

Minutes
Warrensburg Planning Board
May 18, 2010

Board Members Present: David Spatz, Laura Moore, Shale Miller, Art Healy

Board Members Absent: Joyce Harvey, Danielle Robichaud (Alternate), Lynn Smith (Alternate)

Others Present: Herb Muller, Paul Gilchrist, Katie Annis, Herb and Jean Wood, Eileen Frasier, Dottie Potter, Ruth Fruda, Marilyn O'Connor, Robert Maltbie, Theresa Whalen, Jean Hadden, Morgan Crandall, Jane LeCount, Lenore Smith, John Abbale, Kendra Raymond, Shane and Diane Newell, Gary Rounds, Don and Yvonne Miller, Faith Buck, Tom Duffy, Joan Noble, Stephen and Laura Danna, Phyllis Jacobs, Ed Brown, Austin Markey, Hal Raven, Joe Pereira, Alexander Szabo, Pete Haggerty, Jerry Reed, Chuck Bederian, Kathy Galusha, Michelle Wartman, Mike and Barbara Morey, Paul and Laura Weick, Matt Lalone, Kim Bellinger, Patti Corlew, Chris Belden (Zoning Administrator) and several others

Meeting Commenced at 7:00 p.m.

Mr. Miller - Okay, let's call this meeting of the Warrensburg Planning Board to order. It is May 18th. I need to... We have quorum, and I need to approve the minutes from the previous meeting of April 20th. Do we have any comments on that?

Mrs. Moore - Approve as submitted.

Mr. Healy - Second.

Mr. Miller - All those in favor.

RESOLUTION #2010-12

Motion by: Laura Moore

Seconded by: Art Healy

RESOLVED, to approve Planning Board minutes of April 20, 2010 (without correction).

DULY ADOPTED ON THIS 18TH DAY OF MAY, 2010 BY THE FOLLOWING VOTE:

Ayes: David Spatz, Laura Moore, Shale Miller, Art Healy

Nays: None

Mr. Miller - Okay. Old business, we have a public hearing for subdivision 2010-2 for tax map 210.1-1-15, for 231 Hudson Street. Is anybody here for that applicant? No, okay. We're going to open a

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public hearing for that, but we'll wait and see if he shows up first and get back to that. We'll move on to new business. Site plan review SPR 2010-3, tax map 210.16-1-22 for 85 Hudson Street. The applicant is Ashe's Pub and Grill, to allow transient merchant market for Bike Week and other local events. Is anybody here for that?

Mr. Abbale - Yep.

Mr. Miller - You guys want to come up and give us a little introduction as to what you're going to do?

Mr. Abbale - How you doing?

Mrs. Moore - Good.

Mr. Miller - How you are? There's a microphone right there. Give us your name and... I think it'll pick you up.

(Tape inaudible).

Mr. Abbale - I was going to sing or something...

(Tape inaudible).

Mr. Miller - A little karaoke?

(Laughter)

Mr. Abbale - I guess I got to stand still. Anyway, I didn't know I had to stand up here and present this, but at any rate, I'm John Abbale. I'm the owner of Ashe's Hotel, Ashe's Pub and Grill. I don't know how many of you have, have heard about... You're certainly familiar with Americade and of course, most of that's been down in Lake George, that area for, for quite a few years, but I think that there's, there's, there's a committee in town, a Warrensburg Bike Week Committee that we, we really are not, we've been supportive of. They've enlisted the support and the help of a lot of businesses in the community to cultivate that Americade work so that it's expanded and it's extended up here to Warrensburg. I'm sure there's mixed feelings about, ya know, something like, like Bike Week. It's no different than the World's Largest Garage Sale, which has been going on for a lot of years and a lot of people really love it and I'm sure some people hate it. (Inaudible) about it. Probably Bike Week I would imagine would be the same thing. There'd be a lot of people who really think it's kind of neat for a week, an event and some who will say oh, I wish Bike Week would go away. But at any rate, from my perspective, as a business person, and I think looking at it more globally for the town, I think it could be a nice, a nice event to, to build on. And we are embracing it and we're trying to become a little bit of a, of a hub of what goes on in Bike Week and we planned a nice calendar of events and we are inviting a few vendors. That's what this is about, to, to have some vendors on the property. We had planned a nice schedule, some entertainment and a couple of very, several nice fundraisers; one for the VFW. We're going to set up a scholarship fund for children of, of veterans and that's going to be something... We talked about that and now we're going to do it.

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That's something we can do ongoing. So we're excited about that and we have a couple of other charities that we're going to, charity events that we're going to have. So basically that's, this, this is just really for the vendors, to have vendors on the property, I think, right?

Mr. Miller - Yep.

Mr. Abbale - I'm just giving you more of an overview of the Bike Week because... I know people are sens... You'd have to be sensitive to that. We've talked to some of our neighbors because we try to be a good neighbor, ya know. Being a tavern and that kind of an operation, ya know, it's a social spot and gathering spot and ya know, it's gotta to be policed and I, I've had the hotel for a lot of years now, twenty, going to be 24 years and I think I've tried hard to keep a, ya know, a certain decorum, even though, ya know, it's tough sometimes, but I think, I think we've done a good job overall, and I think Ashe's Hotel is a great, it's a great spot. It's got a great history and a lot of, if the walls could talk, ya know, it's a social gathering place for a lot of years and we've made a lot of nice improvements. Even, even recently, so. I, I just want to kind of pledge to everybody... I don't think we normally have this big a crowd. I don't know, but something's going on...

(Laughter).

Mr. Abbale - They're not here for me, I can tell you that.

(Laughter).

Mr. Abbale - Anyway, it's a good, it's a good venue for me to, to kind of let you know what goes on. Come on down... No. But I do want to... I would want to pledge to you that we would continue to be vigilant about having it be a fun, ya know, local kind of cheers bar and not going over the top and letting it get crazy. We, don't, I don't subscribe to that. I'm, I'm kind of an unlikely bar owner because well, I just am. Anyway, but I like people and I think it's important to have social gathering places in, in the community and we try to keep it nice. Anyway, that's what it's all about and I can tell you, we do this we (inaudible) same effort to something like Bike Week and I think the town needs a couple of good, couple of a good events like that. Not every week, not crazy, but a couple a year. Anyway, that, that's... I don't know if I did what I was supposed to do.

Mr. Miller - And I'm sure we... We have a couple questions for you.

Mr. Abbale - Sure.

Mr. Miller - From the board.

Mr. Abbale - Yep.

Mr. Miller - Anybody want to go ahead first?

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Mrs. Moore - Sure. I had... The comment here, it says a few vendors and you've mentioned a few vendors. Do you know approximately how many vendors you will anticipate?

Mr. Abbale - Well, we know we can't have more than...

Mrs. Raymond - Four.

Mr. Abbale - Yeah, right now, four, but we know, we, we, the agreement is you can't go over 10.

Mrs. Moore - Okay.

Mr. Abbale - And we certainly wouldn't do that, if that's what we're approved for.

Mr. Spatz - What lot?

Mr. Abbale - It would be on the main lot where the hotel is.

Mr. Spatz - Okay.

Mr. Abbale - Yeah. We do have a lot, the vacant lot across the street and I, I, ya know, I think it'd be nice to be able to maybe have bikes just park there or something, whatever, but not, not, I don't, ya know...

Mr. Miller - Yeah, I think that would be...

Mr. Abbale - ...(inaudible) vendors over there.

Mr. Spatz - It does have vendors, I believe, on our map.

Mrs. Moore - On the map, it says vendors.

Mr. Abbale - Well, I think, ya know, when we were maybe first drawing something, we didn't know what we... First of all, I didn't know that you had this up to ten and then if you go over ten, it's a...

Mr. Miller - Right.

Mr. Abbale - ...whole other process kind of thing, but I think up to ten's perfectly fine.

Mrs. Moore - Okay. So we'll, we'll... (Inaudible). One of the comments is that the lot, it's numbered 46, as not having vendors on it. If the board members feel that parking is okay for that area, (inaudible) being acceptable.

Mr. Miller - That's fine. Yeah, I don't think that's going to be too much of an issue.

Mrs. Moore - Do you have an hours of operation idea for that week?

Mr. Abbale - Well, we do have... I don't think it'll be too much different than our normal hours of operation, honestly, because I mean, normally we do, on a weekend, we can get obviously into the wee hours of the morning, but weeknights, I would think...

Mr. Miller - As far as entertainment and stuff like that.

Mr. Abbale - Oh you mean vendors?

Mr. Miller - Vendors and the entertainment part of it. Out, anything that's going to be outdoors or, or...

Mrs. Raymond - The entertainment outdoors will (inaudible) about 9:00 (inaudible) ten.

Mr. Raven - (Inaudible) 10:00 on, on Friday (inaudible).

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Mr. Abbale - So that'd be like eight to ten?

(Tape inaudible).

Mr. Ravens - ...and the Veterans is four to six on Sunday afternoon, four to eight Sunday afternoon.

Mr. Spatz - That's the Refrigerators?

Mr. Raven - The Refrigerators, yeah, for the scholarship fund.

Mrs. Moore - So the latest that op, the venues that are outside, whether it be a vendor or entertainment will be 10 o'clock?

Mr. Abbale - It seems like they'd finish up by 10.

Mrs. Moore - 10 o'clock, and all other activities are handled inside the establishment.

Mr. Spatz - (Inaudible) outside bars?

Mr. Abbale - Yeah. We'll have, we have the one outside...

Mr. Spatz - Do you have a permit for that?

Mr. Abbale - Yep, been there for...

Mr. Spatz - Okay. So if I call the SLA tomorrow, they're going to tell me you have that license for that?

Mr. Abbale - I would assume. I mean we've always had that.

Mr. Spatz - Okay. 'Cause I am going to make the call.

Mr. Abbale - Oh, okay.

Mrs. Moore - But you're not planning on extending your, your establishment facilities anywhere else on the property, I guess. No other bar activities?

Mr. Abbale - No.

Mr. Moore - Okay.

Mr. Abbale - No. Just the one parcel.

Mr. Spatz - What about camping on the property?

Mr. Abbale - We offered that if any, if, if the vendors had, had an RV or something, they would, they could park that probably behind the barn, on the lot behind the barn.

Mr. Miller - Not, not public camping though?

Mr. Abbale - No, not public camping. Actually...

Mr. Spatz - 'Cause your ad, your ad, advertisement says camping. That's why...

Mr. Abbale - Yeah, I think the ad also had... They were a couple things that that ad had on their, had on there initially and we, we changed that ad actually. Have we not?

Mrs. Raymond - Yeah.

Mr. Abbale - Yeah.

Mr. Healy - (Inaudible) new ad to us.

(Tape inaudible).

Mr. Healy - ...'cause I certainly don't like this one.

Burn-out pit, whatever, that's (inaudible).

Mr. Healy - No, no. Kids are going to school at night and (inaudible) thing, and I'd like to see a new ad.

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Mr. Abbale - Okay.

Mr. Spatz - Thanks.

Mrs. Moore - (Inaudible) activity, events (inaudible). We still have...

(Tape inaudible; people talking at once).

Mr. Miller - Okay. The, just to clarify, the camping, fire pits, hot outdoor showers, those are for the vendors or..?

Mr. Abbale - Not public camping at all.

Mrs. Moore - That doesn't settle well, I don't think. We have, we have locations in our community and outside our community that can handle vendors' camping. That's their purpose. This, this, our application, your application to the planning office is in reference to having vendors on your site and those events, versus vendors staying at your site. I don't... Is that something that we can work around that, ya know, do vendors have to stay there? Have you communicated with them?

(Tape inaudible; people talking at once).

Mr. Abbale - There's only three or four vendors now. So that, that was more of a convenience we offered. We've done that for years for the garage sales, the few vendors that we have, three or four and that's the only reason why; it was a similar thing and if that's not, ya know...

Mr. Spatz - This is the first time this has come before the board, so that's why we're asking our questions that we're asking.

Mr. Miller - One of the things that we're considering too is, is, in this, is looking at Bike Week as a whole event in the Town.

Mr. Abbale - Yeah.

Mr. Miller - And next year there could be a whole new set of rules.

Mr. Abbale - Hm hm.

Mr. Miller - Okay, so whatever we do tonight, it'll only be for one year. Okay?

Mr. Spatz - Also, on your application, it says vendor merchants for bike week and other local activities, all other local activities, events. So...

Mrs. Raymond - It would be like charity runs, poker runs (inaudible).

Mr. Spatz - This is a special use and I believe it's just for, for one, one event, correct?

Mrs. Moore - For Bike Week. (Inaudible).

Mr. Healy - Is this for the bikers or is this for the whole year?

Mr. Miller - Yeah, I think... Well...

Mr. Healy - That's what I'm looking at.

Mr. Spatz - That's where I'm looking at.

Mr. Abbale - Isn't there a confusion... I thought we were permitted, ya know, to be... Actually there, ya know, I don't want to belabor it, but... I thought we were, we've been permitted for years...

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Mr. Spatz - For Garage Sale, you have to, you have to get a permit every year for the Garage Sale, so it would be the same.

Mrs. Corlew - No, he does not.

Mr. Miller - Not Garage Sale.

Mrs. Corlew - Garage Sale...

Mr. Miller - Garage Sale's open.

Mrs. Corlew - They, they've always been able to do it for Garage Sale without a permit.

Mr. Spatz - Okay. I stand corrected.

Mr. Abbale - But at, ya know, again, at this point, if this, if that, this application or this permit is strictly for that, for that event, that's fine, ya know, that's fine. I'm not looking to...

Mr. Miller - I think we may... I think at this point, with... Yeah, I think at this point that...

Mr. Abbale - (Inaudible) the town and then it's going to be, and then things could change and it either turns into something nice or something that is not palatable.

Mr. Miller - Hm hm.

Mr. Abbale - We, we hope it turns into something, ya know, that is good.

Mr. Healy - When I went up there and looked at it, it's right in the middle of a residential area and that's where I have a little problem with it. The kids are going to be going to school. The noise problems, the clean-up, the (inaudible) Johns, is that all going to be provided?

(Tape inaudible).

Mr. Miller - Yeah.

Mr. Healy - I know there's no law against noise up here, but (inaudible).

Mr. Miller - Now you said the, what nights are the music?

Mr. Abbale - The two main, the two main events are the 6th and the 11th.

Mr. Miller - June 6th is a Saturday and the 11th is a Friday. So, I think we've got the kids covered there, I think.

Mr. Healy - It says five days on his application.

Mr. Miller - Yep.

Mr. Healy - Or it's advertised five days.

Mr. Miller - Right.

Mr. Abbale - We've been fortunate. We don't have any... Our neighbors are all... I think we've got good relationships with the neighbors and they don't have any... I don't think there's any real small children right next to us. They're all seasoned folks like me.

Mr. Spatz - (Inaudible) type of contests you plan on having?

Mr. Abbale - I think on a couple of days there's karaoke contests, there's...

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Mr. Spatz - (Inaudible) contests?

Mrs. Raymond - Bike contests.

Mr. Spatz - Pardon?

Mrs. Raymond - Bike contest.

Mr. Miller - Bike show.

Mr. Spatz - Okay. It (inaudible) bike show?

(Tape inaudible; people talking at once).

Mr. Spatz - Okay.

Mrs. Raymond - (Inaudible). ...tattoo, the most patriotic.

Mr. Spatz - Okay.

Mrs. Moore - We, we through some suggestions that have come up. No more than ten applicants per code, events running from June 4th of, June 4th through June 13th, no camping or hot showers. Number three, park, parking customers and vendors on parcel 210.12-3... Sorry, parcel 46 rather, (inaudible) parking customers and vendors that need to have parking spaces. No later than 10 p.m. on outdoor activities with vendor and entertainment related to bike week. I don't know if that addresses Art's question of during the week or not. Art?

Mr. Healy - Pardon?

Mrs. Moore - I have a comment here, no later than 10 p.m. on outdoor activities with vendors and entertainment related to Bike Week. Does 10 p.m., does that address your question about noise?

Mr. Healy - Well, you're a mother. What do you feel? How do you...?

Mr. Miller - Well, I don't think there's any events during the week...

Mrs. Moore - I actually don't think there are any events during the week...

(Tape inaudible).

Mrs. Moore - So...

Mr. Miller - So, just weekend and...

Mrs. Moore - You just want to say weekend?

(Tape inaudible).

Mr. Spatz - Weekends.

Mrs. Moore - (Inaudible). Okay, I think it would helpful. I'm not sure... The plan, the documents that we have in front of us, the plans don't show, really, the locations of the vendors and so if someone were actually to count them and come up and inspect the site, it'd be helpful if we had an approximate location of where you're going to put your vendors on your site because I'm sure when they arrive on your site...

Mr. Abbale - Hm hm.

Mrs. Moore - You're not going to, you're going to have to plan ahead.

Mr. Abbale - Yeah.

Mrs. Moore - So if you can give us the heads up on what that plan is...

Mr. Abbale - What are you saying (inaudible).

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Mr. Raven - It's on the drawing that I gave to Chris.

Mrs. Corlew - No, you just wrote "vendors".

Mrs. Moore - They just wrote the word "vendors".

(Tape inaudible).

Mrs. Corlew - We need, like, squares to show where they're going.

Mr. Belden - Where each of the tents will be; not only where...

Mr. Miller - yeah.

(Tape inaudible).

Mrs. Moore - So I would revise the plan. I know that... Okay, I recognize the square now, but somewhere in that square, we need to know that ten vendors fit.

Mrs. Raymond - Or two or three.

Mrs. Moore - Two or three, but ya know, max, you're, maximum ten at the moment. And then if you can show us how you're going to do parking arrangement for the vendors.

Mr. Abbale - It would be in that area.

Mrs. Moore - So that they don't... Sorry.

(Tape inaudible).

Mrs. Moore - With that parcel 46, could some type of parking arrangement be identified on that site simply so that it doesn't, it doesn't interfere with what happens on Third, Third, 3rd or Hudson and how they enter or exit that site.

Mr. Abbale - They would have to enter and exit off Third. There's no curb there. They could drive on (inaudible). In fact we could draw that on there. It'd be pretty simple. (Inaudible).

Mrs. Moore - Okay.

Mr. Healy - Clean-up for the septic system?

Mr. Miller - Well, they're going to have the, you're going to have...

(Tape inaudible).

Mr. Miller - ...Port-A-Johns. You have a schedule with them anyways. They're responsible for their own garbage. I'm sure if it's a mess, Chris'll come up and tell ya it is.

Mrs. Moore - Do you want me to read though that again?

Mr. Miller - Yes. As a motion.

Mrs. Moore - As a motion? Motion to approve site plan 2010-3 for tax map 210.16-1-22, 85 Hudson Street, to allow transient merchant market for Bike Week and Bike Week only, which runs from June 4 through June 13 of 2010. This includes the following conditions: 1) no more than ten vendors per code, 2) No camping or hot showers on site, 3) delineating parking for customers and vendors' vehicles on parcel 210.12-3-46, as well as parcel 210.16-1-22, 4) update the site plan showing approximate location of vendors, parking arrangements and Port-A-Johns and condition number 5 is activities no later than 10 p.m. on weekends related to vendor activity and entertainment activity related to Bike Week.

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Mr. Spatz - That's for this year only.

Mrs. Moore - This year only.

Mr. Healy - Yeah, one year please.

Mr. Spatz - 2010, only.

Mr. Abbale - Yeah.

Mrs. Moore - You guys, any, any other (inaudible)? I need a second.

Mr. Healy - I'll second it.

Mrs. Moore - Any discussion?

Mr. Miller - All those in favor?

Mr. Reed - Is there a comment period? Do you have a comment period?

Mr. Spatz - Yes.

Mr. Miller - Sure. Do you have a question or comment?

Mr. Reed - I've got several comments.

Mr. Miller - Come on up.

Mr. Healy - Come right up and speak.

Mr. Reed - Good evening.

Mrs. Moore - Good evening.

Mr. Reed - My name is Jerry Reed and I live at 9 Lake Avenue, which is located directly behind Ashe's Hotel. I am representing our neighborhood in regards to uses of the tent or so-called pavilion for merchant week and other local events. Some of my concerns, which some have been covered here, are the hours, the music, sanitary facilities, the outside bar, the noise, security, parking and lighting. Our neighborhood is almost all residential, with many surrounding households with retirees and families. There should be no outside venues that we, that should deprive the neighborhood of a peaceful and quiet way of life. On many a occasion, I have been wakened at one or two and because of parking lot altercations and more than once I have called 911 for disturbances. Since smoking was banned in public places, an area has been set up outside the bar for smoking. Many occasions we were subjected to low, loud and vulgar language. We enjoy our front porch and our pool area. Music and roaring motorcycles have been so loud, we cannot carry on a conversation. We have had motorcycles doing wheelies up Hudson and down Lake Avenue with patrons cheering them on. The motorcycles seem to be getting louder every year. There should be sanitary facilities and not port-a-potties with their nauseating stench. In the past, we have had patrons urinating in the parking lot area. An outside bar is an invitation for underage drinking. A previous citation was just issued for serving a minor. Echo Lake counselors who are mostly underage test the bar every summer. We personally have had a car totaled and our in-ground pool damaged by a patron who left Ashe's intoxicated. Thinking our driveway was a street, he drove in, smashed in the rear of the car, pushed it through a chain link fence and into the pool, backed up, drove away from the scene. I noticed

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the damage at 6:00 a.m. the next morning. He then was never apprehended. Rumors were swirling around patrons smoking more than cigarettes and after last week's arrest for possession, on all probability, the rumors are true. An advertisement states Warrensburg Bike Week June 6th through the 13th, 2010, activities listed include indoor/outdoors bars, live entertainment daily, vendors, food barbecues, bike show contests, camping, fire pits, hot outdoor shower, horseshoe pit and camping spaces. This event will be held during a school week. There are families within view, earshot of Ashe's that have school-aged children who have a bedtime long before activities will end outdoors at Ashe's. I am concerned that the word "other" local events leave a Pandora's box open as the type and events and days and times that will be held. On busy nights, the traffic is parked on both sides of Hudson and Lake; therefore, it's creating a potential hazard for both patrons and drivers. It is not unusual to find beer bottles on my yard or tire marks from people parking on my lawn. (Inaudible) and alcohol consumption to take place inside the bar. Thank you for your time and consideration.

Mrs. Moore - Thank you.

Mr. Spatz - Thanks, Jerry.

(Tape inaudible).

Mr. Healy - I'd like to see you address that please?

Mrs. Moore - Well, Art, just as a comment, we're talking about transient merchant...

Mr. Healy - Right.

Mrs. Moore - I...

Mr. Miller - As far as, yeah, as far as the security and the under-aged drinking and everything, there's, there's laws, there's police action, there's, ya know, things that kind of overstep our, our jurisdiction. So a lot of the things that you mentioned we've already addressed. The live entertainment, I think we could add to it that during the week, that 8:00 cutoff.

Mrs. Moore - Okay.

Mr. Miller - For anything outdoors.

Mrs. Moore - (Inaudible) 8 p.m. weekdays.

Mr. Miller - Is that?

Mr. Raven - (Inaudible) 8:00 during the week?

Mr. Miller - During the week, 8:00.

Mr. Raven - (Inaudible).

Mr. Miller - Right okay. Just, just making it a...

Mr. Raven - Single duo sitting by the outdoor bar, (inaudible).

Mrs. Moore - Well, one question that was brought up was lighting.

Are, are you having portable lighting?

(Tape inaudible; people talking at once).

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Mr. Abbale - ...plan to have extra staff. I, I don't know, ya know, I don't know what I can say to express that we'd do more, ya know, certainly more vigilant. Ya know, we don't know exactly how busy it's going to be. I hope we have good, successful, nice events and all, but ya know, we're going to have extra staff on hand. It's upsetting to me that, to actually, to listen to, to Jerry's concern, I have to tell you that. I've had the, owned the hotel for 24 years. I just end up standing in front of you, telling you I think we have great relations with all our neighbors and maybe we don't. I don't know. I thought we did. But I don't think anybody's anymore vigilant as, as a tavern owner than, than I am or takes the responsibility that goes along with it serious, as serious. It's not easy. There's a balance there. And I think we do a, a very good job. I think we try to do a really good job maintaining the property and watching over things and, I don't want to get into the, ya know, answering every little detail, but I can, I would disagree with a lot of what was said. Certainly I wish, I I'd known about some of it. The other thing that concerns us, ya know, I mean, the hotel's been there for about 150 years...

Mr. Reed - (Inaudible) as a neighborhood, we would've liked to know about the event. I mean, I had to go someplace to get the information because I heard it word of mouth. I, I (inaudible).

Mr. Abbale - I understand that, but ya know, we talked, we talked...

Mr. Miller - Did you not receive a notice from the Town?

Mr. Reed - From the Town for the Planning Board meeting.

Mr. Miller - Yes.

Mr. Reed - But that's the first indication and the tent has been set up for several weeks already.

Mr. Abbale - We've had tents up before. (Inaudible) events we've done.

Mr. Reed - (Inaudible) when we had, you had a wedding or something there.

Mr. Abbale - Jerry, we've had it before you even were there. Okay, when your son was there or (inaudible) whatever. We've had functions there, ya know, the hotel predates, with all due respect, I mean, it predates every home that's around there. The hotel is a hundred (inaudible) from 1889, okay. So that's where I think if, if, if I'm ya know, can be as sensitive as you can possibly be and try to maintain a decorum and, ya know, it's not a perfect situation, but again, with all due respect, your neighborhood built up around the hotel. The hotel wasn't plopped in the middle of your neighborhood. So you should have some understanding to my, ya know, trying to keep a piece of history going and keep a business going and have a place where community events can take place. I'm completely respectable

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and do everything I can possibly do, and I'll continue to do that. I, I don't know what else I can (inaudible).

Mrs. Moore - I'm going to bring up the tent again.

Mr. Abbale - Yeah.

Mrs. Moore - With the lighting. Is that, is the tent up all year, all season long during..?

Mr. Abbale - The tent would be up through the, through the good part of the season, yeah. Probably through Garage Sale and then that's it.

Mrs. Moore - And..

Mr. Abbale - And that would lighted, it would be rope lighting, perimeter lighting all around the perimeter of the inside of the tent, center light. The whole thing would be lit.

Mr. Healy - Inside?

Mr. Abbale - Inside.

Mr. Healy - Thank you.

Mr. Abbale - Yes. Yeah.

Mr. Miller - You're not doing like construction lighting or anything like that, the gas (inaudible)?

Mr. Abbale - We have some security lighting which actually that's something we have to be more, probably put on timers (inaudible) outside lighting on the back of the building towards the barn that is manual now that we probably will put on timers so it's more of a dusk to dawn thing for security purposes.

Mrs. Moore - Okay. I, I think that with regards to the tent, there may be other outstanding issues that I'm not aware of, but for our, for our review is in reference to it's operation during Bike Week.

Mr. Abbale - Yes.

Mrs. Moore - So it'll be used in a, in the intent for vendors and activities no later than 8 p.m. during weekdays, no later 10 p.m. n weekends for that Bike Week. Is that..?

Mr. Spatz - And you're going to have vendors in that back lot behind the red barn?

Mr. Raven - No.

Mr. Abbale - No.

Mrs. Moore - No, there off on the side.

Mr. Abbale - We'll update that to show you where, how the vendors, the few of 'em that we, we end up with four or five vendors, will probably be, I showed, I showed (inaudible)...

Mr. Miller - Towards the front of the parking lot.

Mr. Abbale - In the front of the park, yeah. Towards the end of the parking lot, yeah.

Mrs. Moore - Alright. I don't have any other comments.

Mr. Reed - Can I ask John one more question.

Mrs. Moore - Yes. Yes.

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Mr. Reed - Am I allowed?

Mr. Miller - Yep.

Mr. Reed - Is, is the outside bars, are they closing at 8 and 10 or are they going to stay open?

Mrs. Moore - They...

Mr. Reed - The outside bar.

Mr. Miller - It's what their liquor permit allows.

Mr. Abbale - I think (inaudible) I think they close when the entertainment ends.

Mr. Raven - (Inaudible).

Mr. Abbale - Yeah. And it won't even be open, Jerry, on, I mean, it's only when it's a busier time. We can't keep two open and staffed, ya know. It's really just for special events. Is that the answer, or are you concerned about it being late, open late?

Mr. Reed - Yeah. I'm old and I have to bed early.

Mr. Abbale - I'm, I'm right with you. Don't, I'm right (inaudible).

Mr. Reed - ...wake up a 1:00 in the morning and (inaudible) somebody staggering (inaudible) one thing I hate to see is somebody getting hurt, whether it's a patron (inaudible) there or somebody trying to navigate (inaudible). When you had your final karaoke night, (inaudible), which is a great.

Mr. Abbale - Yeah.

Mr. Reed - But you need to accommodate the traffic that is there because trying to go down Lake Avenue have difficulty navigating back and forth, between the cars.

Mr. Abbale - Well, ya know, again, ya know, that's, that's something that, ya know, we thought it was great too. It doesn't happen 200 days a year. You know that. It might happen a couple of days a year and, ya know, we make, we do the best we can do.

Mr. Healy - It goes for a year, so (inaudible) next year. (Inaudible) what happens between (inaudible).

Mr. Miller - It's for that week.

Mrs. Moore - It's for the particular week. Are there any other...

Mr. Healy - (Inaudible).

Mrs. Moore - Are there any other questions or comments from board members?

Mr. Miller - No.

Mr. Healy - No.

Mrs. Moore - Any other guidance from staff? Okay, there was a motion made and it was seconded? I don't remember who seconded, so.

Mrs. Corlew - Art.

Mrs. Moore - Art, okay.

Mr. Miller - All those in favor?

Mr. Healy - Aye.

Mrs. Moore - Aye.

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Mr. Miller - Aye.

Mr. Spatz - Nope.

Mr. Miller - No? No. Three nays and one... We're okay with though, 'cause we have quorum, okay.

Mrs. Moore - Yep.

RESOLUTION #2010-13

Motion by: Laura Moore

Seconded by: Art Healy

RESOLVED, to approve site plan review application #SPR 2010-3 by Ashe's Pub and Grill, tax map #210.16-1-22, located at 85 Hudson Street, to allow transient merchant market for Bike Week with the following conditions:

1) no more than ten vendors per code, 2) no camping or hot showers on site, 3) applicant must delineate parking for customers and vendors' vehicles on parcel 210.12-3-46, as well as parcel 210.16-1-22, 4) update the site plan showing approximate location of vendors, parking arrangements and Port-A-Johns and 5) vendor and entertainment activity related to Bike Week to be held outdoors no later than 10:00 p.m.

DULY ADOPTED ON THIS 18TH DAY OF MAY, 2010 BY THE FOLLOWING VOTE:

Ayes: Laura Moore, Shale Miller, Art Healy

Nays: David Spatz

Mr. Miller - They need to come see you with a revised map. Right?

Mrs. Corlew - Yes.

Mr. Miller - Come see you... (Inaudible) with a revised map and you can get your permit.

Mr. Abbale - (Inaudible).

Mr. Miller - Okay.

Mr. Abbale - Thank you.

Mrs. Moore - Thank you.

Mr. Miller - Okay, I'm going to go back real quick to the pub, public hearing for subdivision 2010-2. Is there anybody now here that has any interest in that? Okay. I'm going to make a motion that we postpone this until next month.

Mr. Spatz - I'll second that.

Mr. Miller - All those in favor.

RESOLUTION #2010-14

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Motion by: Shale Miller
 Seconded by: David Spatz

RESOLVED, to postpone and keep the public hearing open to June 8th at 7:00 p.m. for application SUB #2010-2 by Tony Stein for Echo Lake Camp, Inc., tax map #210.1-1-15, located at 231 Hudson Street, to allow a two lot subdivision.

DULY ADOPTED ON THIS 18TH DAY OF MAY, 2010 BY THE FOLLOWING VOTE:

Ayes: David Spatz, Laura Moore, Shale Miller, Art Healy
 Nays: None

Mr. Miller - Hm? Sorry.

Mrs. Moore - You want to open the public hearing and keep it open until..?

Mr. Miller - We want to assume that there's nobody interested. There's nobody here to answer questions if there is.

Mrs. Corlew - No, there's nobody to ask 'em. There's nobody... Yeah, it's up to you.

Mrs. Moore - Only because...

Mr. Miller - What's it... I don't think it's a time issue with them. I think they just wanted to get it done, so...

Mr. Belden - We'll just try and contact somebody and...

Mr. Miller - Yeah, try and contact (inaudible) and we'll set up a public hearing at the next meeting.

Mrs. Moore - Okay. So you, you moved it to our next meeting?

Mr. Miller - Well, no, I don't think we do that. I think we need to...

Mrs. Corlew - It was submitted on March 29th.

Mr. Miller - Hm, if we postpone, so that you can get a hold of them, and then at our next meeting we'll set another public hearing.

Mrs. Corlew - No, the public hearing's tonight...

Mrs. Moore - That's why if we open...

Mrs. Corlew - The public hearing's tonight.

Mr. Miller - If we open it and close it okay, alright.

Mrs. Moore - If we open it and keep it open and then...

Mrs. Corlew - Yeah.

Mr. Healy - I thought so.

Mr. Miller - Okay. Alright. So I'm going to open the public hearing for subdivision 2010-2 for tax map 210.12-1-15. If there's anybody that has any comment about that subdivision right now, I'll take that. If not, we're going to move on and we'll leave it open until the end and...

Mrs. Noble - (Inaudible). I received a notice.

Mr. Miller - Okay.

Mrs. Noble - But I don't know that it affects me.

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Mr. Miller - Yeah, well, if you're adjacent to the property, within 500 feet of the property.

Mrs. Corlew - She got a notice.

Mr. Miller - There's a two lot subdivision. Do you have a map?

Mrs. Moore - I don't have a map on me.

Mr. Healy - I got it right here.

Mr. Miller - You want to come up and take a look at the map and see where, how it affects your property?

(Tape inaudible).

Mrs. Noble - I didn't know how it affects me, so I...

Mr. Miller - Yeah.

Mrs. Noble - ...didn't feel I had a right to say anything.

Mr. Miller - We don't worry about that. (referring to name place falling on floor).

Mrs. Corlew - You can leave that there, Mrs. Noble.

Mr. Miller - Everybody knows who I am.

Mrs. Noble - I'm down here already.

Mr. Miller - Okay.

Mrs. Noble - Exercise.

Mr. Miller - This is the Quitoni property. Are you familiar with that?

Mrs. Corlew - It's up Golf Course Road.

Mr. Miller - Up Golf Course Road, and there's residential housing across here.

Mrs. Moore - The DEC building is...

Mrs. Noble - I wasn't sure where these, these numbers were. Ya know, 231 Hudson Street.

Mr. Miller - What number are you?

Mrs. Noble - I'm on Echo Lake Road.

Mr. Miller - You're on where?

Mrs. Noble - Echo Lake Road.

Mr. Miller - Oh, okay. So...

Mrs. Corlew - She's nowhere near it really.

Mr. Miller - Right, okay.

(Tape inaudible).

Mr. Miller - This is at the north end of Echo Lake, Camp Echo Lake's property. So towards Hudson, out Hudson.

Mrs. Moore - Towards DEC.

(Tape inaudible; people talking at once).

Mrs. Noble - ...then Fish Hatchery Road (inaudible).

Mr. Miller - Yes, yep, past there.

Mrs. Noble - (Inaudible).

Mr. Miller - Yep. And...

Mrs. Noble - So it has nothing... I don't, I don't...

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Mr. Miller - You got a notice. You were close enough to get a notice.

Mrs. Corlew - Yeah.

Mr. Miller - Basically he's taking a small chunk of land, as I understand it, for a retiring employee and giving him a piece of land to build a house on out there, which is what he did with Mr. Quitoni years ago as well.

Mrs. Noble - Yeah. Okay.

Mr. Healy - It is staked.

Mrs. Noble - (Inaudible).

Mr. Healy - It's staked (inaudible) by the fire hydrant. So if you drive down that road, on the left-hand side, you'll see two stakes.

Mrs. Noble - Staked on both sides of the, where the property exists. So that gives you a good idea (inaudible).

Mrs. Noble - (Inaudible).

Mr. Healy - Right by the fire hydrant.

Mr. Miller - I don't think it affects you too much.

Mrs. Noble - Yeah, you asked something before and I said, I don't even know where the property is. Thank you.

Mr. Miller - Okay.

Mrs. Moore - Thank you.

Mr. Miller - Anyone else? Okay. We'll just keep that open 'til the end..

Mrs. Moore - We can keep the public hearing either open 'til the end or we can keep it open until we meet with him in June.

Mr. Miller - Yeah, let's do that. No, we'll keep it open until..

Okay. Okay, so next new business is site plan review for SPR 2010-4, tax map 211.13-1-39. The applicant is Stewart's Shop Corporation to allow store with gas pumps. I'm sure that is why most everybody is here tonight. I think what we have to do from a Planning Board thing is we need to make a motion to have a public hearing at a later date, which we are going to do. Then we are going to take public comment from you people tonight. You can also submit your comments in writing, which some of you already have done. And I believe unofficially right now we're looking at June 8th for the meeting.

Mr. Corlew - It's open.

Mr. Miller - Okay. Alright, so can I get a motion to set a public hearing for June 8th for SPR 2010-4?

Mr. Spatz - I make a motion we set a date for SPR two, 2010-4.

Mr. Miller - Okay.

Mr. Belden - At what time?

Mrs. Corlew - Yeah, what time?

Mr. Miller - 7:00 p.m., normal time.

Mr. Healy - I second it.

Mr. Miller - All those in favor.

Minutes, Warrensburg Planning Board, May 18, 2010**RESOLUTION #2010-15**

Motion by: David Spatz

Seconded by: Art Healy

RESOLVED, to hold a public hearing on June 8, 2010 at 7:00 p.m. for application SPR #2010-4 by Stewarts Shops Corporation for site plan review to allow conversion of property for construction of a convenience store with gas pumps on Main Street.

DULY ADOPTED ON THIS 18TH DAY OF MAY, 2010 BY THE FOLLOWING VOTE:

Ayes: David Spatz, Laura Moore, Shale Miller, Art Healy

Nays: None

Mr. Miller - Okay. There are going to be some, just some guidelines for that public hearing. We'd like to limit all comments to three minutes, and keep the public comments focused on conditions of the site plan of the location, and we can expand on that a little bit through, I don't know, maybe we could do a flyer or something that you guys could hand out to people with concerns for that or something, for outlines for that, for that date. Okay? We can outline that for you.

Mrs. Moore - We could... Right.

Mr. Belden - Okay.

Mr. Miller - Yeah. Okay, So we can take public comment tonight and we welcome it. Again, we're going to limit it to three minutes because there is quite a few people here. So whoever wants to come up, come up one at a time, state your name and your address and it will all be recorded and we'll take it from there.

Mrs. Moore - I'm going to have one...

Mr. Miller - She wants to... Sure.

Mrs. Moore - I'm just going to make another note for the public, as well as Planning Board members is that if you are either not speaking or if you wish to submit information to, to the Planning Office so the applicant can review your comments about the application prior to the June 8th meeting, I'm going to ask you to submit comments to Chris or the Planning Office by June 1st, so that they have an opportunity, the applicant has an opportunity to see those comments ahead of time so that they can respond at the June 8th meeting, public hearing, to your comments. (Inaudible).

Mr. Miller - Yep. Okay.

Mrs. Potter - I'm Dorothea Potter, and we live right across from the old post office, the Hudson Headwaters, the lot that used to have a beautiful old home in it, which was taken down (inaudible). Anyway, I just wonder, this house has been in our family for over 50 years

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and how would you like it all of a sudden here, that they're going to plunk a gas station directly across your thing and you're going to have lights on half the night and noise and whatever. And as Jerry said, we're getting older. Well, anyway, first of all, I was never given an opportunity about that zoning change, and I can't imagine why, if you have a commercial lot on Main Street and you have another beside it that faces on a residential area, why would you change it and put more businesses on a short little street that hardly handles the traffic it has now. And who (inaudible) maybe they'll put a mini-mall in there. If they get away with a gas station and the other stuff, why can't they put a whole bunch of other stores in there. It's commercial now. That's... Alright, my other thing is their hours of operation. Our street, after 5:00 at night, almost nobody around. Now there's going to be traffic until what hour and lights on for security and everything else and 16 pumps, what kinds of trucks and stuff are they going to be bringing in there? Now they got to turn off Main Street, where are they going to turn next, out onto Elm Street, down on Stewart Farrar and back out. The tractor trailers and big oil trucks, it is really going to be nasty in there. Also, the (inaudible) professional buildings on that street where our church could use a parking lot on Sunday. You start taking away the curbs, where are all the people going to park on Sunday? You can't park on Main Street. How about the values of our houses.

Unknown - Yeah.

Mrs. Potter - The Lloyds are going to be sitting on it. We're sitting on it. Lamy's, the old Cunningham house, Toney's house...

Unknown - Bruce.

Mrs. Potter - ...Bee Hastings' house...

Unknown - Bruce's.

Mrs. Potter - ...Bruce's, all of these houses, they're nice houses, what's the value going to be, and you think we're going to get a, a drop in our assessment? I doubt it. Not that that would help because if you ruin our neighborhood, that wouldn't help. Then you've got safety of towns and of people walking, the older people, the younger people, whatever else. And right now we have two gas stations for the north traffic and we have two stations for the south traffic, why change it? Why move 'em around and put 'em all gopped in one area. The Bed and Breakfasts also, who's going to stay at a Bed and Breakfast when they look out at a large gas station (inaudible). All of these things really upset me, and it's really making me sick to think that we're ruining this little picturesque town just for commercial benefit.

(applause)

Mr. Danna - Steve Danna; I live on Library Avenue and I'm talking on behalf of my wife, Laura, and myself. I love Stewart's. It's a

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great company. As an educator, I've gotten grants from Stewart's. I go there all the time. On Father's Day you get a free ice cream cone. It's a great place to go. But I think the location they've chosen is a poor decision and there are a lot of reasons for that. Bike Week, it comes and it goes. Garage Sale comes and it goes. You can handle that. But something that's there 365 days a week, I, I don't know if I can handle that. And, and I'm thinking not just about myself and my wife and family, but I'm also thinking about the children. We are 400 students, young children between 4 and 12 years old that go to school right down the block. Some of the kids ride their bikes to school. We have the ball fields. We have the rec field. We have the playground. It's a busy place for children in the community, the neighborhood. And to put a busy, successful business there with a line of traffic is, is worrisome to me. I worry about somebody getting hurt.

Unknown - Hm hm.

Mr. Danna - And I don't envy you folks, 'cause I know you have a very difficult job. You're trying to balance the, the financial needs of the community with the residential (inaudible). So I, again, I understand and respect your, the difficult spot you're in, but ya know, 23 years ago, my wife and I actually were at Potter's Diner and we were trying to decide where we wanted to live, and we sat down and we started talking to people about Warrensburg 'cause I was living in Saratoga and my wife was living in Queensbury, and we decided to live here. And we decided to live here because it was a quiet town. People liked being here, so it was the kind of place I wanted to raise a family with my wife. And this is disturbing. There's a place for Stewart's, but it's not in a residential area, so... Thank you for listening.

(Applause)

Mr. Weick - Hi, my name's Paul Weick and I live at 23 Library Avenue, and...

Mr. Spatz - (Inaudible).

Mr. Weick - ...quite frankly after hearing Mrs. Potter speak now last week at the Town Board and now this at the Planning Board, I am appalled that any of her neighbors here in Warrensburg could look her in the eye and tell her that they think this is a good idea. How would you like it if there was a Stewart's built right across the street from your home. And by the logic that because there's a Grand Union diagonally across Route 9 does not excuse putting this into this property. By that logic, as soon as that Stewart's in there, then the people next to them can be commercial and the people across the street, and if you don't let them do it, then it's going to be spot zoning and that's illegal. So you've already done this. What's next? And we can go all the way down Library Avenue and go up James

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Street until we're next to you, we can go down Library 'til we're at Library Extension until we across the street from your home, Mrs. Moore. That anybody can look them, the owners, in the eye and say, I wouldn't mind if that happened to my house. Can you do that? Are there Stewart's representatives here?

Mr. Miller - No.

Mr. Weick - No Stewart's representatives tonight? Because if Stewart's is such a good neighbor, then they will listen to all the people who are objecting to this. If Stewart's is such a good neighbor, they would work with the people in the community. Not try to bully something through. Now, I hope the board members are in receipt of two things I submitted this past week; one is a personal letter from my wife and I on our concerns and the second is a petition that I got 52 signatures just on Sunday. And you know, 'cause I, I stopped by your house, Mr. Spatz, just on Sunday because on Saturday a neighbor of mine on Library Avenue brought up the point that as soon as they open that Milton Street bridge... And I put Milton Avenue on this petition. I'm sorry for that mistake. But as soon as they open up that Milton Street bridge, Library Avenue's going to become the Stewart's expressway in the morning. Okay? And at the same time, the kids are crossing to go to school. I cannot imagine a worse business to go in that spot. That, this jogged intersection right here... All of use live here. We already know this is bad. Adding anything more to it is going to be disastrous. I cannot believe anybody in their right mind would put an exit on Elm Street, not only for the added traffic on this job and making more thing you have to look for, besides three crosswalks and kids, but also are fuel tankers going to be coming out there?

Unknown - Hm hm.

Mr. Weick - And what about... What about the Bruce's who lives here in direct sight and the Lamy's who live in direct sight, and all the dark hours that Stewart's is open in the morning and in the evening, those lights are going to be shining right in their house. Every single car that goes out there. And I cannot believe that anybody would do that to these people who live in these beautiful homes, and they are beautiful homes. And if you put this in here, it's just going to be like the other mistakes of the past that have happened in this town that have detracted from inherent charm. We already have good things here. We've made mistakes. Let's not make more. Thank you.

(Applause)

Ms. Wartman - My name's Michelle Wartman and I, I live and work in this town and I'm really concerned about the Stewart's going in. I have a, a daughter who has a lot of disabilities and is very ill. And I know for her that she has had to use the ambulance in this town

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many times and for a child that has asthma or an elderly person with a heart condition or etc. etc., ya know, in, during the summertime, it's really, really bad out on the main drag, because I live on the main drag. I live on the main drag and I see all the traffic in the summer in this historic town, okay. It is already hard enough for the ambulances to get through and get on Main Street and come down this way and also to get over to the Health Center and in a matter of seconds, seconds, somebody could die because that ambulance cannot get to them in time, for a Stewart's Shop. I do not think that that is, is something that should happen. The people in this town are elderly and our children should come first. Not a Stewart's Shop because without the people that live in this town, without the elderly and with the children, there wouldn't be a town. There wouldn't be a Warrensburg because it takes all the people that live here, okay, that pay their taxes, so the schools can run, so the town can run, okay, without these people, there will be no town. And I can guarantee, I have heard so much from people already just in the last couple of months. There are people that want to sell their homes and get out of Warrensburg if this happens. That is really sad. Also, what about the Bed and Breakfasts and the other places that are historic homes that have been here that have ran their businesses that rely on that to live and to survive, to feed themselves. Okay? What about those historic homes that have already been here first, nobody's going to want to go to a bed and breakfast and sit on her front porch and smell gasoline for hours...

Unknown - That's right.

Ms. Wartman - ...when they're on vacation. Okay? Nobody. I would not pay money to go to a bed and breakfast and smell gasoline across the street. Okay? And the traffic and the kids; there's been already so many accidents with children riding bikes and kids getting hit on bicycles up in that area. And never mind the noise. Now a little while ago, we had that discussion, okay, about the bar, alright. Forget about the bar, alright. Somebody had mentioned up here that well, there's police and there's, and there's this and there's that. Well, I'll tell you what, I live across the street from George Henry's, okay, and I can tell you because this town doesn't have a noise ordinance, that we have to put up with noise until 4:00 a.m. on Thursdays, Fridays and Saturdays most of the time.

Mr. Spatz - Excuse me, ma'am, you're time is up. I'm sorry.

Ms. Wartman - Okay.

(Applause)

Mr. Szabo - My name's Alexander Szabo, and you're probably going to yell at me, but the reason why Stewart's wants to move there is because of the ridiculous price that the owners of Potter's are asking for.

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Unknown - Hm hm.

Mr. Szabo - And another thing, they're searching... Well, this is what I've heard, they want to, if they can't move here, they're going to move outside of Warrensburg, removing the taxes we receive from them..

Unknown - No.

Mr. Szabo - ...from (inaudible).

Unknown - (Inaudible) not enough.

Mr. Szabo - No, but the thing is you're saying you want to protect the kids, that, that's a big source of tax money.

(Tape inaudible; people talking at once).

Mr. Szabo - So you, you want to risk our town dying from removing Stewart's because (inaudible) our town is already dying. Businesses, yes (inaudible) probably new businesses opening up, but this will keep us alive.

(Tape inaudible; people talking at once).

Mr. Szabo - I (walking out of the room) you guys, you just want to protect your town. If you guys make this fail, you guys, I don't know.

Mr. Healy - Next.

Unknown - Next.

Mr. Belden - For people speaking, I think that it'd be..

(Applause)

Mr. Belden - ...respectful to everybody..

(Applause)

Mr. Miller - Thanks, Chris.

Mrs. Fruda - We have to bar him 'cause he's a young person (inaudible).

Unknown - I agree.

Unknown - Yeah.

Mr. Healy - I didn't look at it that way. I thought he's just another person that should've talked, and he talked.

(Tape inaudible).

Mrs. Fruda - Not me.

Mr. Gilchrist - Paul Gilchrist. First of all, I want to thank you for two things; having public comment and for scheduling a public hearing. I know you've heard a lot from a lot of people. We're worried of what we think has been done wrong so far. We think that the..

(RECORDER FAILURE)

Mr. Gilchrist - ...was a violation of the comprehensive, the existing comprehensive plan. In fact, we know it is. It's very clear in the comprehensive plan that this should have been rezoned. The definition of spot zoning is exactly what this, what this was.

(RECORDER FAILURE)

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Mr. Gilchrist - ...non-conformance with the comprehensive plan. The comprehensive plan specifically states that the reason for the commercial zoning is to keep commercial activity from encroaching further into residential areas. And that's what, that's what has happened here. Because mistakes were made doesn't mean that they need to be repeated.

Unknown - Hm hm.

Mr. Gilchrist - This is not... And even if this were a commercial property, the use that's being proposed here is not compatible with the neighborhood. It's not compatible visually and it's not compatible in terms of the land use. There was not recognition of the significance of the historic district in this rezoning and I think, and I hope that this board will take that into very serious consideration. The comprehensive plan states that there should be special attention to ensure those integrity, the historical integrity of the town, and that, I hope, is what you'll see as part of your job. The traffic study is flawed. It didn't take into consideration the whole Library Avenue situation. I don't believe it took into consideration the traffic that will be generated by the second building when they put that into use. They suggested they might put a bank there. I think I've heard they've suggested they might put a restaurant there. Those are going to re-double the amount of traffic that is going to be through there. The environmental impact needs to be seriously considered. The amount of taxes that Stewart will generate is very small compared to the 2.6 million dollar budget. In town taxes they would generate about \$3,050. The reduction in taxes that will probably occur from the (inaudible) surrounding properties and we will supply you with that information, could very easily either largely offset or even totally offset the increase in taxes by putting this property on the tax roll. Now there's consideration of the loss of business that Stewart's will cause to the, to the Bed and Breakfasts and they will simply also take business away from Cumberland Farms. (Inaudible) Stewart's should be favored (inaudible) business interest of Stewart's should be favored over those of other businesses.

Mr. Belden - I'm sorry. Time's up.

Mr. Gilchrist - Okay. Thank you.

(Applause)

Mr. Miller - Anyone else?

Mr. Morey - My name's Mike Morey. I've been in town for a few years now. We have a business that's right on Elm Street which is going quite strong and I don't really... You poor folks (addressing board) have a really tough decision and my heart goes out to you. But ya know, I have mixed emotions on this because, ya know, having grown up in Warrensburg; I've been here since 1950. Ya know, I remember when

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they first built the post office there and then Stewart Farrar (inaudible). I remember when they... My mom graduated from the Warrensburg Academy. It was a stone building (inaudible). So ya know, you're in a tough spot because ya know at one time I offered to buy (inaudible) from Hudson Headwaters and they rejected. I sent some individuals to buy it because I thought it was a lovely place when they tore it down to have, ya know, a facility there or a park, something that was very nice. But I also remember when the post office was there and they had a lot of traffic (inaudible). And also it was Warrensburg Central School (inaudible) still had a lot of traffic. It was a meeting place (inaudible) students and traffic flow there is today. That said, ya know, you'd need a solution, you need a solution to this. A possible solution, I mean, they could put a nice Stewart's like they have, ya know, like other ones have, ya know, ya know, up in Stowe or any of the other places which are very aesthetic and nice. It still doesn't really escape the fact that you have a lot of lighting (inaudible) architectural (inaudible) which would be terrible, but have you, have they considered the possibility of ya know, ever, ya know, Stewart's swapping the land with what Toney and them own and just swapping it? Ya know, (inaudible).

Mr. Miller - We're certainly not...

(END OF SIDE A OF TAPE)

Mrs. Corlew - Go ahead.

Mr. Miller - I'm sorry.

Mr. Morey - A possible solution is that they're willing to (inaudible). I know it's beyond your realm, but they could swap the property. That would take care of the whole solution right then and there.

Mr. Miller - Certainly.

Mr. Morey - That's all I have. It's, it's a wonderful spot. It's great for, ya know, residential and professional business, and there's a lot of pros and cons (inaudible) emotional issue, but, ya know, you might want to consider reaching out (inaudible). It's a possibility. And I just...

(Tape inaudible).

Mr. Spatz - Mike, thank you for coming in and thank you for keeping your property the way you do in the Town of Warrensburg.

(APPLAUSE)

Mr. Gilchrist - I happen to have firsthand knowledge that the offer has been made to swap Potter's property with, with Stewart's if they purchase this property or that they could purchase Potter's property if they don't purchase the Hudson Health, Hudson Headwater's property. Stewart's, Mr. Lewis has responded to that letter and I have a copy of it, and has not rejected that idea. It's kind of a neutral response, and my understanding is that the reason is, and I

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think it's an ego thing, Mr. Lewis made an error back when he was first trying to buy the Potter's property... Excuse me. ... he didn't know who owned the full interest in the property and I think that he was embarrassed to find out that DeFranco did not own, did not have capability to sell the property. He didn't like being told by someone else that he was not dealing with everybody that owned the property. I also know that just recently, phone calls have been made. The Toney Group and Dr. Rugge are willing to sit down around a table. I don't know if Stewart's has been contacted. I know, I believe the attempt has been made, but I don't know what the results of that are. And the purpose of that was try to get all the parties involved, sit around a table and try to work out a good solution to this very difficult situation. That's what I can shed on this.

Mr. Healy - Yeah, but you do understand, the only thing presented to us, right now, is this?

Mr. Miller - Right.

Mr. Gilchrist - (Inaudible).

Mr. Miller - He's just... Yeah. I... Thanks for that information.

Mr. Healy - ...presented to us and that's it.

Mr. Gilchrist - But the Town, especially the Town Board, the Town Supervisor is in the best position to catalyze this thing. They could help broker a much better deal.

Mr. Miller - Well, no. I don't think we're... Austin, you want to speak to that?

Mr. Markey - It's, ya know, it...

Mrs. Moore - It's between the parties.

Mr. Markey - ...(inaudible) I mean, we can, we can ask 'em to come to the table. We can't force their hand. I mean, it's... I mean, there's been so many negotiations with the price of the property down beside Stewart's now, that it's just, it's hopefully not irreparable (inaudible) and ya know, we're hoping that something comes of it. We'll have to wait and see.

Mr. Miller - Thanks. Anybody else wish to speak?

Mr. Lalone - I'm Matt Lalone (inaudible). ...grew up here as a child. Went to Warrensburg Central School, left here, lived in Boston, lived in Connecticut and moved back and ya know, the difficult thing here is a lot of people are mentioning zoning. I understand that decisions were made and there's not much that you can do about that. But (inaudible) decision and what you can do is, you can look at this map, you can look at pictures, you can look at architectural renderings and you can say, this isn't what we want. We don't think this fits this site. And that's what we're (inaudible). Take a look at this. Does this fit the historic nature of this historic district. Has anybody looked at that? Did anybody in Stewart's propose any alternatives besides (inaudible) that's up here for this

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large Stewart's shop straddling what used to be a commercial and residential/professional use property. What you really need to do is look at all these different things. That's what we really care about. Because if you don't look at those things, what's going to happen? You're going to put this facility's, large facility here into a neighborhood where it doesn't fit. You have that in your power... (Inaudible) Stewart's we don't like this right as it is right now. We don't like the fact that you have eight gas pumps here, potentially more. We don't like the fact that you have so much concrete and cement and everything else and pavement here. Is there enough parking here if they put a bank in here in the future? Are there enough parking spots. You're taking parking away from the street; you're drawing parking away from a church. This is all site plan review. Another thing about site plan review - you can look at the aesthetic nature of this property. Is it aesthetically appealing, ya know, to see a Stewart's Shop in the middle of a historic district? Those are decisions that are within your power and those are things that you can decide upon. We're having issues with the zoning and there's different challenges and different things that potentially ya know, we can do about that (inaudible) don't feel that necessarily SEQRA was properly compliant with. We don't believe we looked at historic nature enough, or at least the Town Board didn't look at the historic nature of the district enough in making this decision. But we're saying to you, as the Town Planning Board, and this is your, and this is your job, is (inaudible). Ya know what, Stewart's, you gave us these plans, but ya know, it really doesn't fit in with the nature of this neighborhood. Let's slow things down a little bit and let's look at different alternatives, and maybe the alternative is that it's not supposed to be on this site. Ya know, it doesn't fit the nature of this area. Ya know, those are things that are within your power. Thank you for the opportunity to speak.

(Applause)

Mrs. Bellinger - My name is Kimberly Bellinger and we live on 19 James Street. It's really quite close to the school, but we've got two up and coming (inaudible) one will be in Kindergarten and (inaudible). I don't believe... It's been brought to our attention that the study wasn't done with that two lane bridge, which has just been closed so long, we forgot about it. We really did. And or, just getting out to turn left on Library Avenue if I'm just getting on, just going somewhere will be tricky, but just to get across the street which... ..and the stroller and myself did almost get hit last year. So we already know it's been busy, it's busy. Gabrielle will either be in a walker or a wheelchair, which I did have a time bringing him home from school and she (inaudible) just across the

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street for me so there will always be (inaudible) and we just, we (inaudible) across Library Avenue and just that (inaudible) traffic will be coming and that's it. Thank you.

Mrs. Weick - Hi, my name is Laura Weick and first I want to say thank you for setting the date for the public hearing and reading the letters that we submitted and I think, when I think about well, I grew up in Lake George, but I took tap dancing lessons at Mrs. LaPoint's, so, and so did my sister for years and years. So we'd drive from Lake George and I just was always so, I thought Warrensburg was so beautiful; all the houses. We don't have that in Lake George, and my husband teaches in Bolton Landing and we wanted to be near his job, so when we considered where to move, we picked Warrensburg. And I was down on River Street for 15 years, so I'm familiar with traffic. I actually lived right on a curve where there was a lot of accidents and I wanted... When my son, Charlie, who's 8, back there, when he started to go to school, I wanted somewhere that I felt was a little more residential, so I picked Library Avenue and if this goes through, from my front yard, I'll be able to see Stewart's and the gas pumps and I'm not too happy about that and most of all, I think it's an accident waiting to happen. And that's the part that upsets me the most, is if a kid gets killed and we've all been suspecting this, I don't think anybody, (inaudible) that'll just be the worst. My other point... I guess what I'm thinking is, I've been out in the community talking to people, a lot of people didn't know about the Elm Street exit and that upset and there's obviously so many people that aren't comfortable with this project and I don't have anything personal against Stewart's. I mean, from what I know, they're a good company. I think what we should do is take our time and make things right. If it's... I don't think this is the right spot. There's so many people that aren't happy with it and I think if we take our time, maybe we could work out a better, a better spot for them. And I guess just on another note, my sister lives in Pittsburgh, when she comes here, and when I told her about this plan. She said, that'd be awful. And there's just an outsider's point of view. I mean, it, I mean, I think Stewart's is in a good spot now and hopefully will be able to come up with something, but I, I don't think that fits with the traffic and the looks and... Oh, and the hours of the post office, I agree that yes, a post office is a busy place, but it closes at five. So say all of us that live around there, you've got the weekend it's quiet, you still have the parking for the church and if you wanted to put a doctor's office in there. I mean, there's a lot of things that would suit that area better. I mean, I, I can't think of a worse thing than a convenience gas station. And ya know, there's going to be litter and there's a lot of people getting beer and I'm also not comfortable with the fact

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that they sell pornography and it's that close to the school. I don't know, maybe people think (inaudible) being too uptight but just, just it being that close to the school and all those things. Thank you for listening.

Mr. Spatz - Your welcome. Thank you.

(Applause)

Ms. Frasier - I have a procedural question. You said that you wanted us to submit questions..?

Mr. Miller - No, if you want to. Give us a public comment tonight and all this is being recorded and written down and will be given to Stewart's and to us, but if you want to submit something in writing, we just want it in by the 1st so that it can be given to Stewart's at, for consideration.

Ms. Frasier - Okay. Well, my question is this, what is the practice of the board when you have site plan reviews and then you have a public hearing, do you offer that same opportunity to anyone else that's coming in for a site plan review for people to submit questions to the person that's submitted the site plan. I think there might be a little bit of a conflict there.

Mrs. Moore - Public comment.

Ms. Frasier - But...

Mr. Miller - I, I think it's...

Ms. Frasier - ...my question is this, have you always said and I've sat through a lot of meetings and other people have, have you always said we're going to have a public meeting for XYZ and if anyone has any questions, you can send them by such and such a time?

Mrs. Moore - We've suggested that they get that ahead of time to the Planning Office so the applicant and the Planning Board (inaudible).

Ms. Frasier - Okay, well, my only question is...

Mrs. Moore - ...we've done it before.

Ms. Frasier - Okay, that's my only question.

Ms. Whalen - Hi. Do you want me to use this?

Mr. Miller - We can still hear you.

Ms. Whalen - I'm Theresa Whalen, concerned citizen, very active in beautification and historic preservation here in Town for about 25 years. And in the early 90's, the DOT was starting to formulate their, their plan for the reconstruction of Main Street, Route 9. As part of their process, being a State agency, they had to evaluate all the historic resources, environmental resources, anything that could be in jeopardy because of the project. And one thing that they did was they chose this particular area of Main Street and the DOT themselves labeled this the south Main Street historic district. That was in 1992. In '95, the project actually happened, and there, and we've learned a lot in working with them, and, and part of what we learned was that the landscape of these historic properties also

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needs to be respected. Case in point, the hedges at our bandstand. There could not be a bus stop put on that side of the street because they could not widen the road any further and take away those hedges. The State respects in many ways our historic resources more than we do, and this is very sad. People who visit our Town are aware of them (RECORDER FAILURE) and some regard and are really, ya know, very appreciative of what we have done to preserve our natural resources. We have over 220 properties listed on national and state registers of historic places. This was a volunteer effort that took over a decade. Prior to that, the Warrensburg Mills Historic District, one of the first historic districts in our nation, was created in 1975, and I think it's because of that (inaudible) that we still have so many houses and industrial buildings that exist in that area. I love Stewart's. I think they're a great company and they've always supported the communities they've been in. I think there's miscommunication going on here and this is a (inaudible), but in talking with the DOT, this go-round here, trying to find out exactly what happened with that traffic study and what permits were required and had they been applied for and what the verdict was, the DOT told me that our Town has no problem with this project. This is very sad, because the leaders of our Town, the majority of them, I guess, don't have a problem with this project, but are they truly reflecting the voice of our community and all of our concerns? I was a little bit embarrassed to have to explain that there is a lot of concern, and unfortunately perhaps our voices weren't heard, but we, ya know, we're going to make sure that the process works the way it should. That no one business or one individual should be favored over any other. If it's not good for the whole of the community, it is not good for anyone in the community. (Inaudible) what we will continue to try to do. Thank you.

(Applause)

Mr. Newell - My name is Shane Newell. I live at 29 Library Avenue. I've been here for 25 years or so and I spent the last 15 years as a property specialist, sighting commercial locations similar to this kind of thing, Rite Aid and bank locations. I worked for Key Bank and (inaudible) Real Estate, (inaudible) Real Estate, so I'm very familiar with how these sites are acquired and how this process works, and I can tell you I'd be embarrassed to submit this as a site for a commercial location. I, I would never have chosen it. There are so many flaws involved in this traffic pattern. I've taken this street so many times, trying to make this job and it's very complex. Adding another jog to this while you're waiting for someone to pull out to go left and you, you're trying to take a right, this person has to wait to see if you're going to go straight and you're going to

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take that left and now they have to wait to take their left. It's very difficult to make a maneuver here. People that are going to try to jet across this intersection, it's going to be very difficult. Again, when you're trying to go up this street, you have to watch what these people are going to be doing when they're pulling out. You don't know if they're going to cut across the street or whether they're going to go down this road and take that left so that you can go straight. So there's, there's many, many problems. I suggest that you make a, demand a very close traffic study done on this, on this proposal. And essentially I think you ought to tell Stewart's, and I think you do have a tough job, but I don't think you have a tough decision because you're decision should be just make it impossible for them to make this work. And, and how you can do that is tell them that we already have a terrible street layout here. It just happened, the Stewart's (inaudible) connect to Library Avenue (inaudible) proper section. Tell them to solve that with a street that goes straight through and move Stewart Farrar Avenue, we could solve that problem and find a way to make this work but otherwise, it just won't.

(Applause)

Mr. Miller - Anybody else?

Mrs. Newell - Hi, everyone. I'm Diane Newell, that's my husband, Shane. 29 Library Avenue. I want to ask you folks if an environmental impact study has been called for, for the project.

Mr. Miller - The SEQRA was done by the Town Board.

Mr. Healy - SEQRA.

Mrs. Newell - Oh, okay.

Ms. Whalen - That was for the re-zoning.

Mrs. Corlew - It was for both.

Mrs. Newell - I want to know...

Mr. Miller - It's for both.

Mrs. Newell - ...if this site has...

Mr. Miller - It's for both.

Mr. Healy - It will also be for both.

Mrs. Moore - They completed, they completed what was called a Long Environmental Assessment Form. And that, instead of (inaudible) obviously can't divide things into, into pieces, so the SEQRA process did it as a cumulative effort, evaluation of both what can happen on this site and what this property is zoned for, which means all uses. (RECORDER FAILURE) Hamlet Commercial, as well as the environmental impact of that.

Mrs. Newell - Including gas stations.

Mrs. Moore - All uses.

Mrs. Newell - All uses.

(Tape inaudible).

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Mrs. Newell - Okay. That's...

Mrs. Whalen - (Inaudible) business, are own planning corporation that we're now working with to update our, our previous master plan, informed me that these are two separate actions and that there should be a SEQRA review for the site plan. Re-zoning was one action, the site plan is a, is a second separate action that could have it own implications.

Mr. Gilchrist - The re-zoning was for the Hudson Healthwater, Headwaters. This is for Stewart's.

Mrs. Moore - It's something we can look into, but my understanding is, it's a cumulative effort. You don't, you cannot piecemeal SEQRA. (Tape inaudible).

Mrs. Moore - But it's, if you look at the zone, all listed in the commercial zone is what was evaluated as part of the SEQRA process.

Mrs. Danna - Hi, name is Laura Danna. I live at 25 Library Avenue and I have a huge concern about the SEQRA. I feel like we need an environmental engineer, someone trained to really look at this. I've been told, I don't know if it's true, that there's an underground stream that runs from the Lloyd's underneath and through back behind the Weick's house, which was Jane Tracey's and under and, and they have a wet cellar, so it's probably true. But if there's water running under there, do we really want to put gasoline and gas tanks there. I think we need more information, and I would ask you to, to gather more information and really look at all these concerns, including environmental concern before making this decision because it's just another concern that I think can be looked at more closely. I think, ya know, people sitting around a table saying what they think the impact is without the training and the study, is a little different than having someone trained in that area. Thank you.

(Applause)

Mr. Miller - Anybody else? Okay. All those comments will be written up and given to us.

Mrs. Corlew - He took notes.

Mr. Miller - Yep, okay. Okay.

Mr. Danna - Can I ask a question?

Mr. Miller - Sure.

Mr. Danna - Can those notes be accessed? I mean, are those available to the public once they've been transcribed?

Mrs. Corlew - The minutes will be.

Mr. Healy - We have a freedom, freedom of information act.

Mr. Danna - We can FOIL it if we want?

Mr. Miller - Yep. Hm hm.

Mr. Danna - Alright. Thank you.

Mr. Healy - You can get anything you want.

(Tape inaudible; people talking at once).

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Mr. Miller - Anything else? Okay. Can I get a motion to close?

Mrs. Moore - I make a motion to adjourn.

Mr. Spatz - I'll second.

Mr. Miller - All those in favor.

**Motion by Laura Moore, seconded by David Spatz and carried to adjourn
Planning Board meeting of May 18, 2010 at 8:35 p.m.**

Respectfully submitted,

Patti Corlew
Recording Secretary

pb05182010

RESOLUTION #2010-12

Motion by: Laura Moore
 Seconded by: Art Healy

RESOLVED, to approve Planning Board minutes of April 20, 2010 (without correction).

DULY ADOPTED ON THIS 18TH DAY OF MAY, 2010 BY THE FOLLOWING VOTE:

Ayes: David Spatz, Laura Moore, Shale Miller, Art Healy
 Nays: None

RESOLUTION #2010-13

Motion by: Laura Moore
 Seconded by: Art Healy

RESOLVED, to approve site plan review application #SPR 2010-3 by Ashe's Pub and Grill, tax map #210.16-1-22, located at 85 Hudson Street, to allow transient merchant market for Bike Week with the following conditions:

1) no more than ten vendors per code, 2) no camping or hot showers on site, 3) applicant must delineate parking for customers and vendors' vehicles on parcel 210.12-3-46, as well as parcel 210.16-1-22, 4) update the site plan showing approximate location of vendors, parking arrangements and Port-A-Johns and 5) vendor and entertainment activity related to Bike Week to be held outdoors no later than 10:00 p.m.

DULY ADOPTED ON THIS 18TH DAY OF MAY, 2010 BY THE FOLLOWING VOTE:

Ayes: Laura Moore, Shale Miller, Art Healy
 Nays: David Spatz

RESOLUTION #2010-14

Motion by: Shale Miller
 Seconded by: David Spatz

RESOLVED, to postpone and keep the public hearing open to June 8th at 7:00 p.m. for application SUB #2010-2 by Tony Stein for Echo Lake Camp, Inc., tax map #210.1-1-15, located at 231 Hudson Street, to allow a two lot subdivision.

DULY ADOPTED ON THIS 18TH DAY OF MAY, 2010 BY THE FOLLOWING VOTE:

Ayes: David Spatz, Laura Moore, Shale Miller, Art Healy
 Nays: None

RESOLUTION #2010-15

Motion by: David Spatz

Seconded by: Art Healy

RESOLVED, to hold a public hearing on June 8, 2010 at 7:00 p.m. for application SPR #2010-4 by Stewarts Shops Corporation for site plan review to allow conversion of property for construction of a convenience store with gas pumps on Main Street.

DULY ADOPTED ON THIS 18TH DAY OF MAY, 2010 BY THE FOLLOWING VOTE:

Ayes: David Spatz, Laura Moore, Shale Miller, Art Healy

Nays: None