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**TOWN OF PATTERSON**  
**PLANNING & ZONING OFFICE**

**ZONING BOARD OF APPEALS**  
Lars McNulty, Chairman  
Mary Bodor, Vice Chair  
Marianne Burdick  
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**PLANNING BOARD**  
Thomas E. McNulty, Chairman  
Ron Taylor, Vice Chair  
Michael Montesano  
Edward J. Brady Jr.  
Robert F. Ladau

**Planning Board**  
**October 29, 2015 Work Session Meeting Minutes**

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

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

The meeting began at 7:00 p.m.

Sarah Mayes was the Secretary and transcribed the following minutes.

Chairman McNulty called the meeting to order.

Chairman McNulty: Patterson Work Session for October 29<sup>th</sup>. How you doing guys? Bill Henry Tree Service, we have a public hearing. I think he submitted some pictures here.

**1) Patterson Auto Body – Sign Application**

Mr. Jim Byron was present.

Rich Williams: Yeah, you've got Jim here. Do you want to reverse them?

Board Member Taylor: Yeah, can we?

Chairman McNulty: Yeah, we can do that.

Board Member Ladau: Why don't...Can we approve that based on what he's submitted rather than dragging him back?

Chairman McNulty: Well, let's hold onto that and we'll talk to Jim about Jimmy's sign application.

Mr. Jim Byron: Oh. You're going to talk to the guy that starts at 4:15 in the morning?

Chairman McNulty: Yeah. Well, I'm right behind you, so...

Mr. Byron: Okay. Thank you. Thank you for that.

Chairman McNulty: I didn't bring any of that. I didn't expect that to be on tonight, so I didn't bring any information.

Board Member Brady: Yeah, me neither.

Rich Williams: Surprise.

Chairman McNulty: Okay.

Mr. Byron: Well, I have the scale of the sign.

Chairman McNulty: Yeah, you have some more information for us?

Mr. Byron: Yeah.

Chairman McNulty: Because last time we were...

Mr. Byron: Yeah, if I could just...

Chairman McNulty: We didn't... Weren't quite sure what you wanted to do.

Mr. Byron: Yeah. I wasn't sure. Well, I wasn't...

Chairman McNulty: There you go. You keep the color one.

Board Member Brady: Give me one, please.

Mr. Byron: That's the smallest Shell sign that they provide.

Chairman McNulty: Okay.

Mr. Byron: It's four feet wide. The height is dependent on the Town. They want to see...

Board Member Montesano: Ron.

Ron Gainer: Thank you.

Mr. Byron: They want to see a 7' at the base; at the bottom.

Chairman McNulty: The spread on the poles you mean?

Mr. Byron: No, no. The poles are forty, whatever that will be.

Chairman McNulty: Forty-eight [inches].

Mr. Byron: Fifty... Well, the sign's 48 [inches]. All the poles are directly straight down. So yeah, it would be 48. But no, even feet to the bottom... the height of the bottom of the sign.

Chairman McNulty: Off the ground.

Mr. Byron: Yeah.

Board Member Ladau: Mmhhh.

Chairman McNulty: Okay.

Mr. Byron: Because they do have a sign similar to what you're looking at, at ground level. But at that location, that wouldn't work out well.

Chairman McNulty: Okay. Now...

Mr. Byron: So that's thirty-two, if I'm doing the math right, that will give me a 32 square foot sign.

Chairman McNulty: Have you had any...

Board Member Taylor: No, you're not doing the math right.

Mr. Byron: I'm not doing...

Chairman McNulty: Yeah.

Board Member Taylor: I get 37 [square feet]

Mr. Byron: Okay. That's why I'm here.

Board Member Taylor: Sixteen, sixteen and five.

Chairman McNulty: You have had discussion with Rich on our Code of what we're allowing?

Mr. Byron: Yeah, the...

Chairman McNulty: It's 25 square foot is the Code.

Mr. Byron: Right. Right.

Chairman McNulty: And you're saying this is the minimum size they'll allow.

Mr. Byron: That's the minimum size...

Chairman McNulty: That's just for the Shell, 4' by 4'?

Mr. Byron: No. That's with the pricing.

Chairman McNulty: With everything?

Mr. Byron: Yeah.

Board Member Taylor: No, the Shell is 4' by 4'. Yes.

Chairman McNulty: It's 4' by 4'; so that's 16 square feet right there.

Board Member Taylor: Which is... Yes.

Chairman McNulty: And then we've got another...

Board Member Taylor: Four feet. And then another 14 inches. So...

Mr. Byron: Yeah.

Chairman McNulty: Yeah. So...

Mr. Byron: If it meant giving up the V-Power...

Chairman McNulty: Well, the...

Board Member Taylor: Well, that would help.

Chairman McNulty: Yeah, that would help. Where we're at Jim, is we're getting a lot of signs coming in.

Mr. Byron: Yup.

Chairman McNulty: And the Code is at 25 square feet.

Mr. Byron: Okay.

Chairman McNulty: And we have allowed signs that have been approved by zoning getting a waiver. Is that correct? If I'm saying that right? They've been to Zoning to get a waiver on a sign size...

Rich Williams: Well, a variance.

Chairman McNulty: A variance. A variance. That's the word I was looking for. But we're trying to stay...Not get this crazy. We've had some people want 100% bigger...

Mr. Byron: Yup.

Chairman McNulty: than is allowed.

Mr. Byron: Yup.

Chairman McNulty: And we're not going to allow that.

Mr. Byron: Yup.

Chairman McNulty: So....

Mr. Byron: But I do want to share something with the Board, is prior to the rebuild and prior to the removal of Citgo, my signage....Right now, my current signage down there is three times less than I had, okay. And now that I've done the rebuild and I've got a separate...I was always a separate business: the gas station. It was also a separate operation. But now it really is a separate operation and the desire to have two separate signs...I'm trying to avoid doing everything at the Patterson Auto Body sign. I'm trying to utilize...I have 350 feet of road frontage and right now I'm only utilizing one sign area. What I'd like to do is I'd like...

Chairman McNulty: Yeah, well we come across those, we look at it as a site plan as a whole...

Mr. Byron: Yeah.

Chairman McNulty: Rather than separate businesses.

Mr. Byron: Okay.

Chairman McNulty: So that's the way we have to approach it.

Mr. Byron: Okay.

Board Member Taylor: And what you had in the past, we're trying to reduce what people had in the past. We're trying to bring them into conformance...

Mr. Byron: Yup.

Board Member Taylor: with the Code. The idea is to get away from all these huge signs all over the place.

Mr. Byron: Mmhmm.

Board Member Taylor: We're still dealing with some preexisting where we can't bring them under. But where we can, we're trying to bring people down to the Code with what's reasonable.

Mr. Byron: Mmhmm. And if...On a road that's travelling, you know, a State road. A State highway.

Chairman McNulty: Mmhmm.

Mr. Byron: Is the 25 square feet the same law in a commercial like Commerce Drive?

Rich Williams: It's the same everywhere.

Chairman McNulty: It's the same everywhere.

Board Member Ladau: Yeah.

Mr. Byron: I mean, just from a speed...

Chairman McNulty: Except for the retail. Isn't it something like A&P Plaza falls under a different category...

Board Member Ladau: Yeah.

Chairman McNulty: because it's a plaza, so to speak.

Mr. Byron: So a State road traveling at the rate of speed that it travels at is viewed as the same...

Chairman McNulty: Yeah. Currently, our Town Code is the same...

Mr. Byron: Yeah.

Chairman McNulty: unified throughout. So you already have pylon sign, correct? The Patterson Auto Body sign.

Mr. Byron: Yeah.

Chairman McNulty: It sits there.

Mr. Byron: Yeah.

Chairman McNulty: So, I don't know how this affects us. Can we have two signs?

Rich Williams: No. Our Code says one sign...

Chairman McNulty: Twenty-five square feet.

Rich Williams: twenty-five square feet. He wants two signs, so he would need a variance for that. And he's going over more than 25 square feet, so he'd need a variance for that.

Chairman McNulty: Mmhmm.

Rich Williams: The question, you know, you have to evaluate is, is it reasonable? Is it reasonable considering the frontage? Is it reasonable...

Chairman McNulty: Mmhmm.

Rich Williams: considering that he's got two separate businesses? Is it reasonable considering that you, you know, you have the gas and he needs to be competitive? And then is the size of the sign reasonable?

Chairman McNulty: Well, I don't think the size of the sign...What did we say this comes out...It's under 40 square feet.

Board Member Taylor: Yup.

Mr. Byron: Mmhmm.

Chairman McNulty: So it's less than double.

Mr. Byron: Yup.

Chairman McNulty: So, that's within reason, I think, where we've been going. I don't have that chart. Rich, you made us a chart.

Board Member Taylor: Are you taking the LEDs off the canopy?

Mr. Byron: Yes. The digital price signs are coming off the canopy.

Board Member Taylor: Alright. So then...

Chairman McNulty: Is there going to be any signage on the canopy?

Board Member Taylor: That's a swap then.

Mr. Byron: You're going to have the Shell logo on the canopy.

Board Member Taylor: In addition to this one.

Mr. Byron: Yeah.

Board Member Brady: That's more.

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

Mr. Byron: That's more?

Chairman McNulty: It all counts as signage.

Board Member Taylor: A sign's a sign.

Mr. Byron: Well, it's not going to be a digital price sign.

Board Member Brady: Even the stuff in your windows count as signs.

Mr. Byron: Yeah, I've heard that.

Board Member Brady: Okay, so that's...

Mr. Byron: I don't think I have anything in my windows just to be clear. But...

Board Member Brady: You know, and the tire sign.

Mr. Byron: Yeah.

Board Member Brady: You know, that's all...

- Chairman McNulty: Well, that's building mounted sign.
- Rich Williams: But that's all approved.
- Chairman McNulty: Yeah, yeah.
- Board Member Taylor: Yeah. That's a separate issue because there are freestanding signs in front and there's the building signs. So the building signs are done, but you've got...But if you're taking the digital signs and replacing it with this digital sign...
- Chairman McNulty: Yup.
- Board Member Taylor: then that reduces the impact, to a certain extent.
- Chairman McNulty: Mmhmm.
- Mr. Byron: Well, if you've taken the digital signs...Keep in mind that when we were Citgo, that was only 8 years, 10 years ago, three faces of the canopy, and those were all approved, they were Citgo, the Citgo color and the then the pricing. I had three price signs on the canopy. Today, I just have two price signs. So I mean, I've not abused the situation. I've just...
- Chairman McNulty: No, we're not saying you are. But we...
- Mr. Byron: Yeah.
- Chairman McNulty: we have to act within the Code.
- Mr. Byron: Okay.
- Chairman McNulty: Because then we have someone coming in behind you that says, well...
- Mr. Byron: Well, you gave it to him. Right.
- Chairman McNulty: you gave Patterson Auto Body. So that's...And that's the way we have to approach it.
- Mr. Byron: I understand that.
- Chairman McNulty: And like Rich says, we want to be reasonable, too.
- Mr. Byron: Mmhmm.
- Chairman McNulty: Ron brought up a good point that the digital signs on the canopy would good away.
- Mr. Byron: Yes.
- Chairman McNulty: Now, do you know what the canopy signage is going to look like? I mean...
- Mr. Byron: It's going to look...

Chairman McNulty: is it going to be 10 of these Shell things going around it?

Mr. Byron: No. It's one...

Chairman McNulty: Is there just one logo?

Mr. Byron: One logo with each corner...

Chairman McNulty: With the word Shell? Or is it just the logo?

Mr. Byron: No, no words. It's just a logo.

Rich Williams: It's just the shell.

Chairman McNulty: Okay.

Mr. Byron: It's a shell. Right.

Rich Williams: It's a shell.

Chairman McNulty: That's...

Rich Williams: On the corners.

Mr. Byron: They want to get away from words.

Chairman McNulty: Okay.

Mr. Byron: We want to be in a society where you don't have to read. You just have to look at a picture.

[Laughter]

Chairman McNulty: And the post...Where do you plan on placing the sign?

Mr. Byron: I would put it at the mailbox on the north...

Chairman McNulty: I don't know where the mailbox is.

Mr. Byron: The north side of the north driveway.

Rich Williams: Over by the...

Chairman McNulty: So right at the intersection, pretty much.

Rich Williams: Yeah.

Mr. Byron: Yup. Because if you place it anywhere around the island, it would become an obstruction and it would be a very unsafe situation. If you go south of the Patterson Auto Body sign,

again, we've got 350' of road frontage. If you go south of the Patterson Auto Body sign, then it's going to get a little weird.

Chairman McNulty: Yeah, no. And people would be trying to...

Board Member Ladau: Yeah.

Chairman McNulty: turn into the swamp.

Mr. Byron: Yeah.

[Laughter]

Chairman McNulty: I don't think that's the answer.

Board Member Ladau: Take it to the auto body.

Board Member Montesano: You get a lot of business doing that.

[Laughter]

Board Member Brady: Put a little blacktop driveway in.

Chairman McNulty: Any interference with, I guess, I can't quite picture exactly what else is there. It's an intersection, so...

Board Member Montesano: The restaurant and the parking.

Mr. Byron: It's at the intersection.

Rich Williams: At the corner. Yeah.

Chairman McNulty: So would it have an view...Would any viewshed be obstructed for...

Mr. Byron: No.

Chairman McNulty: the intersection?

Rich Williams: You know, the only thing I'm concerned about, Jimmy, is that utility pole that's right there. Making sure it's...

Mr. Byron: That's 40' away.

Rich Williams: Is it? Isn't it...There's one right there on the corner where you want to put it, no?

Mr. Byron: No. No, that's on the south side of the driveway.

Rich Williams: Not one on the north side?

Mr. Byron: No. It's over...That's at our property line with Steve at the restaurant [referring to the Carriage House restaurant].

Board Member Brady: Now what's the...The signs at the restaurant, are they...is this going to block that?

Mr. Byron: They're on the north...They're signage is on the north side of their building.

Board Member Brady: Okay.

Board Member Taylor: And they're down low, too.

Rich Williams: Yeah, they're going to be fine.

Mr. Byron: And they're down low.

Board Member Brady: Okay.

Chairman McNulty: So, that doesn't interfere with that pole.

Mr. Byron: No.

Chairman McNulty: Well, if you're taking the signs off the canopy, the digital signs...

Mr. Byron: Mmhmm.

Chairman McNulty: I don't have an, personally, I don't have an objection just to Shell logo, as long as we get a rendering of how it's going to look.

Mr. Byron: Mmhmm.

Chairman McNulty: And maybe the V-Power, like you said, that's not necessary.

Mr. Byron: Mmhmm.

Chairman McNulty: And then the height.

Mr. Byron: Yup.

Chairman McNulty: Because this is 20' right now.

Mr. Byron: Well, this can...The bottom of the sign, from a safety point-of-view, think of a guy pulling out on the road or trying to look through the sign. They just say 7' is a safe...The bottom of the sign should be 7'.

Chairman McNulty: Well, I'm thinking to stay and keep some consistency along [Route] 22 with the other high signs we have or Thunder Ridge and the restaurant there.

Board Member Taylor: What's the height that's allowed?

Chairman McNulty: We use the...

Rich Williams: We don't have a maximum height.

Board Member Taylor: So as long as it's not more than 32', it won't run into...

Rich Williams: Yeah, we generally use the maximum height of any structure within that zoning district as the maximum height when we're looking at something. That in this area is 35'.

Board Member Taylor: Yeah, so...

Chairman McNulty: Yeah.

Board Member Taylor: This is way below that.

Chairman McNulty: Way below that.

Board Member Taylor: Thunder Ridge is pretty high up there, right?

Chairman McNulty: Thunder Ridge, it's pretty high up. And so is the one, the Route 22 whatever it was for six months.

Board Member Taylor: Yeah. And this could be dropped another fourteen...

Board Member Ladau: A restaurant.

Board Member Taylor: This could be dropped another foot if you take the V-Power off.

Chairman McNulty: Yup.

Board Member Taylor: So...

Board Member Montesano: Yeah, but you've got to...

Ron Gainer: Again, it would still be 7' to the bottom. That's what you're saying?

Board Member Montesano: You want to make sure that the guy pulling out...

Mr. Byron: That's what they're saying: From a safety point-of-view.

Board Member Montesano: you can see going up the hill.

Ron Gainer: Yeah, which is normal.

Board Member Taylor: Well that's what he said. He wants 7' at least. I mean, that's...

Ron Gainer: I mean, that's normal for signs.

Chairman McNulty: Yeah.

Ron Gainer: Right.

Board Member Taylor: Okay.

Chairman McNulty: Yeah. If you're sitting in a pickup, you would even want it a little higher, so...

Board Member Taylor: Yeah, so...

Chairman McNulty: So if we lose the V-Power.

Board Member Taylor: And just leave it at 20'.

Board Member Brady: And leave it at the 20'.

Chairman McNulty: Yeah. Maximum of 20'. Well...

Board Member Brady: Yeah, that will save 15 inches, give you more of a view going up that hill.

Chairman McNulty: What color are the posts going to be?

Mr. Byron: Any color you want.

[Laughter]

Mr. Byron: I would do an anodized brown, but they may...Actually, I can't say you want. I, you know, some of these gas companies, I don't...It might be anodized white. It might be...

Chairman McNulty: I don't have a problem with that as long as they're done and...

Mr. Byron: Yeah.

Chairman McNulty: It drives me crazy, we've approved several signs in Town and one of the things I've said is to paint the poles.

Mr. Byron: Yup.

Chairman McNulty: And the only ones we got painted were those bright yellow ones. No one else has painted their poles yet. So...

Board Member Montesano: That's the color of the shell.

Chairman McNulty: and it just looks...

Mr. Byron: Yeah, that's the way it will come.

Chairman McNulty: You get a brand new sign and a crappy pole. It look terrible.

Board Member Taylor: Yeah, well these poles are coming in with the sign, so...

Chairman McNulty: Yeah, I understand.

Board Member Montesano: Yeah. Is that going to be still a yellow Shell sign?

Chairman McNulty: Sure.

Mr. Byron: Yes. Yellow and red.

Board Member Montesano: Oh.

Chairman McNulty: That's their logo.

Mr. Byron: That's their logo.

Chairman McNulty: Corporate will...

Mr. Byron: That's the color...

Board Member Montesano: Yeah, well I realize that, but...

Board Member Ladau: Here, this was the color one [referring to the sign renderings].

Mr. Byron: Yeah.

Board Member Montesano: Yeah, okay.

Mr. Byron: And my projects over the years, we've been doing this awhile. I mean, I've not...never not completed what I said that I was doing, right?

Chairman McNulty: No. We're not concerned about that...We're not...

Rich Williams: Absolutely. No, that's true.

Mr. Byron: We're not...You know, I run a retail establishment. Maybe in the backyard I get a little dirty at times, but...

Chairman McNulty: Yeah well, you deal with cars.

Mr. Byron: Yeah, that goes with the business.

Chairman McNulty: Um, so...

Rich Williams: So how do you feel about the sign?

Chairman McNulty: I'm comfortable with the suggestions we talked about.

Mr. Byron: Yup.

Chairman McNulty: But it means you have to go to the Zoning Board for the variance on the second sign...

Mr. Byron: Yup.

Chairman McNulty: and the overage on the size of the sign.

Mr. Byron: Alright.

Rich Williams: You want to make a recommendation over to the Zoning Board?

Chairman McNulty: Sure. We can make a recommendation.

Mr. Byron: And the only reason why I'm here tonight, just if I didn't clarify that, is when you're regular meeting is I have a family wedding in Houston.

Board Member Taylor: That's fine.

Chairman McNulty: No, that's fine.

Board Member Taylor: We do business this way, anyway.

Chairman McNulty: Yeah. No.

Board Member Montesano: I thought you were going to the car auctions.

Chairman McNulty: Well, I'll make a recommendation that the Planning Board recommend the sign application to the Zoning Board for two variances: One in the size...

Board Member Taylor: Thirty-two square feet.

Chairman McNulty: Thirty-two square feet. An overage of 32 square feet and a variance to have a second sign on the site. So...

Board Member Montesano: I'll second that.

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

Rich Williams: Alright Jimmy, going forward, we're going to need you to come in a make the application to the ZBA.

Mr. Byron: Okay.

Rich Williams: Talk to Mary. She'll walk you through it.

Mr. Byron: Okay.

Rich Williams: We're going to need all the information on the existing signs.

Mr. Byron: On the existing ones?

Rich Williams: Yup.

Mr. Byron: Okay.

Rich Williams: So, and then just the site so that we can put that in the ZBA application.

Mr. Byron: Okay. But that one's not in conflict with this one, is it? You just need that information?

Chairman McNulty: Well, that sign's approved already. So...

Rich Williams: Well, what they're going to have to do is they're going to have to give two variances: One for the overall signage on the site and one for having two signs.

Mr. Byron: Oh, okay.

Rich Williams: So we need those dimensions so we know what the variance is.

Mr. Byron: Dan Dunning was the Chair.

Ron Gainer: Back in the day, right.

Mr. Byron: And he...Right. Back...

Chairman McNulty: Signage on the site? Or signage for this particular sign?

Rich Williams: Freestanding signage on the site.

Ron Gainer: There were a hundred (inaudible).

Board Member Montesano: Speak to (inaudible).

Rich Williams: So...

Chairman McNulty: But what does that...

Rich Williams: So that way we can get it to the ZBA...

Board Member Taylor: He has to get a variance on the total.

Mr. Byron: So I'll be back up...

Chairman McNulty: Okay. No, I understand. I thought it was all the signs. Just the freestanding.

Board Member Taylor: No, no, no. Just the freestanding.

Chairman McNulty: That's what...

Board Member Taylor: The other stuff's covered already.

Chairman McNulty: Yeah. Yup.

Rich Williams: Yeah. If you have the application, if you could fill out as much and then bring it in and they'll...

Mr. Byron: Okay.

Rich Williams: take care of getting the rest done.

Chairman McNulty: Alright.

Mr. Byron: I'm done?

Board Member Taylor: You're done.

Chairman McNulty: You're done. Well, you're done with us. Now you have Zoning.

Mr. Byron: No whopping? Okay.

Chairman McNulty: No, no. Listen, we...

Board Member Montesano: Quick, turn the switch.

Chairman McNulty: We want to work. We're just trying to make everything look the best it can.

Mr. Byron: No, and I respect that. I really do.

Chairman McNulty: Yeah.

Mr. Byron: I'm trying not to, you know...

Chairman McNulty: Business has to survive.

Mr. Byron: You know, everyday it's a moving target.

Chairman McNulty: I know. I know.

Mr. Byron: Well, I thank you.

Chairman McNulty: Alright, Jim.

Board Member Taylor: You're welcome.

Chairman McNulty: Enjoy your trip to Houston.

Mr. Byron: Yeah, well it's a family wedding. I'm looking forward...I haven't spent much time with my children. They're off living their lives so they're going to be captured with me for four days.

Chairman McNulty: Good for you.

Mr. Byron: And their significant other, of course.

Ron Gainer: Right.

Mr. Byron: And I'm going to give you your chair. Okay, guys.

Chairman McNulty: Alright, have a good night.

Board Member Brady: Have a good night now. Bye-bye.

Rich Williams: Bye-bye, Jim.

## 2) Bill Henry Tree Service, LLC – Site Plan Application – Public Hearing

Chairman McNulty: Okay, so that brings us to Bill Henry. I see Bill has submitted some colored photographs. Alright, now he's up for public hearing. Coming up. So, did he physically come in and drop this off? Did he give any explanation? Any comment?

Rich Williams: I did not talk to him.

The Secretary: No. Insite came in and dropped that stuff off.

Rich Williams: However, I'm having a...

Chairman McNulty: Did they...

Rich Williams: I'm having a little bit of difficulty with this.

Chairman McNulty: With this one?

Rich Williams: Yeah. With this.

Chairman McNulty: Now, is that the approximate size? I mean, this is a picture of...

Rich Williams: Well, this is the problem. The original drawing he had...This was 18'. That doesn't look 18 to me.

Board Member Taylor: No, it's not.

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

Ron Gainer: What's 18 [feet]? To the peak you're saying or...

Board Member Taylor: No, to the side.

Rich Williams: No.

- Board Member Ladau: Long.
- Board Member Montesano: No, for the side wall.
- Chairman McNulty: Well, those doors are probably 8 foot; the sliding doors.
- Board Member Taylor: Or a little bit more.
- Rich Williams: So...
- Chairman McNulty: Maybe 8 to 10 [feet].
- Rich Williams: this side wall would be doubled.
- Chairman McNulty: Here, 12, 13 feet.
- Rich Williams: And honestly, for the type of equipment...
- Chairman McNulty: Well...
- Rich Williams: he's using, it needs to be higher.
- Chairman McNulty: I think we need to ask him...I think he's giving this as a...
- Board Member Montesano: This might be a generic...
- Chairman McNulty: Yeah, generic sample of what he would like his building to look like. I don't think it's the actual rendering of his building.
- Board Member Taylor: That wasn't what... Yeah, we asked for a rendering.
- Chairman McNulty: Well, yeah.
- Rich Williams: And Insite said they could provide it.
- Board Member Taylor: And....
- Chairman McNulty: And then I recommended he go to his pre-engineered metal company; it's cheaper.
- Board Member Ladau: Yeah.
- Chairman McNulty: I think, based...I had a conversation with him before that meeting, and I had told him, I said get us something that shows an idea of you would like your building to look like. So I think that's what he did here. That it's going to have doors with cross hatches. Windows with white trim. But, if that's the case, I'd at least like to see an elevation. He's only got the elevation of this rear elevation. And that's not an elevation. That's a...Is this even to scale?
- Ron Gainer: And they can impose that building on that picture, too.

Rich Williams: No, you can't.

Ron Gainer: You can't? Why? Not this picture.

Chairman McNulty: I don't think this...I don't that's to scale. I mean, it doesn't look like it.

Ron Gainer: Right. That's what I'm saying. Right. But he can insert a picture.

Board Member Taylor: Yeah. That's what we asked for. That's...They don't have to draw it. I mean, with modern technology, take the side and drop it into the...one photo on top of another.

Chairman McNulty: But at least...At least if he's going to give us this as a depiction of what the building would look like, it would be nice if the...then the engineer did an elevation of each side. He's got this side, the end wall, and the rear. We're not that concerned what the rear looks like.

Board Member Taylor: No, we're not. I mean, just one side would be enough to satisfy me. This view right here with the building on it.

Board Member Brady: Yeah.

Ron Gainer: He can get another one without the leaves, too.

Chairman McNulty: Pretty soon.

Board Member Taylor: Well, he can...I can subtract leaves in my head but, I mean, the roof is not shown. Assuming that this is the side wall of the building. Is that what we're seeing? There's not foundation. There's no roof.

Ron Gainer: I don't see...It doesn't look like the right dimensions.

Chairman McNulty: He's just giving a location.

Board Member Brady: No.

Ron Gainer: Yeah, so it's probably location.

Board Member Taylor: Yeah, so...

Chairman McNulty: I would be happy if he gave the four side elevation to scale of how it would look: Height, foundation, siding. And then, you know, super impicture this...

Rich Williams: That would be fine but...

Chairman McNulty: to it.

Rich Williams: what I'm saying is this does not represent what he's proposing to do.

Ron Gainer: Right.

Board Member Taylor: Right.

Rich Williams: When he...

Chairman McNulty: Not...

Rich Williams: does what he's going to do...

Chairman McNulty: It's going to be a larger scale. I understand that.

Rich Williams: You've got a whole other 8' on this...

Board Member Taylor: Yup.

Rich Williams: of what? Blank building? Or is going to have windows?

Chairman McNulty: Or does it have trim?

Rich Williams: Right.

Chairman McNulty: That's what I'm saying. If they at least had an elevation like this of the front, that just depicted the trim or window location or whatnot...

Board Member Taylor: Right.

Ron Gainer: Right.

Chairman McNulty: Copulas, whatever he may do, we would have an idea of what it's going to look like.

Board Member Taylor: Right.

Rich Williams: Right.

Board Member Taylor: Yeah.

Board Member Brady: Right.

Chairman McNulty: That's...

Rich Williams: Right.

Chairman McNulty: Yeah, I'm in agreement.

Board Member Taylor: And when you say front, you mean street side.

Chairman McNulty: Street side.

Board Member Taylor: Yes.

Chairman McNulty: The west elevation.

Ron Gainer: Yeah, good point. Good point.

Board Member Taylor: Yeah, I agree.

Chairman McNulty: Yeah.

Board Member Taylor: Because even though he's mad at us, we warned him we were concerned about how it would look. We warned him from the beginning about that.

Chairman McNulty: Yeah. I mean, this is a start but it doesn't correlate to the building.

Board Member Brady: You would think the engineer would know what he needs to supply us with.

Ron Gainer: He already told...

Chairman McNulty: I cut her out. I cut her out.

Rich Williams: Yeah, I think the problem is there's mixed signals going out there. And the Board wants something but the Board's also saying, well maybe you don't need...

Board Member Brady: Right.

Rich Williams: all the detail. And then...

Board Member Brady: Right. Right.

Rich Williams: So Bill goes out and Bill takes care of it without spending money on an engineer.

Board Member Brady: Right. Except that this is...

Chairman McNulty: Yeah, but he could have went to the pre-engineered metal building and said what's my building going to look like?

Board Member Brady: Yeah, I mean that's...

Ron Gainer: And he'll want to know himself.

Chairman McNulty: Yeah.

Ron Gainer: He's going to want to know what he's got. What kind of (inaudible) as part of the building, so...

Board Member Brady: But I mean, this picture was taken by Insite. I mean, their name's on it.

Board Member Ladau: I mean, normally, the pre-engineered company will do that...

Board Member Brady: So, he paid them to go take pictures of his property.

Board Member Ladau: as part of their sales...

Chairman McNulty: Well that's why I...That's what recommended.

Board Member Ladau: Yeah.

Chairman McNulty: Okay. We got the basic design of what you want...

[Inaudible – side conversation between Board Member Brady and Ron Gainer]

Chairman McNulty: but how's it going to look on your building?

Board Member Ladau: Yeah.

Board Member Brady: They parked on the side of the road there.

Ron Gainer: That's right.

Board Member Brady: You know.

Board Member Taylor: But he's also downgraded the person at Insite. I mean this woman, not because she was a woman, but I think she would clearly...did not have the qualifications that, is it Jeff, or whatever, his first person from Insite has.

Rich Williams: Theresa?

Board Member Taylor: No, it wasn't Theresa.

Ron Gainer: Was it John Watson?

Board Member Taylor: It was John. John Watson.

Rich Williams: John. John Watson.

Chairman McNulty: Yeah, yeah. Jon Watson was the original guy.

Board Member Taylor: This person seemed like she was an intern or something. Interns are...

Rich Williams: Oh, she's not an intern. She's a landscape architect in there. She's not one of the principals. John's one of the principals.

Ron Gainer: Right.

Board Member Taylor: Well still, she gave the impression like she really didn't know what was going on.

Board Member Brady: Yeah. It did seem like that.

Board Member Taylor: So...

Rich Williams: They all have to get their feet wet sooner or later.

Ron Gainer: That's right. We start somewhere. Right.

Board Member Taylor: Alright. So...

Chairman McNulty: Everybody starts somewhere.

Ron Gainer: We were all kids once. Right.

Board Member Brady: I'm still that young.

Chairman McNulty: Alright now, we have a public hearing. Where are we going from that? Where are we at with engineering on this and drainage and SWPPPs?

Rich Williams: We've got most of the engineering done, I believe. Really, we just need to work out the details on the architecture.

Board Member Taylor: Yup.

Chairman McNulty: And he can move along.

Board Member Taylor: Yeah.

Board Member Brady: Yeah.

Chairman McNulty: Okay. Well...

Board Member Brady: Unfortunately, I think that the public hearing's too soon. We should have had more of this information from him before we had the public hearing.

Ron Gainer: Well, you expected it.

Chairman McNulty: Well, I don't know.

Ron Gainer: You did expect it. You just didn't...

Board Member Taylor: Well, let's see who shows up. There may be nobody...

Chairman McNulty: Yeah, let's see.

Board Member Taylor: for the public hearing.

Rich Williams: Nobody's going to care about this.

Ron Gainer: Yeah, nobody's going to show up.

Board Member Taylor: So it's up to us. We're being intransigent about opposing businesses in Patterson, is what it comes down to.

Ron Gainer: You need to see the visual.

Board Member Brady: Right.

Board Member Taylor: Or not cooperating enough with them. It's not that we didn't rewrite the Code specifically for him, not that I dare say that on the record, because then we're designing for one particular site.

Chairman McNulty: No, we've already had another site come in for the same interest.

Ron Gainer: Don't worry, we have this for a record.

Chairman McNulty: It's just that he's on a hillside.

Board Member Taylor: But we did say to him, we're concerned about how it's going to look. I mean...

Chairman McNulty: All along.

Board Member Taylor: I mean, we've been consistent all along.

Chairman McNulty: A long that's been...

Ron Gainer: From the beginning. Right.

Chairman McNulty: No doubt.

Board Member Taylor: We asked for a rendering two months ago, did we not?

Board Member Brady: Yes. We did. We did.

Board Member Taylor: Yeah. So...

Board Member Brady: Absolutely, yes.

Chairman McNulty: Okay.

Board Member Taylor: I feel for him but it's...

Chairman McNulty: But he's getting a step closer with the public hearing and...

Board Member Taylor: Yes. Yeah.

Chairman McNulty: you know, we'll have to move... You know, he'll have to move along like that.

Board Member Brady: Yeah, it's not like, you know, anybody's out not to say no to this and let him spend money and spend money. You know...

Board Member Taylor: Well, but he's got to...

Chairman McNulty: But he's just got to get it right.

Board Member Brady: Right. He's got to supply the information we need to make a decision.

Board Member Taylor: But we did ask for a second set of plans which we decided didn't work and we back to the first set.

Board Member Brady: Right.

Board Member Taylor: So...But that's part of the game. I mean...

Chairman McNulty: Yeah.

Board Member Taylor: that's part of the process of doing this.

Board Member Brady: Yup.

Board Member Taylor: He may be upset about that, but...

Board Member Brady: That's the way it goes.

Board Member Taylor: Yup.

Chairman McNulty: Yup.

Board Member Taylor: That's the way it goes.

Chairman McNulty: Welcome to New York. Anybody...Anything else on Bill Henry?

### 3) Frog Hill – Driveway Postponement

Chairman McNulty: We'll move along to Birch Hill Associates, Wetland/Watercourse Permit.

Rich Williams: You're going to skip right over Frog Hill?

Board Member Taylor: Frog Hill.

Board Member Brady: Frog Hill.

Chairman McNulty: I'm just checking you guys. Making sure you're paying attention.  
[Laughter]

Board Member Taylor: Yeah, right.

Ron Gainer: Having an early meeting.

Chairman McNulty: Frog Hill, I don't have any information on Frog Hill.

Rich Williams: Well...

Ron Gainer: Once...

Chairman McNulty: Yeah, we do.

Rich Williams: Here's the problem. The driveway out there at Frog Hill is currently...does not meet our requirements for a 10% grade.

Chairman McNulty: This is the entrance to the flea market we're talking about, correct?

Rich Williams: Right.

Ron Gainer: Right.

Rich Williams: He proposed regrading it. That necessitated some work in the DOT right-of-way. I met out there with Roc Denegro and Jay Maxwell and Harry Nichols and it got a whole lot more complicated with the DOT than anybody really wanted it to be out there. That, and we have another proposal coming in for a retail center with a light. And he's already reached out to Jay Maxwell to see if he can do something with Jay's property as well; expanding that retail center over.

Ron Gainer: Wow.

Rich Williams: So...

Chairman McNulty: Behind the restaurant?

Rich Williams: Yup. So...

Chairman McNulty: Let me ask, how did this come about, the 10% grade issue? Was it part of the last site plan we approved?

Board Member Taylor: It's always been there.

Rich Williams: Commercial driveways...

Ron Gainer: It's always been there. It's always been there.

Rich Williams: have a maximum grade 10%...

Ron Gainer: Always been an issue.

Rich Williams: Yeah, since the 70s.

Chairman McNulty: Oh, okay. First I'm hearing about it.

Board Member Brady: Yeah, I don't remember hearing anything about it. Yeah.

Chairman McNulty: Yeah, first I'm hearing about it.

Rich Williams: Yeah.

Ron Gainer: No, anything nonresidential is 10%.

Rich Williams: Yup.

Board Member Montesano: Yeah. Fifteen [percent] for the other guy and ten [percent] for him.

Board Member Taylor: It's not...What's new is they're requesting not having to do it as part of the site plan because of stuff that's coming down the road.

Rich Williams: Right.

Board Member Taylor: Now, is a waiver the right term?

Rich Williams: Yes. So, what we would want to do, is the Board is agreeable, is to waive it. But my recommendation would be to waive it with very clear duration...

Board Member Taylor: Okay.

Rich Williams: and restrictions.

Chairman McNulty: Yeah, timeframe.

Board Member Taylor: Yes.

Rich Williams: Yes.

Chairman McNulty: Yeah.

Board Member Ladau: Mhmm.

Rich Williams: Give him two years, you know, and nothing else goes on the site.

Chairman McNulty: Say that...What's the last part?

Rich Williams: Nothing else goes on the site, other than what he's already proposing to do, which is the marble refinishing.

Board Member Taylor: Right.

Chairman McNulty: Unless the driveway is improved.

Board Member Taylor: Until he comes back in and he's got to...

Chairman McNulty: Yeah.

Board Member Montesano: Can we get...

Board Member Taylor: come back in, then, for the driveway then.

Rich Williams: Right.

Board Member Taylor: Yes.

Board Member Montesano: Can we get a bond on the driveway improvements?

Rich Williams: We will get a bond for improvements that are not completed.

Board Member Montesano: Alright.

Board Member Taylor: Are we waiving that bond?

Board Member Montesano: No. I don't think we should ever waive a bond.

Board Member Taylor: But if we're waiving driveway improvements, that's my question. If we waive... That's why I'm concerned about the term waiver.

Rich Williams: Well, that's...

Ron Gainer: Yeah, it's really a postponement.

Board Member Taylor: Postponement.

Ron Gainer: Right.

Rich Williams: Right.

Board Member Montesano: Yeah. Alright.

Board Member Taylor: Okay.

Rich Williams: Right.

Ron Gainer: For a duration.

Board Member Taylor: So we can say that, instead of waiver? Because, I mean, this is Harry.

Rich Williams: Yeah.

Board Member Taylor: Okay.

Ron Gainer: And you can tie a bond to it, just be clear.

Board Member Taylor: Okay.

Board Member Montesano: Yeah.

Board Member Taylor: Alright, so then I've got no problem with that.

Chairman McNulty: Just run...The bond, how do we tie the bond to that again?

Rich Williams: Well, he'd have to post the bond to make sure the improvements got done.

Chairman McNulty: If the timeframe runs out.

Rich Williams: Yeah, within specified time.

Board Member Brady: And who sets the bond? The engineers?

Ron Gainer: That would be us.

Rich Williams: Yeah unfortunately, the engineers have to set the amounts.

Ron Gainer: See, he's happy with me.

Chairman McNulty: But...

Board Member Brady: Is it your pencil's not...

Ron Gainer: I'm make them bigger than him, that's all.

Chairman McNulty: You would need a plan to set the bond, would you not?

Rich Williams: Yeah, we have a plan.

Ron Gainer: We have a plan.

Chairman McNulty: We have a plan. Okay.

Ron Gainer: And actually, they start the estimate and we...

Board Member Brady: Right, you two...

Ron Gainer: politely argue about it and then he winds agreeing with me.

Board Member Taylor: So it will be a bond for the proposed driveway now? Yes. Okay.

Ron Gainer: What's... Yeah, what's currently...

Board Member Taylor: And then they would change it.

Ron Gainer: proposed.

Board Member Taylor: Right. Okay.

Rich Williams: Yup.

Board Member Taylor: So if changes then happen...

Ron Gainer: And then it may change, right.

Board Member Taylor: Right.

Ron Gainer: Depending what DOT has...

Chairman McNulty: Do we have any idea of what's coming down the road? They're looking to eliminate that altogether that driveway?

Rich Williams: I doubt if they're going to...

Chairman McNulty: Maybe become a one-way.

Rich Williams: I don't...I would expect that if that site is turned into a retail area, that they would shift the driveway down probably about 200' south of Denand...Not Denand.

The Secretary: Danby [Lane].

Rich Williams: Danby. Thank you. Danby Lane. Yeah? Not where the current driveway is.

Ron Gainer: Yeah.

Rich Williams: Loop it farther out and around.

Chairman McNulty: To the north more?

Rich Williams: Yes. I would expect.

Chairman McNulty: So it's off the crest of that hill, so to speak.

Rich Williams: Yeah. And abandon that driveway altogether.

Chairman McNulty: Okay.

Rich Williams: Because they've got other issues there and this is what all came up. Is if they're going to touch anything there, then it starts compounding into the driveway for the Post 22 restaurant. And then Roc started wanting all sorts of improvements on Post 22.

Ron Gainer: Post 22, I can't even believe it's going to survive. There's never anybody there.

Board Member Ladau: Yeah.

Chairman McNulty: I'll tell you what though, the food's pretty good.

Ron Gainer: It's good food.

Board Member Brady: Yeah, it is.

Ron Gainer: But nobody's ever there.

Rich Williams: Yeah.

Board Member Brady: No.

Ron Gainer: Whenever I go, there's nobody in there.

Board Member Ladau: Yeah.

Ron Gainer: And Barbara and I love going there.

Rich Williams: It was funny that the DOT let them take out the island...

Ron Gainer: Right.

Rich Williams: which separated.

Ron Gainer: Right.

Rich Williams: And when we were other there, Roc said oh no, there needs to be an island there.

[Laughter]

Chairman McNulty: The guy from DOT?

Ron Gainer: I love Roc but he's funny. He goes crazy. Right. He's...He gets funny.

Board Member Taylor: So does this get written up as a resolution or can we do a general motion that then gets written into the bond and all of that stuff? All the fine print.

Rich Williams: Well, you can do a...

Chairman McNulty: Well, he has to put in a...

Rich Williams: general...

Chairman McNulty: site plan application, doesn't he? A waiver application? A driveway waiver.

Ron Gainer: Go back...

Board Member Montesano: Delay.

Rich Williams: No, he's got a pending site plan application.

Board Member Taylor: Yeah, it's a waiver as part of the site plan.

- Ron Gainer: Yeah, but there's been no approval. Would it get tied into that approval or is this separate?
- Rich Williams: He's got a conditional approval.
- Ron Gainer: Oh, he does? Okay, I can't recall.
- Rich Williams: He's got a conditional approval.
- Ron Gainer: He did? Okay. He got there.
- Rich Williams: So they, by motion, they acknowledged the waiver then we go in and calculate the bond.
- Ron Gainer: Okay.
- Rich Williams: And then you'd have to make a motion on the bond, send it to the Town Board and he'd have to post it.
- Board Member Taylor: Alright, so there is still some paperwork to do.
- Ron Gainer: I didn't recall.
- Board Member Taylor: So we say tonight we're...this is okay with us and you drop the paperwork and then we deal with it later.
- Board Member Montesano: There's no such thing as a waiver.
- Board Member Taylor: Alright. And again...
- Board Member Montesano: It's a delay.
- Board Member Taylor: I like the term postponement rather than waiver.
- Chairman McNulty: Yeah, I do, too.
- Rich Williams: Yeah, that's fine.
- Board Member Taylor: I really don't.
- Board Member Brady: Absolutely.
- Board Member Taylor: I mean, waiver sounds like, okay do (inaudible – too many talking).
- Chairman McNulty: permanent.
- Ron Gainer: Yeah, right.
- Chairman McNulty: Yeah. Postponement, we can tie a time duration to it.

Board Member Taylor: Yeah.

Board Member Brady: Right.

Board Member Taylor: Two years seem reasonable to everybody?

Ron Gainer: How big was the original project that they're talking about expanding?

Chairman McNulty: I'd say three [years].

Ron Gainer: The one on...

Chairman McNulty: Dealing with the State.

Rich Williams: Frantell?

Board Member Montesano: The...

Ron Gainer: Yeah, Frantell. Right.

Rich Williams: 22,500 square feet.

Board Member Montesano: We can always extend it if we had to.

Ron Gainer: I thought that was getting bigger though.

Board Member Montesano: If there's a reason to.

Ron Gainer: No?

Board Member Montesano: If we give him the three [years], he'll take three.

Ron Gainer: But that's the project that could grow onto Maxwell's property.

Board Member Montesano: If we give him two, he's got to ask for an extension.

Rich Williams: It could grow...

Board Member Taylor: And then he's got to come back in and deal with it.

Rich Williams: (Inaudible – too many talking).

Chairman McNulty: Alright. I'll take Mike's wisdom on that. Been there. Two years.

Ron Gainer: I thought it was bigger than twenty-two [thousand square feet]. Okay.

Board Member Taylor: Fine, so...

Board Member Brady: So it can be a real nice one.

Chairman McNulty: So we'll do a two-year postponement on the driveway.

Board Member Brady: Mhmm. Yeah.

Rich Williams: Okay.

Chairman McNulty: With whatever the bond will be.

Rich Williams: Okay.

Chairman McNulty: Okay.

Board Member Montesano: Plus, you don't want to tie up his money for three years.

Chairman McNulty: That's true.

Board Member Montesano: May lose all that interest.

Chairman McNulty: Okay.

Ron Gainer: One-tenth of 1%. Whatever it is.

Board Member Montesano: I'll bet your wife's a tank.

#### **4) Birch Hill Associates – Wetland/Watercourse Permit Application**

Chairman McNulty: Okay, so that now moves us to Birch Hill Associates.

Ron Gainer: (Inaudible – too many talking).

Chairman McNulty: and a wetlands application.

Rich Williams: Right.

Chairman McNulty: Now this is the guy...You guys went out on a site walk on this a month or two ago. I missed that one.

Rich Williams: Yup. Teddy gave them some written comments. They responded to Teddy's comments. You have their responses along with Teddy's comments.

Board Member Taylor: She's desperate to clean out her attic...

Board Member Brady: I'm surprised they responded like that; to his comments.

Rich Williams: Why?

Board Member Brady: I just think that, you know, like jabbing. I just thought it was a little jabbing...

*[Board Member Taylor and Ron Gainer have side conversation – Inaudible]*

Chairman McNulty: You know what I don't have is Teddy's comments. Did he email tem to everybody? Or are they including in this packet?

Rich Williams: You've got Zarecki's responses?

Board Member Montesano: Are you going to auction those off? [referring to conversation between Board Member Taylor and Ron Gainer]

Board Member Ladau: Well, what they did is they quoted...

Board Member Taylor: What?

Board Member Montesano: Are you going to auction those off or...

Board Member Taylor: Or put them on eBay. I have no idea what we're doing.

Chairman McNulty: Oh, so they kept it in there.

Board Member Brady: Yeah, it's in there.

Chairman McNulty: Okay.

Board Member Ladau: Yeah.

Chairman McNulty: I just saw this tonight, so I haven't looked at it.

Board Member Ladau: Yeah.

Chairman McNulty: Okay.

Board Member Taylor: First we got to get her to sign...

Board Member Montesano: Oh, yeah.

Board Member Taylor: that it belongs to us. And then...

Rich Williams: I didn't think it was jabbing.

Board Member Brady: Yeah, I just thought that, you know...

Board Member Taylor: the Board is going to have to make a decision [referring to the Historical Society].

Board Member Montesano: Alright.

- Board Member Taylor: So, yeah.
- Board Member Montesano: Let me know because I'll...
- Board Member Taylor: If we had more stuff, yeah, we'd run an auction. But for one item, what's the part auctioning one item, you know.
- Board Member Brady: That they're making it...It's a rabbit farm and, you know...I just thought it was...
- Board Member Montesano: Well, eBay's an auction but I...
- Board Member Brady: I just don't think...
- Chairman McNulty: Okay guys, we're on to...
- Board Member Brady: Some things don't need to be said.
- Board Member Taylor: Yeah.
- Board Member Brady: You know, it just needs...just move on and leave it alone because at the meeting, Teddy pretty much said that he was okay with it.
- Rich Williams: Right.
- Ron Gainer: How big is...
- Rich Williams: They weren't there.
- Board Member Brady: Oh, they weren't there.
- Chairman McNulty: Just over an acre.
- Rich Williams: They didn't hear that.
- Ron Gainer: How big are the apple trees, though? They're able to be moved...
- Board Member Brady: Oh man.
- Ron Gainer: reasonably?
- Chairman McNulty: I thought that was like move...
- Ron Gainer: Did he say they were moving the two apple trees?
- Board Member Brady: Yeah.
- Rich Williams: Yeah.
- Board Member Brady: They're big. They're big trees.

Rich Williams: You could...

Board Member Brady: I mean, yeah, can they move them? Sure they could.

Ron Gainer: Well I mean Ziff could, but...

Board Member Brady: But...

Rich Williams: Yeah, you could move 100' trees so yeah.

Ron Gainer: No, but Ziff could. But...

Board Member Brady: They start costing a lot of money.

Rich Williams: They could be moved.

Ron Gainer: this guy will? Yeah.

Rich Williams: He seems to have a lot of money.

Board Member Brady: Yeah, I guess so.

Ron Gainer: No, Ziff would do it in a heartbeat but I don't...

Rich Williams: Yeah.

Ron Gainer: But most people aren't like that.

Chairman McNulty: No. No.

Board Member Brady: They're big, beautiful trees producing a lot of apples.

Ron Gainer: Ziff could move 100-footers, you just watch the hill and you can see the tree walking down the street.

[Laughter]

Ron Gainer: It was remarkable.

Board Member Brady: It's amazing they come in with that claw...

Ron Gainer: Back in the day.

Board Member Taylor: Now did Teddy ask them about the distance from Stephen's Brook? That was one of our concerns about the...It's not in the memo.

Rich Williams: Teddy's...

Ron Gainer: He said it would affect...

Rich Williams: I think, come around to the opinion that's it's far enough away...

Ron Gainer: Right.

Rich Williams: from Stephen's Brook.

Board Member Brady: Yeah.

Rich Williams: There's no impact.

Board Member Taylor: Okay. That's what...Just when we were at the site walk, we didn't know.

Rich Williams: Yeah.

Board Member Taylor: So he did find out.

Rich Williams: He was more concerned, at this point, whether there was going to be good hydrology to keep the pond...

Board Member Taylor: Yeah.

Board Member Brady: To fill it.

Chairman McNulty: To form...To keep the pond...

Rich Williams: Right.

Board Member Taylor: Yeah, okay.

Chairman McNulty: feed. Yeah.

Board Member Taylor: Alright.

Chairman McNulty: That's what he told me.

Board Member Brady: I mean, really, I think, if I remember correctly, he said, you know, he'd like to see them move it down.

Chairman McNulty: Well, I did...I spoke to Ted briefly...

Board Member Brady: You know...

Chairman McNulty: about this, too, and that's what he said. That maybe going to zoning to get a variance on a setback to get it closer...

Rich Williams: Setback for what?

Chairman McNulty: I don't know. Ted was explaining it to me and I wasn't familiar enough with the map. He was talking about moving this.

Board Member Taylor: Yeah, he wants to move it more towards Stephen's Brook.

Chairman McNulty: But they would need a zoning variance he told me.

Board Member Taylor: But they're also saying they don't want to do that...

Board Member Brady: No. They don't want to.

Board Member Taylor: for unspecific reasons that they don't want to do it. They have all these reasons for not wanting to move it is what the memo said. That they had looked at that and decided that. So I...

Rich Williams: I can't wrap my head around there being a need for a variance from the Zoning Board on this.

Chairman McNulty: Okay. Alright. Now, beyond the hydrology and the wetlands implications, how does this get engineered to be safe as you dam it up?

Rich Williams: It's actually a hole in the ground so it's not really a dam.

Ron Gainer: Yeah, it's not a dam. Right.

Chairman McNulty: It's an existing low spot?

Board Member Taylor: Yeah. Well, they're going to dig it lower.

Board Member Brady: They're going to dig a big hole and make it large.

Chairman McNulty: They're going to dredge it. Okay. Or excavate it down.

Board Member Taylor: Well, they're going to dig it down.

Board Member Brady: Right. Till they hit water.

Board Member Taylor: Yeah. Doesn't become a dam. You'll need spillway.

Ron Gainer: You want Ted to weigh in on moving those trees or is that fine?

Chairman McNulty: Well, he told me in his conversation, too, the other day that he'd really like to see the apple trees moved.

Board Member Taylor: Yeah. So...

Chairman McNulty: Yeah. I think that's...

Rich Williams: And they've agreed to move them. What do you want Ted to weigh in on?

Ron Gainer: No, no. I just wondered if he had an issue on the liability of them moving.

Chairman McNulty: No. He didn't have a problem.

Ron Gainer: Okay. That's fine.

Chairman McNulty: As long as...He was hoping they would move them.

Ron Gainer: Good.

Chairman McNulty: So, that was his comment.

Rich Williams: You can move anything.

Ron Gainer: No, I understand.

Rich Williams: You can move a tree any size. It's just a question of are they going to move them right.

Ron Gainer: Right.

Chairman McNulty: Yeah.

Board Member Brady: Not moving the Hickory tree.

Rich Williams: No, they're not moving the Hickory.

Ron Gainer: Well, they're up and down.

Board Member Taylor: Yeah, that's alright.

Board Member Brady: Yeah.

Board Member Taylor: It's a great tree but...What about spillways and that kind of stuff? We discussed that?

Rich Williams: We're going to have to take a look at that.

Ron Gainer: Yeah, the hydrology that will come in.

Board Member Montesano: You want to have the tree put up at your property?

Board Member Brady: Yeah.

Board Member Taylor: And so...I mean, they need to go forward on plans then.

Rich Williams: Yeah. I'd have to go back and check...

Board Member Brady: I've got two big, black walnuts.

Rich Williams: in where exactly where we were. They had some pretty detailed plans as I recall.

Board Member Taylor: I don't remember a spillway on them though.

Rich Williams: The next step in this, you know, we've got... You've got them right there? [Referring to plans], would be the public hearing.

Board Member Taylor: Okay.

Chairman McNulty: This is what I have. So I don't know if... I don't remember seeing anything of a dam or a spillway. That's what I was asking about.

Board Member Brady: No, I don't remember there being either.

Board Member Taylor: There we were like assuming that the pond wasn't going to overflow.

Chairman McNulty: Right down here.

Ron Gainer: That's not it.  
[Paper shuffling]

Chairman McNulty: Sorry.

Ron Gainer: No, that's alright. They've got this berm in.

Board Member Taylor: There's a berm.

Ron Gainer: They're just creating that depression and then they're moving that to the low side.

Board Member Taylor: Mhmm. But you need... You got a provision for flooding, don't you? Don't you need something?

Chairman McNulty: Yeah. Don't you need a way to catch off and then...

Ron Gainer: He's proposing it to come out here but...

Rich Williams: Yeah, you have...

Chairman McNulty: Get a plan for 100-year storm, right?

Ron Gainer: You'd want to see more detail.

Board Member Taylor: Okay.

Chairman McNulty: Yeah.

Rich Williams: You've absolutely got to have a spillway.

Ron Gainer: Right.

Board Member Taylor: Alright. So that's what we need to ask...

Chairman McNulty: What's directly downstream of this? Stephen's Brook?

Rich Williams: Stephen's...

Board Member Taylor: Yeah. Right to Stephen's. It's right here.

Ron Gainer: Yeah, Stephen's Brook.

Chairman McNulty: Yeah.

Ron Gainer: That's on the property.

Board Member Taylor: Yeah.

Chairman McNulty: Yeah.

Ron Gainer: Right.

Chairman McNulty: And any homes or properties...I think they're pretty far from anything...

Board Member Brady: Yeah.

Chairman McNulty: if I remember right. Last time I walked that property...

Board Member Brady: I think if that actually overflowed, it'd go right back into the brook.

Board Member Taylor: It'd go back in the brook but that's what you've got to be concerned about.

Board Member Brady: Right.

Chairman McNulty: You just don't want to rush into the...

Board Member Brady: Right.

Board Member Taylor: Yeah, you'll take the whole hillside down with you and it rushes into the brook, so...

Chairman McNulty: Okay. So...

Ron Gainer: But if he's building in a meadow, he's not really affecting hydrology. He's just letting it go. Whatever he does....

[Inaudible – papers shuffling]

Board Member Taylor: What I mean is if there's a flood...

Ron Gainer: He's got a design...

Board Member Taylor: you don't want a berm washing out into Stephen's Brook.

Chairman McNulty: This isn't done as a site plan. This is just done as a wetlands permit application?

Rich Williams: Yeah.

Ron Gainer: (Inaudible – too many talking)

Chairman McNulty: So, it would be a public hearing and then the engineering.

Board Member Taylor: Or just...Yes. It needs to be done.

Ron Gainer: Just to get it there.

Chairman McNulty: Okay. So we can move on and work on that on...Do we expect anybody from Zarecki here?

Rich Williams: Mmhmm.

Chairman McNulty: Okay. Okay, any other comment on Birch Hill Associates?

Chairman McNulty: We can move right along to Camp RE, Lake Charles Dam. I don't know where this is.

Rich Williams: Yeah, this is an application we received some time ago. I've been going back and forth with Teddy. I put it on the agenda just to try to get this thing moving because it's kind of just languishing out there.

Chairman McNulty: That was...I don't remember hearing about it.

Rich Williams: So I talked to Teddy about it. What it is, is...

Board Member Montesano: The old Jewish Camp?

Rich Williams: Yeah. The Old Jewish...

Ron Gainer: Yeah.

Rich Williams: The Lion's Camp. And what it is, is every B and C dam has to go through an engineering evaluation. When this went through the engineering evaluation, the engineer determined that the dam needed to be rebuilt, so they're proposing to rebuild the dam. And Teddy and I have been going back and forth. Just so you all know, the latest is I talked to Teddy yesterday and he's decided that I should calculate the wetlands fee out so I've got to pull the plans and do that.

Chairman McNulty: Why?

Rich Williams: Because.

Ron Gainer: What does that mean?

Chairman McNulty: Yeah, what does that mean?

Ron Gainer: Conflict here or...

Rich Williams: Huh?

Ron Gainer: Personality conflict or what?

Chairman McNulty: Where is Camp Re?

Rich Williams: No, no, no.

Board Member Taylor: It's on the other side of the hill from the Ballyhack Road site we were walking.

Ron Gainer: Yeah, just...

Chairman McNulty: Oh, down at the bottom of Ballyhack from [Route] 22?

Board Member Taylor: No, if you... Yes.

Ron Gainer: From [Route] 22, yeah.

Chairman McNulty: From 22...

Board Member Montesano: It's over by 22...

Chairman McNulty: Okay.

Board Member Montesano: It's on the right-hand side as you go down.

Board Member Taylor: If you kept walking up over the hill and gone down the other side going toward the (inaudible)...

Ron Gainer: Do you have plans?

Chairman McNulty: Yeah, okay.

Board Member Taylor: There's a big pond on there. Yeah.

Chairman McNulty: Okay.

Board Member Montesano: It's on the right-hand side there.

Chairman McNulty: Boy, I don't remember seeing the pond. I've never...

Board Member Taylor: You walk... You could...

Chairman McNulty: I've never been back there.

Board Member Taylor: You couldn't see it. You can't see it from anywhere, can you?

Board Member Montesano: Oh yeah, it's...

Chairman McNulty: It's not an active camp anymore, is it?

Rich Williams: No.

Board Member Montesano: No.

Chairman McNulty: Okay.

Rich Williams: But they do have a wastewater treatment plant.

Ron Gainer: Right.

Rich Williams: That's never been started.

Board Member Brady: Really?

Chairman McNulty: How old is it?

Rich Williams: It's brand new.

Board Member Taylor: Yeah, well...

Rich Williams: Well actually, probably it's now about four or five years old.

Chairman McNulty: Can they get Thunder Ridge connected to it?

Rich Williams: They can't. They can't get a C.O. on it because they don't have any flow to start it up and try it.

Ron Gainer: Right, you need...

[Laughter]

Board Member Taylor: They need to build a spa there.

Board Member Brady: That's amazing.

Board Member Taylor: and bring all the Westchester people up to...

Rich Williams: New York City, what can I say.

Board Member Taylor: Yeah.

[Laughter]

- Chairman McNulty: Unbelievable. Just boggles my mind.
- Board Member Montesano: Just get a political appointment. You don't have to have any knowledge.
- Chairman McNulty: Okay, so where are we at with this? We don't...
- Rich Williams: I've got to calculate out a fee and then we've got to get it back on the agenda.
- Chairman McNulty: Okay.
- Board Member Taylor: But you don't see any problems with this, do you?
- Rich Williams: No.
- Board Member Taylor: Yeah, so...
- Chairman McNulty: And it's probably a necessity. If the dam is failing, I'd think we'd want it fixed, so...
- Board Member Taylor: Yeah, it's...
- Rich Williams: Yes.
- Ron Gainer: Where are they with DEC?
- Rich Williams: I believe they've got DEC approvals.
- Ron Gainer: They have all the permits. So they have hard... They must have tight plans. They must be all done. Alright.

**a) Patterson Auto Body**

- Chairman McNulty: Okay, other business. Patterson Auto Body; we can check that one off.

**b) Minutes**

- Chairman McNulty: Minutes. I've only looked at August 6<sup>th</sup>. I haven't looked at any other ones yet.
- Board Member Taylor: Yeah, we've got another week to read those.
- Chairman McNulty: Yup. Go through that.

Board Member Taylor: I've got two things.

**c) Paddock View Estates – Request for Extension**

Chairman McNulty: Nice and long, August 6<sup>th</sup>.

Board Member Brady: Paddock View we have here, right? Is Paddock View a bond?

Chairman McNulty: Oh, the bond.

Rich Williams: No.

Chairman McNulty: That's just...

Rich Williams: That's just an FYI.

Board Member Brady: Oh, okay.

Ron Gainer: I'm going to ride with you.

Board Member Brady: No, you can't.

**d) S.A. Hebert – Site Plan Update**

Chairman McNulty: Okay, Hebert. Anything happen with Hebert in court? Did he go to court? No?

Rich Williams: He has not been to court. Though Building Department has issued another violation.

Chairman McNulty: In addition to what we recommended? Or...

Rich Williams: Based on what you recommended.

Chairman McNulty: Okay.

**e) Adam Levine – Fill Permit Update**

Chairman McNulty: Anything on Levine?

[Laughter]

Rich Williams: I don't know. You know about the sovereign nation?

Chairman McNulty: I've heard of it.

Rich Williams: Okay. Well, he's declared himself a sovereign nation.

[Laughter]

Board Member Taylor: Okay.

Ron Gainer: Alright.

Board Member Taylor: So we have to go through the new land now?

Chairman McNulty: I read an article about them and there's judges in New York State that are scared silly of these guys. Yeah.

Board Member Ladau: He's a member of the lost tribe.

Board Member Taylor: Okay.

Chairman McNulty: So that's where it's at.

Board Member Montesano: He watched that movie.

Rich Williams: Yeah.

Chairman McNulty: So he says he doesn't have to go to court then.

Rich Williams: Well, he was in court Tuesday night. I have no idea what happened. Laura [Roberts] didn't tell me and right, well, last night she jumped on a plane for Disney Land.

Chairman McNulty: Okay.

Board Member Montesano: It must be she won the case.

Chairman McNulty; And...

Board Member Brady: She'd rather deal with Goofy.

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

Chairman McNulty: Did the Town Board act at all on Bed and Breakfast?

Board Member Montesano: I thought we were Goofy.

Rich Williams: No.

Chairman McNulty: They're still talking about it?

Rich Williams: The person who is doing the proposal came in, made a very nice presentation. The Town Board asked me to revise the proposed Code change to address some of his issues. And yesterday the house was sold to a very nice single-family couple.

Board Member Taylor: A different person. Okay.

Board Member Ladau: So it's a dead issue.

Chairman McNulty: So the deal's...

Board Member Taylor: It's a dead issue.

Chairman McNulty: Okay.

Ron Gainer: Done.

Board Member Taylor: Yup.

Chairman McNulty: McGuire's is sold.

Board Member Montesano: So the bed is not even going to have a breakfast.

Rich Williams: No more bed and breakfast.

Board Member Taylor: Okay.

Rich Williams: Too bad. I thought it was...

Board Member Brady: Well, that's a nice house.

Rich Williams: I thought it was a great idea.

Ron Gainer: Yeah, it's a (inaudible) house.

Chairman McNulty: Beautiful.

Board Member Montesano: A lot of work in that house over the years.

Board Member Brady: Oh, yeah.

Chairman McNulty: So, will we still propose that Code into the change or not bother right now? Shelve it for a future use.

Board Member Montesano: \$4,000 per square inch.

Ron Gainer: Yeah, and they'll start pushing.

Chairman McNulty: Can we turn it into a floating zone?

Rich Williams: Well, we can have further discussions on it so...

Ron Gainer: Yeah, you've got time now. Yeah.

Chairman McNulty: Yeah.

Board Member Taylor: In January we can have some.

Chairman McNulty: And I thought we moved along pretty good on that one.

Ron Gainer: No. No, I'm just saying now there's no crest.

Board Member Taylor: Yeah, there's no crest.

Rich Williams: Yup.

Chairman McNulty: Okay, anybody else have anything.

Board Member Taylor: I got...

**g) Correspondence regarding ZBA Case**

Board Member Ladau: What about this letter from Mr. James Rude.

Chairman McNulty: I haven't seen it. James Rude.

Rich Williams: That's an issue with the Zoning Board of Appeals.

Board Member Montesano: Oh.

Board Member Ladau: Okay.

Rich Williams: Just, you know, an FYI. The gentleman's trying to store a very large commercial truck on his property and in violation of our Zoning Code. He's seeking a variance to allow him to do that.

Board Member Ladau: Okay.

**h) Putnam Power Equipment**

Chairman McNulty: Okay, Ron, you have something?

Board Member Taylor: Alright, yup. Putnam Power Equipment. That's the place at Noletti's. Is that the right name?

Chairman McNulty: Mmhmm.

Board Member Taylor: They've brought more equipment into their parking lot.

Chairman McNulty: Recently? The other day...

Board Member Taylor: Well, since we...

Rich Williams: Code Enforcement's aware of it.

Board Member Taylor: Okay, so he's dealing with it. I was just...I was there with some chainsaws the other day and I was like...

[Laughter]

Ron Gainer: (Inaudible – too distant). That's right.

Board Member Taylor: Where are you supposed to park? They had a delivery truck in there blocking their parking, and people were parking on the driveway coming in.

Chairman McNulty: Well I'll tell you, I was in there Saturday two weeks ago to go look for a belt for the tractor and...

Board Member Taylor: So...

Chairman McNulty: I had to park along the curb going in.

Board Member Taylor: Yeah.

Chairman McNulty: It was...There wasn't enough parking.

Rich Williams: Right.

Chairman McNulty: I've got a full-sized truck.

Board Member Brady: And he said he was going to move those...

Chairman McNulty: No fence yet. He hasn't put the fence in. So I don't know if...

Board Member Ladau: Well he hasn't done anything.

Board Member Taylor: No, he hasn't done anything.

Board Member Montesano: No, he's trying to sell everything before the winter.

[Laughter]

Chairman McNulty: So...

Board Member Taylor: So in any case, so that's being dealt with.

Board Member Montesano: You want a trailer cheap?

Chairman McNulty: Okay.

Ron Gainer: Yeah, right.

Chairman McNulty: Anything else?

Board Member Montesano: With the generator right on it?

**i) Useable Lands**

Board Member Taylor: I move that the Planning Board recommend to the Town Board that a definition of useable residential land be added to the Zoning Code. Do we have a second?

Board Member Montesano: Second.

Board Member Ladau: Second.

Board Member Brady: Wow. That was quick.

Board Member Montesano: No problem.

Board Member Taylor: Do we want a vote on this?

Ron Gainer: That was quick.

Rich Williams: Do you have a definition you want to use?

Ron Gainer: Yeah, you want to offer a definition?

Board Member Taylor: I'm just finding out, first of all, whether we want to even do it. And then I can sit down and...

Board Member Montesano: It's been...

Board Member Taylor: I can work on a definition.

Board Member Brady: I...

Board Member Montesano: It's been something that should have been done years ago.

Chairman McNulty: Read it again. Read your statement again.

Board Member Taylor: The Planning Board recommend to the Town Board that a definition of useable residential land be added to the Zoning Code. And then...

Board Member Montesano: Right.

Board Member Taylor: And then if, you know, if we want to move forward, if we agree on that, then we can come up with the actual definition. I'm going a step at a time here.

Chairman McNulty: No, I understand.

Board Member Taylor: Yeah.

Rich Williams: Listen...

Ron Gainer: It doesn't need a motion then.

Chairman McNulty: No.

Rich Williams: I understand what you're trying to do but I, you know, I would poll the Board and see if they are...

Ron Gainer: Right.

Rich Williams; agreeable to moving forward with this.

Board Member Taylor: Okay.

Chairman McNulty: Well, I think that's what Ron's... That's his point.

Board Member Ladau: Yeah.

Board Member Taylor: That's all I'm trying to do here.

Chairman McNulty: We weren't ready for...

Rich Williams: That's not your resolution.

Ron Gainer: It's not...

Board Member Brady: No.

Board Member Taylor: Okay, then let's poll the Board to find out.

Board Member Montesano: Can I ask a question.

Board Member Ladau: But a rose by any other name still smells.

Board Member Montesano: Which Board are we trying to convince that we should do this? We're willing to. I think we've been willing to...

Board Member Taylor: Well, are we?

Chairman McNulty: Well, I think we...

Board Member Taylor: Or are we?

Board Member Ladau: Yes.

Board Member Montesano: do it since the 80s, but...

Chairman McNulty: Our discussions with Mike Liguori, the word takings came into play.

Board Member Taylor: And he talked about political will.

Chairman McNulty: Yeah.

Board Member Taylor: What...

Chairman McNulty: When I hear takings, it puts red flags up to me. I...

Rich Williams: It's a takings when you take that definition and apply it inappropriately.

Chairman McNulty: I understand that. So I would, personally, want to go slowly on this and really investigate how we define what's useable.

Board Member Montesano: No CVSSs.

Board Member Ladau: But that's what Ron is asking.

Board Member Taylor: That's all I'm asking.

Chairman McNulty: Yeah, I understand that.

Ron Gainer: You have to charge...Charge Mr. Taylor to...

Board Member Brady: I think what he's saying is he wants us...He doesn't want to waste his time doing it...

Chairman McNulty: We want to talk about it. I...

Board Member Brady: if...He'll look up and get some information on it.

Board Member Taylor: I've already proposed a definition.

Board Member Brady: Right, you did.

Chairman McNulty: Yes.

Board Member Ladau: Yeah.

Board Member Montesano: Yeah.

Chairman McNulty: What I'm wondering, when we get in...And we're basically talking about wetlands when we're talking about this useable.

Board Member Montesano: No.

Board Member Ladau: No.

Board Member Montesano: No, you're talking about mountains...

Board Member Brady: Hillside and...

Board Member Taylor: No, we're not talking about wetlands unless they're non-regulated wetlands. Primarily, we're talking about steep slopes is where it comes in here.

Board Member Ladau: Yeah.

Board Member Taylor: And how large is the residential lot? A useable lot? So wetlands do come in...The buffers come in as an issue there.

Chairman McNulty: Mmhhh. Well, that's where we generally have our issues, is with the wetlands buffers. Cutting...

Board Member Taylor: The buffers and the steep slopes. Yes.

Chairman McNulty: Yeah. We haven't run into too many steep slopes that I can think of.

Rich Williams: We've run into a few.

Chairman McNulty: A couple, but not...

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

Chairman McNulty: But it's all a part of it.

Board Member Taylor: Yes, it's all part of the thing. Yeah.

Board Member Montesano: The object is if you have a 4-acre zoning and a guy comes in and he says I have 40-acres so I want 10 houses because I have the 40 [acres]. Meanwhile, half the acreage is straight up the mountain. The other half is in the wet. He doesn't have 40-acres to play with.

Chairman McNulty: I understand that.

Board Member Montesano: And that's where the difficulty comes in. Is saying...

Chairman McNulty: But we have Code in place to restrict steep slope, correct?

Rich Williams: No.

Board Member Taylor: No.

Board Member Montesano: No.

Chairman McNulty: Oh, we don't.

Board Member Taylor: We don't.

Board Member Montesano: Nope.

Chairman McNulty: I thought we did.

Board Member Taylor: And we have a minimum lot size, but it's not useable land lot size.

Chairman McNulty: It's just lot size.

Board Member Ladau: Yeah.

Board Member Taylor: It's simply lot size. And then we're always put against this...

Ron Gainer: I think we've touched on that...

Board Member Montesano: Yup.

Ron Gainer: I had mentioned previously that there's other codes that specify minimum buildable area.

Board Member Taylor: Right. Same...

Ron Gainer: We're hung up on the word buildable, which is fine. But the point is you layout a certain minimum size...

Chairman McNulty: Mmhmm.

Ron Gainer: that has to be useable.

Chairman McNulty: Well, I pointed out with that Saratoga Code how to minimum buildable area.

Board Member Taylor: Yeah. Whatever word we use...

Board Member Brady: Yeah, it's the same difference.

Board Member Taylor: Yeah.

Chairman McNulty: Well, I'm for looking into it to take the grey area out of these issues we have. But to do it lightly where we're not becoming over restrictive.

Board Member Taylor: Well, yeah. But first of all, the definition is just a definition in the Code.

Chairman McNulty: Mmhmm.

Board Member Taylor: And then as Rich says, we've got to determine where it is applied in the Code.

Board Member Brady: Right. And how it's interpreted.

Board Member Taylor: And that's a whole nother set...

Chairman McNulty: Yeah.

Board Member Taylor: Step. I just, I mean, you get my point.

Board Member Brady: No, yeah.

Board Member Taylor: I don't want to waste time...

Chairman McNulty: No.

Board Member Brady: No I, you know...

Board Member Montesano: Let's put it this way, if you do this...

Chairman McNulty: And you sent that in an email previously, didn't you?

Ron Gainer: Right.

Board Member Taylor: Yes.

Chairman McNulty: Yeah, yeah, yeah.

Ron Gainer: It goes back a month or more. Yeah.

Board Member Montesano: If you do this...

Chairman McNulty: I have a stack of Ron emails.

Board Member Montesano: then you have something... We're getting... The land that's available to build on is the stuff like on Cornwall Hill where you had this and that and the guy angles in. Or the...

Board Member Brady: Yeah.

Board Member Montesano: one on Farm to Market...

Chairman McNulty: No, it's become a limited...

Board Member Montesano: That should have been eliminated back in the 80s.

Board Member Taylor: Yeah.

Board Member Montesano: But at the time, there were people that didn't want to offend anybody so they refused to do it. A lot of people spent a lot of time and a lot of effort and a lot of work on it and got nowhere. Ron wants to do it, fine.

Board Member Taylor: Well...

Board Member Brady: No, I'm in favor of it.

Board Member Montesano: I'll back you 100 percent.

Board Member Brady: I don't want to see you waste your time.

Board Member Montesano: No. Well...

Board Member Brady: I think it's something that should be addressed.

Board Member Taylor: It's a...

Chairman McNulty: No...No...

Ron Gainer: It's worthwhile.

Chairman McNulty: It's definitely worthwhile because we run into this grey area and I think it would help...

Board Member Taylor: Right.

Chairman McNulty: define to the public what they're available to use.

Board Member Taylor: Okay. So then...

Chairman McNulty: So...

Board Member Taylor: we'll move forward with it.

Chairman McNulty: Good.

Board Member Montesano: Is it the County who keeps selling this garbage that's hit because the people don't want to build because they can't and the County sells it off at the tax auctions and somebody comes in here and wants to put a house on it...

Board Member Taylor: Right.

Board Member Montesano: And holy hell breaks loose because we're this...

Board Member Taylor: Yup.

Board Member Montesano: the guys that got to turn it down. It shouldn't be.

Board Member Taylor: Okay.

Board Member Montesano: Right there in the Code, we don't have a problem.

**j) Tri-Board Meeting**

Board Member Taylor: So alright, second thing, again, maybe I should just poll the Board but I move that the Town Board be notified it is the sense of the Planning Board that at this time there will not be any productive results from a tri-Boards meeting about the Comprehensive Plan. Just...

Chairman McNulty: Not to sit down and have another tri-boards meeting because...

Board Member Taylor: Doesn't seem like we're going to get anything out of it.

Chairman McNulty: No. What it take is...We need to sit down and take the Comprehensive Plan apart...

Board Member Taylor: Okay.

Chairman McNulty: and go through it section by section and comment on it.

Board Member Taylor: Alright, so what...Alright, so I would propose if we want to do that we do what we did...Like training on the SEQRA, we do a piece at a time and we just...If it takes us a year to work our way through it, we do. Take it as part of our ongoing training.

Chairman McNulty: And it would just become suggestions because we don't have final say on the Comprehensive Plan. That's a Town wide thing.

Rich Williams: No, just recommendations.

Chairman McNulty: Just the recommendations.

Board Member Taylor: Yeah, recommendations. But yeah, I think you'd be alright. I mean, you take it apart.

Chairman McNulty: Yeah, I think it would be more productive as a Board than as a tri-board meeting.

Board Member Ladau: Mmhmm.

Chairman McNulty: No doubt about it.

Board Member Brady: Yes.

Chairman McNulty: One of the things I took out...I went to a training class last night. I think I was telling somebody early, for the affordable housing and aging in place.

Board Member Taylor: Yup.

Chairman McNulty: And I was interested in the aging of place and the affordable housing in reference to Fox Run. But after listening about affordable housing, it's really low income housing.

Board Member Ladau: Mmhmm.

Chairman McNulty: And it's not...They say everybody has to have it but I don't think we have the infrastructure for it here, the way they were proposing it. In a dense, populated...dense development.

Rich Williams: You want to do affordable housing, you need two or more.

Chairman McNulty: Yeah, exactly. You need the infrastructure. So I took that away. But the aging in place they brought up, and this is where the comprehensive plan comes in, is to address it in your comprehensive plan. And they talked about floating zones as we've been talking the last couple of months. To have a floating zone for senior housing in your Comprehensive Plan so when you're ready and you have a checklist of what you're looking for, you know, the hiking trails, a pool, a clubhouse, sidewalks and all the other good things that go with people that are older and want to walk. Now, they had an interesting take that want...Senior housing is put aside and it's a big development and all the seniors live there. And they were promoting that it get more infused into the general population.

Board Member Taylor: More integrated, yes.

Chairman McNulty: And they had an interesting concept of cottage housing. I had never heard of it before. Have you seen it or heard of it?

Board Member Montesano: Go to Florida.

Rich Williams: That's what we try to do out here.

Chairman McNulty: Yeah. Well, they...

Rich Williams: When we were doing Rosebud, we tried to cut the 303 condominium units down to 120 cottage units that were going to be principally starter homes and for...

Board Member Taylor: Retirement homes.

Chairman McNulty: Yeah.

Rich Williams: retirement homes that wanted a little bit of a yard but not a big yard.

Chairman McNulty: Yeah.

Board Member Taylor: Yeah.

Chairman McNulty: But they talked about it and they talked about some of the pitfalls. Close communities, elderly people don't have the money to do the upkeep. And in some places it's worked, other it hasn't. And then another thing they talked about was accessory dwelling units.

Board Member Taylor: Mmhhh.

Chairman McNulty: Being able to allow...like we talked earlier, where the timeframe for somebody to convert an apartment in their house with a second kitchen or second bath. We...And our Code's very restrictive to that now.

Board Member Montesano: Yeah, but we have it.

Rich Williams: We allow it.

Chairman McNulty: Oh, everywhere?

Board Member Taylor: Mmhhh.

Chairman McNulty: Okay.

Rich Williams: In the residential zones.

Board Member Montesano: Everywhere that's residential let's people apply for it.

Chairman McNulty: Well, they talked about the problems with it, too. And then the elderly person goes in a nursing home or moves on or...

Board Member Taylor: And then they rent the apartment.

Chairman McNulty: And then they rent the apartment out and how to battle that. And again, they said to address it in the Comprehensive Plan.

Board Member Montesano: We rent...

Chairman McNulty: So...And zoning.

Board Member Taylor: And Zoning.

Board Member Montesano: Look, if you sell the house, you've got x-amount of time for the new owners...

Rich Williams: You've got 90-days.

Board Member Montesano: to come in and try to get the same thing you're selling them.

Rich Williams: Right.

Chairman McNulty: One of the things I said about the accessory dwellings is Tompkins County did a cottage home allowance. So if they didn't have the room in the house, smaller houses up there, they would allow a temporary...They called it an echo. Have you ever heard of that?

Rich Williams: Oh, yeah.

Ron Gainer: Yeah, I have.

Chairman McNulty: And the talked about the failure of that program because when the elderly person is no longer there, they have to remove it. And people aren't removing it because it costs more than it did to buy it.

Board Member Brady: Right.

Chairman McNulty: So, they're stuck with these structures up there.

Board Member Ladau: Restrict it to tents.

Chairman McNulty: Yeah.

[Laughter]

Chairman McNulty; It's about the size of these things. They should some pictures.

Board Member Taylor: Well, there's also...

Board Member Montesano: Oh, they made a whole program on that: Mini-houses.

Board Member Brady: I just built one.

Board Member Taylor: And there's also... You can do incentive building.

[Laughter]

Board Member Ladau: We have an expert.

Chairman McNulty: Incentive zoning, as well, they touched on.

Board Member Taylor: We had incentive zoning for Fox Run, for example. We could say, okay, you have more than 80 units if a certain number of the units you are putting in are for...

Chairman McNulty: Affordable or...

Board Member Taylor: Yeah. Affordable or something like that. Yeah.

Chairman McNulty: Smaller in size.

Board Member Taylor: Yeah. So it doesn't have to be restrictive with...

Chairman McNulty: It's not restrictive. But incentive zoning like you said.

Board Member Taylor: Yeah, build something in to try to make this stuff happen.

Board Member Montesano: If you look at Florida...

Chairman McNulty: And it doesn't have to be in relation to that. Maybe it's another giveback to the Town somewhere else. Maybe a piece of the property becomes a public park.

Rich Williams: But I've always had a problem with incentive zoning on a philosophical basis. If you're saying that it's okay to build only 80 units but, well, you can build 100 units if you do some of them as affordable, why not just write a code that says you can do 100 units and 20 of them have to be affordable instead of trying to incentivize...

Chairman McNulty: Well, I was thinking 80, maybe give them 85.

Board Member Ladau: Or you do 80 units of which...

Board Member Taylor: Well, you can do it either way. But one way...

Board Member Ladau: 20 have to be affordable.

Board Member Taylor: or another, you get it in the Code so that it's an option.

Chairman McNulty: So, there's a couple of things they touched on last night.

Board Member Taylor: Yeah.

Board Member Montesano: Florida has an area...

Chairman McNulty: But...

Board Member Montesano: where the seniors go in. They have...

Ron Gainer: And they never come out.

[Laughter]

Board Member Montesano: No, they come out. The whole problem is it gets a little boxy after a while.

Chairman McNulty: So back to the point, I agree with Ron. I think as a Board, a Comprehensive Plan. The holidays are coming up. We're going to be busy. Maybe we look at that the first of the year to try and tackle that.

Board Member Taylor: If that's...I just want to get a sense of the Board, is what I'm saying.

Board Member Ladau: Yeah.

Chairman McNulty: Yup.

Board Member Taylor: So that...

Board Member Brady: No, I think both of them are good ideas.

Chairman McNulty: Yeah.

Board Member Ladau: Yeah.

Board Member Montesano: Let me know when.

Board Member Brady: There's no sense have a tri-board meeting.

Chairman McNulty: We can work together on that.

Board Member Ladau: What we should do is locate this discussion somewhere in sunny south.  
Either Palm Beach or Miami or...

Board Member Taylor: Oh, okay. You keep trying to do that.

Board Member Montesano: I've been trying to get to Florida. Nobody wants to.

Chairman McNulty: Alright, any other...

Board Member Brady: Hey, Schoharie County if you want to go...trudge yourself up there.

Chairman McNulty: Ron, anything else?

Board Member Taylor: No, that's all I had. I just wanted to clean that up.

Chairman McNulty: Rich?

Board Member Montesano: You get one of them little sunshine...

Chairman McNulty: Make a motion to adjourn.

Board Member Ladau: Move.

Chairman McNulty: All in favor?

Board Member Brady: What about the minutes?

Chairman McNulty: I touched on them.

Board Member Taylor: No, next time. Next time.

Board Member Brady: Oh, next time? Okay. I'm sorry. I missed that.

Ron Gainer: You were sleeping there.

Chairman McNulty: Make a motion to adjourn.

Board Member Brady: Second.

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

*Meeting was adjourned at 7:58 p.m.*