and the word taking came into play. And that didn't go over well, I don't think. Legally.

Mike Liguori: Well, look...

Chairman McNulty: Just use the mike.

Mike Liguori: Yeah. I'm...I don't want anybody to think that you can't do it. A lot of towns look at resource protection calculations. And I think that's what we're...What you're looking at as far as I know and, you know, if you want to subdivide in the Town of Southeast, you have to go through a resource protection calculation which delineates...Let's say you have a 10 acre piece of property. In order to determine the amount of land that can actually be subdivided, you would deduct out slopes over a certain percentage, wetlands, the area of wetlands. And that net number, let's say you're down to 6 acres and you're in a 3 acre zone, that allows you to have two lots. That's a decision...It's a political decision that needs to be made as to whether or not you want to do that because the impact is that you went from 10 acres where, let's say, in a 2-acre zone you'd be able to have five lots, down to the possibility of if you have 4-acres of constringer down to only three. So, it's a, you know, you could do it. I'd want to...Obviously, I'll be taking a look at the language that gets used in order to create it. You want to do it in the nature of resource protection calculation. I think that is the actual language that you want to use when determining the useable land. But again, it's...As much as it is a tool, the political will to do it needs to be there. And I'm not saying it isn't. It's just...There's an actual impact and you guys should recognize that, you know...

Chairman McNulty: Sure.

Mike Liguori: on your recommendation.

Chairman McNulty: Could eliminate a lot of land.

Mike Liguori: Yeah, exactly. Exactly, so...

Board Member Taylor: I think we realize that. It's just we're always faced with these subdivisions that are trying to squeeze, to us, too many lots into these areas. And it would be easier for us if the Town Board would clarify what's allowed and what isn't allowed. That's what I was trying to get to. I...

Mike Liguori: Yeah, no. I...

Board Member Taylor: That's...

Mike Liguori: I get it. I think, at the end of the day, the issue is the landowner dealing with the constraints. That's really what it comes down to, you know. And if that's the best way to deal with it, then great, you know. I mean, if that...It's not a difficult tool.

Chairman McNulty: Well, now we've been dealing with it with demarcation, so to speak.

Mike Liguori: No, you've been doing...That's one issue. It's only one issue. Okay, which is...

Board Member Taylor: We've been...

Mike Liguori: how do you deal with your buffers?

Chairman McNulty: Yeah.

Mike Liguori: Okay, and that's where the rub is on every single subdivision application, is how do you deal with the buffers and the argument is, you know, it's easy to see. Every time you have a subdivider come up here, they either agree to delineate the buffer or make the argument that, hey it's just a...it's a buffer. Don't...You're treating it as if it's the wetland proper. Where we're not even allowed to go in it. That's the rub that you have. You know, hopefully after the adoption of an ordinance that deals with resource protection, that you're subdividers stay away. I don't think that's going to be the net result though. I think you're going to end up in the same place because it's just the nature of the beast. It's kind of is what it is. But anyway, from a legal perspective, I would certainly...I would be taking a look at that myself, working with Rich on it. It's been done. We're not, you know, creating anything that's new. We just need to take a look at that aspect, that's all.

Board Member Taylor: Well, can it also be looked at...We have been looking at it in the sense of what is workable for a family living in a house.

Mike Liguori: Yeah. No, we're...

Board Member Taylor: Protecting the...

Mike Liguori: The concerns are realistic. They're totally realistic. I think, you know...

Board Member Taylor: But can you also look at it from that perspective, rather than just the resource protection side. We're also looking at the future home owner protection side.

Mike Liguori: Yeah. Right.

Chairman McNulty: Yeah.

Mike Liguori: Ron, I agree with...I'm on board. I agree. I totally agree.

Board Member Taylor: Okay.

Mike Liguori: I, you know...I haven't had too many subdivisions, recently, come through my office because there aren't too many people that are doing them. Right now, the cost of road building is...

Chairman McNulty: It's just not cost effective.

Mike Liguori: It's just not cost effective. It just doesn't work. And you have to laugh at the people that come in with the lot that's 2-acres with an acre of wetland.

Chairman McNulty: No, we're dealing with it every month up here.

Mike Liguori: Yeah.

Chairman McNulty: Again, I was breezing through the Saratoga definitions and they had some definitions of useable land. Did you notice that? It kind of made it simple to the point devoid of wetlands. And they also had a section on building envelop and used a cross-section of what was built on the property. Substructure or above-aground. So...

Mike Liguori: Yeah.

Chairman McNulty: you know, it might be a couple of ways to look at it.

Mike Liguori: You know...

Chairman McNulty: Just to give some definition of how to approach these subdivisions when they come at us.

Mike Liguori: Yeah. Look, it's difficult because we have so much constrained land. That's what's left.

Chairman McNulty: Yeah.

Mike Liguori: And it seems to be worse here than in other places because the topography here changes so drastically across the Town that you have such stark contrast in the Town. And, anyway...

Chairman McNulty: Okay.

Board Member Taylor: We're also trying to...What the...The impetus behind this, right now, was that this bed and breakfast thing, we were trying to talk about what size do you need...

Mike Liguori: Yeah.

- Board Member Taylor: For a bed and breakfast?
- Mike Liguori: Yeah, right.
- Board Member Taylor: So that's why I was trying to separate the two things; Let's figure out what useable land is...
- Mike Liguori: Right, right.
- Board Member Taylor: And then figure out how to apply it later on. You know, whether the political will is there or not, at least we'd have definition that...
- Mike Liguori: Yeah.
- Board Member Taylor: You know, what slope? I don't know what percentage the slope should be. I know I drive up and down 45% grades with my garden tractor, but...
- [Laughter]
- Board Member Taylor: you know. Buffers: What about buffers?
- Board Member Ladau: Kamikaze pilot.
- Board Member Taylor: Again, it's... Yeah, but...
- Mike Liguori: You're still here.
- Board Member Taylor: Yeah. I'm still here. So it's useable land to me.
- [Laughter]
- Board Member Taylor: So...But it seems like another grey area that would be nice to have a definition for.
- Mike Liguori: Yeah. Yeah.
- Board Member Montesano: Can we contact Carmel, California and see how much they allow for the slope over their mountain?
- [Laughter]
- Board Member Taylor: Yeah, Pacific.
- Chairman McNulty: Okay. I don't have anything else on that right now. I guess...If you or Rich can look at that, come up with something and we'll kick it around some more. I say that...I saw that, again, in the Saratoga definitions and it kind of made it simple and to the point. To give a guideline, basically.
- Board Member Montesano: You missed out. See, now if we were to have a Saratoga definition and we would have had the track that was supposed to be built here, then we would have had it made.

**f) Maplewood North Subdivision**

Chairman McNulty: Alright, move on to Maplewood North Subdivision. Any word on that, Rich?

Rich Williams: No. I've talked with the Assessor twice now, encouraging him to move on. We've got an attorney in place now that we can rely on.

Chairman McNulty: Okay.

Rich Williams: So that's good news. But the other part of that was Ron's suggestion for finding a conservation easement and I took another look at what Ron had sent over, and I need to sit with you and go through it because I don't know where the old stone foundation is. It's not showing up on the plan for the Reynold's House. You know, you say you're we're going to protect the steep slopes. What are steep slopes?

Board Member Taylor: Yeah, but you...

Chairman McNulty; A lot goes back to the useable land.

Board Member Taylor: Yeah. Just like the useable land. Yeah.

Rich Williams: Right. Yeah. So we need to sit down and talk about that before I can mark anything up.

Board Member Taylor: Okay. Alright, next week?

Rich Williams: Yeah.

**7) MINUTES**

Chairman McNulty: Okay. We did the minutes at the work session. Is there anything else anybody has to say?

Board Member Montesano: Motion to adjourn?

Board Member Taylor: That sounds...

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

*Meeting was adjourned at 8:10 p.m.*