

Planning Board Public Hearing

April 17, 2019 Minutes

Chairman Kozakiewicz called the meeting to order at 7:00pm.

Roll call:

Al Kozakiewicz — present

Fred Franko — present

Kim Hart — present

Mike Voght — present

Peter Kiernan — present

Lynne Delesky — present

Rick Gilmour — present

Approximately 55 members of the public in attendance.

Site Plan Review for Kimberly Walker, Lester Walker, Jr., Lester Walker, Sr.

Proceedings

Chair Al Kozakiewicz: We're here tonight to conduct a Public Hearing as part of a Site Plan Review for the Walkers, who want to use their property — Oh, damn, the parcel parcel number is not on here. Well, you [clerk] know what it is, right? [[SBL#83.-1-7.11](#)] Otherwise I would read it into the record. Use their parcel on Route 29A to hold rodeos. I'm going to go through — First of all, I want to lay down, because of the number of people in the room, I want to lay down some rules for the Public Hearing part of this. First of all, an important thing to remember is about the application. It is not about the applicants. It is not about any individual here or any of you. It's not about us. It's about basically facilitating our evaluation of their application for this use permit.

As a result, what I'm going to have you do is — normally, if it was a much smaller group, I'd be more loosey-goosey and there would be a lot of interactive dialog. That's not going to be possible with this many people in the room. So, what I'm going to ask is when I open the Public Hearing part of this, is you are to speak not to the Walkers: you are to speak to the board. If you have a question that we don't know the answer to, and it needs to be answered by the Walkers, I'm going to write those questions down and that's going to be part of our dialog with the Walkers to get those answers. OK? Hopefully, everybody understands that. So, the first thing is, as of the moment I walked into this meeting, the application wasn't yet complete. We're missing hours of operation, which it looks like you have that. Why don't you...

The applicant presents the Site Plan drawings to each Planning Board member.

Chair Al Kozakiewicz: What I suggest is: we'll look at this after the Public Hearing part of this. OK? What was I going to say? Oh. The first — there are — I brought twenty — I think I handed out two or three copies of the application. I invite you to come up here. You can grab these. You'll have to share amongst yourselves, but feel free to take them. What I'm going to do, before the Public Hearing part is to essentially go over some of the details that are on here, so everybody knows where you're coming from. We've already explained that this is what the application is for. And, for those who are not familiar with our Zoning Ordinance, a Site Plan Review — there's actually a big table called the Use Table. Its got all the Zoning Districts across the top and all the potential uses we could think of that are in our definitions down the side. And every intersection, there's something there. It's either by Right, example: you want to build a house on a property zoned Residential, it's by Right, you go see

— I don't know, he's here somewhere — John Duesler, and — oh, there he is, down there — and he checks your drawings, makes sure it's in compliance with the code, he gives you a building permit. Another one is a Special Use Permit. This is for, generally speaking, temporary uses of property. It almost always has an expiration date attached to it. The third is Site Plan Review. Site Plan Review means that it is a use that is allowed in that Zoning District, but it must be reviewed by the Planning Board. And, if you can think about a worst case: Stewart's, or somebody like that, wants to come into town. We're going to want to be concerned about what traffic it is going to generate? Is it going to create problems with noise? With light? Any of the other things that would normally be involved with a large development. We would take a look at that. We'd work with the applicants. Assuming that it is consistent with our Comprehensive Plan, and it essentially can be compliant with the conditions we mutually agree to, it's granted. OK? So, we're at the point where we have determined that the proposed use is consistent with our Comprehensive Plan and we came up in a prior meeting — not a Hearing — with a list of concerns that the board had with respect to the application. I'm going to read you — this is essentially the main things that we came up with. I'm going to read these to you and then I'm going to open the floor for comments. So, the dates of operations of these rodeos, June 14th and 21st, July 5th, 12th, and 26th, August 2nd, 9th, 23rd, and September 7th and 8th. Now, I think all these are a Friday except obviously 9/7 and 9/8 is not. Is that like a Friday/Saturday?

Kim Walker: Saturday/Sunday.

Chair Al Kozakiewicz: Saturday/Sunday. OK. The expected attendance is in range 400-700 people, which is consistent with the experience last year. On site parking capacity — they've got the

capacity for 300 to 500 cars on site and they have permission to use — and, I don't know whether it is adjoining or not?

Kim Walker: Adjoining.

Chair Al Kozakiewicz: OK. But a nearby lot which has three acres which would give you at least a hundred cars, from my quick, inside my head, calculation. There is a Site Map up here. We only have one copy right now. We'd be happy to have people look at that after the public hearing part of it. They're going to provide sanitation by porta potties. So, no waste water will be disposed of on site. They're going to provide a certificate of insurance. Noise was a concern. Some of that is addressed — that's one of the things we're going to probably press down on or drill down on more. Some of that's addressed in the Site Plan map. And, I'll read the overall description of the project: "We're operating a rodeo for family entertainment. We're looking to give the people of Caroga Lake and surrounding areas a chance to live the cowboy heritage and watch contestants compete for prize money. We hope to bring an average of at least 700 people to each event. The traffic and safety is one of our major goals in controlling for our audience and the safety of the Town of Caroga people." Now, hopefully, I can ask you this now: The thing that's missing from here is what you are proposing for hours of operation. Can I ask you if you?

Cory Dalmata: I think the difficulty in terms of the hours of operation at this point in time is, simply with this type of event, there's a requirement that there be emergency medical personnel on standby for the event to continue. So, in the instance that anything happens, where somebody gets hurt — one of the participants gets hurt — and, especially with the difficulties with the ambulance services now, if that ambulance has to leave, the event can't continue — can't begin again until another ambulance gets on site. I think there's a number of individuals in this room

who've participated in these events and have been subjected to long delays. During that time period — so it's difficult to sit here and say that we're going to guarantee this exact time frame, because of those things that do happen and can happen. And, ultimately, I think the Walkers, when given an opportunity to speak on their own behalf, will tell you that the safety of the participants and the spectators is going to be their first and foremost concern at every turn in terms of doing this. So, they're not going to do anything that's going to endanger other participants. So, I think the plan is to try to be in an area where it would run from approximately 6 o'clock to 12 — 12:30 and be done by that point in time. But again, because of the delays that can happen, it's nearly impossible to say this is what we're going to do every single time and give any type of guarantee.

Chair Al Kozakiewicz: And that's fine. I think the fact that you've at least given us a time will help. I'm not — hopefully, I'm not — I don't think I'm not speaking for the rest of the board when I say that's probably one of our main concerns. It'll be noise and hours of operation. The two of them go together. If it was a totally quiet — if it was a rodeo for the deaf and dumb, you know — no one would care how late you ran, because it doesn't produce any noise, but the noise is going to be an issue. Alright, what I'm going to do now is open up the floor for comments. What I would ask is you come up here. Introduce yourself if you can — I mean, if you've got an outstanding warrant or something or any other reason why you can't introduce yourself, that's OK, but just, you know, direct your comments to the board. Come on up Scott [Horton].

Scott Horton: Scott Horton. I live on South Shore of West Caroga Lake Road. The Walkers — I own the property next door to the Walkers. And, they did a fantastic job with the crews last year for the rodeo. Things got going — something the town could use. We

are a recreational community — which is all part of the Comprehensive Plan, as you Board members know. This is what you don't know about these people. During all of the events that they had — I just let them use my property to park on — there was not one piece of paper that I had to pick up from my lawn. These people, when they say they're going to do, they do. And, I'm very proud of that. I spent a lot of money cleaning up that lot. I had no plans for it. I'm glad to see that you could use it. Sorry. I'm glad to say that they could use it. And, I support what they're doing. I do know that there's issues that the Town Planning Board has to address, but I'm — as far as being stewards and good neighbors, they certainly are, and I can attest to that.

Chair Al Kozakiewicz: Come on up.

Ellie Hayner: My name is Ellie Hayner. I'm very nervous. I don't usually do this, but I have a letter from Shar Wager that she wanted me to read that says: "To whom it may concern, I am in favor of continuing the rodeo at Paradise Ranch. The rodeo brings business into town for everyone. People come to eat and put money back into our town. Just like Royal Mountain, they have to adapt their businesses dates/times to when people will support these events. Build our town up! Bring people back! As far as parking, I attended many rodeos last season. I parked on the main road. Both side were filled, but we all left with no problems. Traffic flowed easily in both directions. People were courteous and excited to attend the rodeo after the lapse. Bring back rodeo, give the town a chance to thrive."

Chair Al Kozakiewicz: If you can, give that to our clerk.

Ellie Hayner: And, we've also attended the rodeo with my kids. We enjoyed it very much.

Chair Al Kozakiewicz: Thank you. Anybody else? Come on up.

Rick Sturgess: How you doing guys? I'm Rick Sturgess. If you guys don't know me, I own Campers Corner Store and also own a sixty acre lot behind the rodeo. Any idea that there's even a question whether this should or should not happen is preposterous in my eyes, OK? It brings fifty percent increase to my revenue on a Friday night when they have the rodeo going on, OK? There's has a — the parking situation — it's a little bit hectic — I get it. I'm sure that they're going to get it figured out, OK? There's also "no parking" signs up and down the highway — or there's not "no parking" signs up and down the highway. The a — the idea of the noise that people are concerned about — you know a lot of the people in this room I'm sure probably remember that this town was built on noise, OK? It's an entertainment town. When Sherman's was going I'm sure there was all hours of the night noise happening, OK? I'm sure for the ten events of the year that they're going to have, people can deal with it, OK? It's a huge asset to have something that I can bring my kids to in this town that's not a barroom, OK? Please consider making it happen.

Chair Al Kozakiewicz: Well, don't sell barrooms short.

Rick Sturgess: My kid can't have a good time in a barroom and the kid can have a good time at a rodeo. And, there's not too many other things my kid can do in this town besides throw a fishing pole in a lake.

Chair Al Kozakiewicz: Thank you. I'd like to just make one comment in response and that is that the purpose of this is not to try to throw a monkey wrench into the works. The issue is that under — up until 2001, when the Walkers moved the operation to Sprakers — the rodeo — or thereabouts — the rodeo was grandfathered under the old Zoning Ordinance. When they

stopped holding the events here, the grandfathering expired and it reverted to whatever the property was zoned for, which in that case was only Residential. It wouldn't have been allowed under the old Zoning Ordinance. Under the new Zoning Ordinance, one of the things we did was try to broaden the uses that could be made of properties, especially those near the town center, to keep — to basically allow us to implement the Comprehensive Plan. I'm speaking as just one member of the Planning Board. I see that as very much a part of this. So, the whole purpose of this process is — you know — the burden is on the Town which is represented here by us, to find a positive way to shut this down if one exists. Otherwise, the assumption is, like I said, it is an allowed use. The assumption is: this goes forward, but we've got to follow the zoning process. The law applies to everybody. That's all. Next?

Mark Gillen: Yes, Mark Gillen, and I rode in the rodeo when I was younger and also did a lot of horse events up there and I'll be the announcer this year at the event and we're real excited. I do a lot in the community. I'm a minister down in Johnstown and talked to tons and tons of people over the last season and the excitement in all of Gloversville, Johnstown, and surrounding areas of everyone I've talk to is really, really positive about this. It just seems so wholesome of a thing to do. It's, you know, cowboy. And, I just wanted to put my two cents in that this is just an incredible event for our area and all the surrounding areas. So, I'm proud to be a part of that.

Chair Al Kozakiewicz: Thank you. Anybody else?

Kayla Przestrzelski: I kind of missed what was going on because we just walked in, so what are you asking for? I apologize.

Chair Al Kozakiewicz: We're at the part of the meeting where we're soliciting public input to the application.

Kayla Przestrzelski: OK, well. Kayla Przestrzelski. I work for Green Pines Portable Toilet Septic Service. We do a lot up here. We are providing porta pots for them for their facility up there, you know? They're helping support our business as well as actually my kids are a part up there in riding. My daughter rides horses. He helps with the bulls and rides them occasionally, when he's feeling froggy. But, it's nice to see something back in the community, you know? A lot of places have gone. There's nothing around here for anybody, you know? And, to see kids outside and doing things instead of, you know, on their phones or playing video games. It's a great thing. And it has something, this close to home, for everybody. It's just amazing. So, I, you know — it's just nice to have.

Chair Al Kozakiewicz: Thank you.

Kate Kowalski: Hello. I'm Kate Kowalski, a resident near the rodeo. It is a great benefit to the community. But, there are some concerns from the residents regarding parking. So, the Site Plan that was presented: is that additional parking this year? And, there was mentioned that there was parking for 300 to 500 adjacent to the rodeo. So, I know that was a big issue. People are parking on both sides of the road. That's a safety concern. There needs to be additional measures to address the parking situation and do a traffic control plan or bus people or do additional parking behind the rodeo. So, just a little bit more information regarding what they're going to do for the parking situation would be beneficial to the residents.

Chair Al Kozakiewicz: Thank you. Come on down.

Cynthia Forrest: I'm Cynthia Forrest and I just wanted to say that Kim is very responsible and that I can bet that she will follow

through with whatever you recommend and that I think it is really good for the community.

Chair Al Kozakiewicz: Thank you. Come on. Don't be shy.

Rick Gilmour: Yeah, you guys all came out here. Somebody else has got — want to speak.

Riggin Dailey: I'd like to say something. You know, I'm Riggin Dailey. That's my grandfather, Lester Walker, my mother Kim. I grew up here in Caroga Lake. Went to Wheelerville, K through 8, and people asked me, you know, where you live? The old rodeo. Everyone knew and when I was a kid, everyone would say, Caroga Lake used to be this, you know, it was big. I'd see old pictures and it did, it looked fun, I mean you know, almost like Lake George. And, now I usually come back it is even less than when I was a kid. And, with this rodeo, like, I think it will bring it back to community, where I grew up. And, I'd enjoy that. And, maybe one day be owner and inherit my grandfather's — what he's done — what he's brought to the community. And, I rodeo all over the northeast. And, everyone knows about Caroga Lake. Anyone that come here, they know about it. They know my grandfather. And, I just think it would be something that we could really bring to this community that would really help it. Thanks.

Chair Al Kozakiewicz: Thank you.

Francis Dwyer: Yeah, I got — you know, I've heard twice about the parking, downtown wheres. What our lane, directly across. Yeah, there's a problem with the parking. I think they'll figure it out. It's what this community needs. I mean there's times we can't get on our road. Who cares? It's on Saturday night. But, we need this up here. We need the people. We need the population coming up here and seeing what Caroga Lake could come back to. You

gotta let them have this. There's nobody [inaudible, possibly "who are more inconvenienced"] than me and Matt. We don't care. We need it up here. Thank you.

Chair Al Kozakiewicz: Thank you.

Kayla Przestrzelski: I can agree with him. How do you like that? It's just — you bring it back with me. You look at St. Johnsville, you look at Fort Plain, you look at Canajoharie. Nobody lets anything happen anymore. You know, Walmart talks about coming in and bringing jobs to the community and, and, and things for the younger people and there's nothing, you know? They're bringing people in, you know, and that'll also help support some of the small local businesses that are left here. It — it's just —

Chair Al Kozakiewicz: And, and I — and you know, again I'll, I'll state for the benefit — this is an allowed use. So, if it's going to be denied — I don't sense that it is — but, I would speak for myself. There's got to be a really good reason for it. There have been some legitimate concerns brought up regarding parking and noise. I think those are the two most significant — the others, not. And here — you know, they are, at least in theory, easily dealt with. It just requires — first of all — it requires input from all of you. It was nice to hear from two of you guys that are — I don't know where you are — Mr. Dwyer — you know, that you don't care about the parking. OK? From another person, that they do care about the parking. We have to factor all that in. I want — you know, we want to give you a voice in making sure that we've, I guess, weighed it — weighed the issues appropriately based upon what residents of the town want. And, it's more — again, my opinion — this is more about striking that right compromise on the conditions — the terms under which this operates, than whether it — whether it operates or not. OK?

Jeanette Hayner: My name is Jeanette Hayner. I'm Les Walker's daughter. And I've — we've worked the rodeos, again, for many, many years. Our objective is really for the safety of the people. That is our main thing. We don't want to see anybody get hit by a car. We don't want to see anybody get run over. We — we are a huge family and we consider all of our bull riders, all of our cowboys, but not only them, our spectators, as family. I walk around the property all night long: that's my job. I walk around the arena. I make sure that people are back. I make sure that the kids are on top of the hill, where they need to be. So that, nobody does get run over or hit or that there's, you know, really enough for people's protection. That's what our main goal is: to go out and have fun, go at a very low price, because you can't take your family anywhere at the price that we're charging. And, as far as the entertainment goes, I also control that. I manage a band. We try to be sure that the band is enjoyable, that everybody's — it's not so loud that you can't stand it. But, it echoes through our town. There's nothing we can do about that. Just like when down here to Sherman's, when you had the summer music down here: it echoed through the town. We all heard it. Most people enjoy music. It's a Friday night. Most people enjoy going out on a Friday night or a Saturday night. So, as far as the music, like you said, there's only ten rodeos and the last two of those ten are on a Saturday and a Sunday and they're the finals. You're not going to hear loud music. So, there's only eight rodeos. And, again, if the town — it's hard to say that. How can you not enjoy music? How, can you even not enjoy that people are happy? And, and, being at the safety of the people: We walk up and down the driveways constantly, right to the of the road, watching people coming in. If we need to slow traffic down, we are out there. We have several people back here that are also down there watching the people coming in. So, we're not just paying attention to the rodeo. We are paying attention to everything that is going on around the rodeo.

And, it starts early. And, that's what we're there to do. To have a good time. Keep everybody safe. That's our main goal: is keeping everybody safe.

Chair Al Kozakiewicz: OK. Thank you.

Unidentified speaker: I was just curious. Is there a noise ordinance here?

Chair Al Kozakiewicz: No.

Kate Kowalski: There's not?

Chair Al Kozakiewicz: No, there's not. But, that doesn't mean that doesn't mean that the Use Permit can't attach noise conditions.

Rick Gilmour: And, limits of times.

Chair Al Kozakiewicz: Yes. And, I think that's going to be, you know, the major discussion tonight. I think the rest of it pretty much falls into place, but that's again my opinion. When we all talk, then I'll know better.

Cory Dalmata: I think I would be, you know, mistaken if I didn't say anything, at least at this portion of it and I'm standing in a couple different capacities. Kim [Walker] asked me to come here with her. I am an attorney. This is not the main thrust of the work that I do in any regard. I do personal injury work, so the concerns — the safety concerns and everything that go along with this stuff is something that we've been talking about from the very beginning, when they decided to get this up and running. And, I know that there are potential concerns with parking. And, having gone to the rodeo a number of times last year — my grandmother lives next door to it. So, seeing what can happen and what — how the cars were parking and what's going on and what's necessary to

make that happen is a long conversation that we've had on a number of times about how to go about taking that aspect out of it, not because the Walkers were coming before this Board, but because the Walkers were concerned about the people that were going to be up there and the dangers that could be posed by having people walk along on the side of the road. So, in that capacity, standing here as an attorney that's very close with this family, I'm here for that reason. I'm also here because, as a kid, we went to this rodeo all the time. My grandmother lived next door. We were there. It's part and parcel to why I moved back to this community. The memories that I had of that place. The memories that I had of Caroga Lake. It's why I have my son here tonight, because this is important to have as part of this community. It is — a lot of the people that came to this room, which as you are looking around that are coming up to speak to you are part of this family and part of the family that is Caroga Lake and, and, is the, you know, the life-blood of this community. And, there needs to be a reason for this people — these people to come back — to want to come back, to have an enjoyment related to that. The third, third reason that I'm here too, is just — it's fun. I mean, going to rodeos is something that we did as a kid. My father rode in the rodeo over there. My family was always involved with the Walkers. When I moved away and went to law school in Oregon, we were going to the rodeos out there. We were always traveling around and going and pursuing this and going and enjoying it because it was — it was an enjoyable thing to do. And, I think you saw that with the turnout last year. It was completely unanticipated. How many people were coming and wanting to this and, and everybody was overwhelmed and enthusiastic about what was going on. And, I just think it is an important thing to have. The other issue too that I think needs to be addressed somewhat in this portion of the commentary is you did indicate that the, the Use Permit — or, I'm sorry — the Site Plan Review would have lapsed in 2001. It's my

understanding that there are some people in this room that can tell you that this site — this facility — has been used continuously as a rodeo, during that point in time, while it wasn't so much as a commercial venture in the same way that it's — that they're trying to bring back in terms of trying to have everybody there on a regular basis, the, the, the pastures and the fields and the arenas were rented out and used for schools. So, this, this — what they're doing out there — has been done continuously. And, if, if that's a, you know, a concern that the Planning Board has, in terms of the fact that this wasn't happening and now, all of a sudden it stopped and we've got to say — you know, we've got to put different standards on it — there is a continuation of this property being used as a commercial venture: in an equestrian as well, I don't know, livestock, you know, for, for that happening there. So, there — and there is that continuation of it, that this goes back, I think, to 1968. Is that when you started up Derrick? Yeah, so, so it's, it's consistent and it's been there and, and you know, and, and the Walkers are here — any questions that you have — any questions or concerns that the board has. Everybody wants this to be a productive process and be able to facilitate responses and, and quell those concerns, so we can do this as a community.

Chair Al Kozakiewicz: Thanks. And let me just address — I've given actually — just the last thing you were talking about there — I I had given that a lot of thought. One of the problems we have is we have no zoned agricultural districts in the town. And, I mean if I were an attorney — I don't even play one on TV — you know, I would make the argument that a rodeo is ancillary to any kind of agricultural business — especially one that involves livestock. But, I'm not and because there's no agricultural district, I'm stuck with the law or the Ordinance as it was written. And, it wasn't the Planning Board, by the way, that started this process. It was other people and eventually John [Duesler], you know this year. After

last year, it obviously caught peoples attention. Saw a situation where it didn't appear to be in line with the, with the Zoning Ordinance and took actions to make it happen. I think, hopefully everybody up here, we want to make it happen. It's just a question of: just get it done. Let's deal with any concerns there are and then move forward.

Unidentified speaker: I actually have a question about the agricultural part. I thought there was two properties in the Town of Caroga that were agricultural and that was Donny Baker's property and, like, Lester Walker's property.

Chair Al Kozakiewicz: Yeah, there, they were actually used [multiple persons speaking simultaneously] — I know — they were used that way, but they are not zoned as agricultural properties. They were zoned as residential. [audience member is also speaking at the same time.]

Unidentified speaker: [speaking at the same time as Chair Al Kozakiewicz] Can I ask that question?

Chair Al Kozakiewicz: That was from the original Zoning Ordinance, passed in the early eighties.

Unidentified speaker: How did that get changed without anybody knowing about that?

Cory Dalmata: If I may, quickly — what I think you're getting at is a question for a different board. I think if we all just blame this on John [Duesler].

Chair Al Kozakiewicz: Thank you. Well handled. I told John [Duesler] not to come here. Alright. Are there any more comments? Anybody? Who ever gets to the floor first.

Mark Gillen: Mark Gillen again. I also have a lot to do with the Wheelerville School District and I know that their, their enrollment has — went down over the years. And so, we're really concerned about, you know, this community getting where people will come up here, buy properties, and get in this area, and get the name of Caroga Lake out there. So, this will be really great for that point, too. Will somebody come up here and buy a piece of property and send seven kids to Wheelerville School because of the rodeo? I don't know, but it is just another way to get people — like even for people that are trying to advertise this area in papers downstate and things like that. There's a — you know, they have a local rodeo. It would just seem like that's also a concern to, to get the enrollment of Wheelerville School up, too. So, someday down the road, we don't lose that.

Chair Al Kozakiewicz: OK. Thank you. Yes, Scott?

Scott Horton: Scott Horton. After hearing people's comments, I would like to make a comment about the safety on the highway. It's not — there's no "no parking" signs, but I've been to many auctions on state highways and you have to stay inside or outside of the white line, whichever way, I guess, you are looking at it — but, anyway — off the pavement. And, I think it would be helpful if — in tickets, or whatever — that, that the owners make that a part of their literature...

Rick Gilmour: Advertising.

Scott Horton: Advertising, so that people knew that that was a requirement. Because, the state will tow you.

Rick Gilmour: It is illegal to park on the highway.

Scott Horton: Right. And, and, I think that would be helpful. And, the other thing I was thinking of: I haven't seen the Site Plan, so I can't address the lighting. The lighting is obviously an important part, when you have that many people around. It's going to be late at night, after the sun is set. But, I can't address that. I'm sure that [inaudible] is going to look at that. But, back to the highway, since I've gone by many times during the rodeo, I would — if there was some way that flares, a sign, an area — although, it doesn't — it's not required by law, but an area be designated and have these flares, so people do slow down and it protects the people walking back and forth. I mean, anytime somebody sees a highway flare or some sort of visible sign — and remember, it is going to be an evening as well as daylight hours. Whether the board wants to recommend that. Whether the owner wants to address that. But, I think that that might be a way, if they have a legal right to park. People have a legal right to park on the highway.

Chair Al Kozakiewicz: They do. And, and actually the, the whole issue about parking — I've got some thoughts, but we were going to discuss that later on.

Scott Horton: Just a suggestion. Thank you.

Chair Al Kozakiewicz: OK.

Rick Sturgess: Rick Sturgess again, sorry. I understand there was a woman that was a little concerned about the safety of the parking aspect of it. Like I said before, I do own the property directly behind the rodeo, you know. Give them permission, any amount of land — within reason, obviously — that they need to clear off for additional parking. [inaudible]

Chair Al Kozakiewicz: OK. Thank you.

Gene Centi: Gene Centi. Just as a note. My father-in-law lives at the foot of Scott Road. The far end — [inaudible] the highway end — and, no complaints whatsoever about the noise at all and he would have as much of an earshot as the other two gentlemen from Dwyer Lane. The other thing is — is that we have — had a venue on 29A, not too far from this, that had music — live music outside their establishment until one o'clock on the morning, several times during the summertime and, we don't have a noise ordinance, but people tolerated that, knowing that it was a one-time deal. And, as far as the safety aspect on the road, I know that — I'm sure the sheriff's department has these illuminated signs that can be put there: "slow down", "traffic", "rodeo" — something that they might be interested in allowing to be used at each end of the, of the venue.

Chair Al Kozakiewicz: Thanks Gene. Come on up.

Becky Cook: I'm Becky Cook. I also grew up in Caroga Lake, went to Wheelerville. My mother, my sister, my aunt — I have several family members that own property still in Caroga Lake. I just live over in Bleecker. I, too, was as part of the family of Mr. Walker. Like a sister with Kim, growing up. And, I can say that my family — we did continually to use this, all those years. Even after the public wasn't there going to witness rodeos, we all used it. My children all grew up riding and doing rodeo events over there, although maybe not for the public to come and pay and see it. There was still activity going on all those years. And, Mr. Walker — this family is [inaudible]. They are honest, hardworking and they are good people. And, it is a good thing to have. What a community to see what good people are. And, what they can produce. And, what our kids naturally participate in and enjoy. And, it would not hurt Caroga Lake in the least.

Chair Al Kozakiewicz: Thank you. We had another one over here somewhere? Yes.

Shelby Reynolds. Hi. My name is Shelby Reynolds. I'm sorry. I'm really scared.

Chair Al Kozakiewicz: It's OK. I would be too.

Shelby Reynolds: So, I wrote a letter. It took me two days, actually. So, I said, the rodeo is a good thing for kids and adults. I know this because some kids prefer other sports besides school sports. Most kids don't have outside skills. This gets kids to go outside, and also look forward to other things besides going home and playing on their computer or phone. This gives ability for kids to have the strength of losing without getting upset. When I say this, I mean like having fun over winning. In conclusion, some people come Friday with their family and watch the rodeo and camp out 'til Saturday. However, Paradise Ranch is inexpensive. The most important part of the rodeo is having an extra friend. Kids love getting to have trust in an animal. Paradise Ranch is awesome. They have the nicest arena. But, most of all, cool owners. Paradise is one of my favorite places to barrel race. They include the pledge of allegiance and they take consideration for the contestants. It is a great place for many and close to home.

Chair Al Kozakiewicz: Thank you. OK. Is that it? Alright. I'm going to take this ten seconds of silence to say: guys, I'm going to close the public part of the hearing.

The public part closed at 7:40 PM.

Chair Al Kozakiewicz: Now the rest of this meeting is going to be sausage making. So, if you want to stay and watch the sausage being made, god bless you. You are welcome to stay. If you want

to leave, you can do that too. It's up to you. OK. So, I want to open it up to the rest of the Board. You've seen — so, what I've, what I've got is: I added a number nine to this here, which is supposed to be hours of operation and I wrote down essentially what I heard what is being asked for, which was 12:30 — 12:30PM — or AM — correct — that's what I said. That's what I meant, at least. So, if you just put that on there, I thought this would be a time for you guys — for all of us to ask questions of the Walkers, based upon the responses — the application they submitted. And then, after that, we could go — we have them explain the Site Plan to us. Is that OK with everybody?

Lynne Delesky: Unless you want to have them do that first?

Chair Al Kozakiewicz: Alright. We could do that first. Would that help — be helpful to everybody?

The Planning Board consensus was: yes.

Chair Al Kozakiewicz: OK. So, why doesn't whoever wants to represent you come on up and explain the Site Plan.

Kim Walker: OK. It's color-coded. OK. This is our land. Our land is broken into two separate parcels. OK? So, it goes up this way. This is Mr. Horton's. The one in red, of course, obviously parking. The one in yellow is where the entertainment is going to be held. You had put in the Site Plan. The purple are lights. It's very hard to color-code this. This is your emergency that you had requested and entry.

Rick Gilmour: That's the main road going in?

Kim Walker: Yep, yep. There's one road. Yep. The PA speakers — they're on the building right here and they face this way. And, this is the band and they also have speakers, obviously.

Chair Al Kozakiewicz: This is actually news to me, because what I can see from 29A...

Kim Walker: You can't see...

Chair Al Kozakiewicz: I know, I'm thinking — I'm kind of oblivious when I'm driving around, thinking who am I going to run over. Yes, so this is what, the sliver that comes out to 29A, of yours, this here?

Kim Walker: This is the entry of both properties — Mr. Horton's and ours.

Chair Al Kozakiewicz: OK. And, so, the like the buildings and what looks like — OK. This is what I see from the road, but this is not where the rodeo is?

Kim Walker: The rodeo is here.

Chair Al Kozakiewicz: OK. OK.

Kim Walker: You can't see the rodeo from the road. It's impossible. Nobody can see back here.

Lynne Delesky: This was parking last year, too?

Kim Walker: That is all parking. This is — see, we have lots of parking. The problem is: one person park here [the highway], everybody park there. You know, we can start — we start the parking in the front. We work to the way to the back. And, the reason why we do that is: it is a business decision; more cars — more business. We start parking all the way out. And, like I said, prior meeting, is, there was tons — this here is all open last year and the one time that the road was so packed, when we had so

many people, they never parked out there because they insisted on parking on the road and walking.

Kim Hart: And, I just have to say that it looked full, because you do that. Because, I talked to a few people, because everybody loved it, because they had to park on the road, because they thought it was full.

Kim Walker: They thought it was full.

Kim Hart: Because you are doing it that way.

Kim Walker: Well, we're doing things different as far as we're going to put signs up that says "free parking", obviously, because it is free and push people back and we're going to have actual parkers, waving people in with lights. You know, the safety lights and orange vest so that you know that they're — you know, parking.

Chair Al Kozakiewicz: There are no aircraft landing there?

Cory Dalmata: I think also that an important point is that this entire area here is the additional —

Kim Walker: Additional, yes. We just started that.

Cory Dalmata: There was no parking there. There was no parking there last year. And, that's an additional space. I think you estimated about a hundred cars which that would — I mean that would pretty much alleviate any parking on the road at that point in time, because that wasn't available. So, when you would have people parking here and along the road, it was because, just as you said, they thought that it was full and they never made an attempt. So, I think that simply changing the dynamic in terms of parking, you know, in the back to the front, rather than the front to the

back, especially now that people know that this is going on and know that people are, are going to be there.

Rick Gilmour: It is just, kind of more organization to pull this off. The biggest thing is to get the people off the road. You should be — you should advertise this — in your advertising — that you can't park on the state highway and that we have parking in the back. Whatever way you phrase that would help. And, of course, your parkers need to be able to deal with the flow of people getting over.

Cory Dalmata: I think you've — you had partially addressed the issue as well. I mean, I think that is one of the things to be implemented is to have additional people, kind of facilitating the parking — to have more parking up here, to get people off the road, and to have that in a better organized situation, but if somebody's going to violate the law, and they want to park there —

[At this point, there are several simultaneous conversations in the meeting room. Following any one conversation and identifying speakers becomes challenging.]

Rick Gilmour: Yeah, I understand that.

Cory Dalmata: Right. So that becomes, that becomes the issue. And, what we're trying to do is, is alleviate the necessity of doing that — alleviate the people saying, you know, I'm going to park on the road, I'm going to park on the road because I don't believe the parking's here. And so, I think by having additional staff or a couple people there facilitating that. Maybe, and putting, you know, "please don't park on the road".

Chair Al Kozakiewicz: Yeah, just something like — just a couple of well-made signs, that they are obvious, that just says "event

parking, you know, ahead” or whatever, so people know there is parking.

Kim Hart: Maybe one that says, “lot’s not full”. Yes, because even though it say “parking”, it looks full. It is deceiving. And, and long — how late do people — will people be there to keep pulling people in — how late do people keep pouring in? You know what I mean?

Rick Gilmour: Starts at 8? Right? The rodeo itself starts at 8?

Cory Dalmata: Starts around 6:15.

Unidentified speaker: How late do people, keep continuing coming in the rodeo?

Kim Walker: Usually, nine o’clock would be the latest normally people — and that’s a few stragglers here and there. It’s a Friday night.

[Several simultaneous speakers. Audience conversing among themselves.]

Cory Dalmata: So, nine o’clock. So, essentially, nine o’clock. That’s when you know who’s going to be there.

[Several simultaneous speakers. Audience conversing among themselves.]

Cory Dalmata: I think, I think what you said about the idea about a sign — you know, about a well-made, especially now that — I mean, now — well, make a sign that says “event parking”. Paint it blaze orange. Put some LED lights on it or something — all for relatively [several speakers speaking loudly]

Kim Walker: We're more prepared this year. We didn't have no idea the amount of volume we were going to draw. Nor — now we're prepared. So, we might get like two hundred people.

[Several simultaneous speakers. Audience conversing among themselves.]

Chair Al Kozakiewicz: And, as far as the crowd, please, if you'd like to talk, please go outside, down the hall someplace. If you want to see the sausage made, only the sausage makers get to talk.

[Order in the meeting room partially restored. Audience conversations now more subdued.]

Chair Al Kozakiewicz: So, let's talk — let me, let me suggest — and, again, I don't want to run this meeting at the expense of everyone else. So, you know, if I'm talking too much, don't wait until after the meeting to tell me. Tell me now.

Rick Gilmour: Are you talking to us?

Chair Al Kozakiewicz: Yes, I am talking to you. Should we go through the list here and see if we agree with this, that these are the conditions. I think what we're going to have is going to be the time and what, if anything, we want to say about noise. Let's go through this. Let's see if we agree with those things and let's come back and talk about the things we don't agree on. So, anybody have a problem with dates of operation?

Mike Voght: No.

Chair Al Kozakiewicz: OK.

Cory Dalmata: Could I just ask one question — your raising that — because the dates of operation were given for this year, but the Site Permit is going to be continuing an annual basis.

Chair Al Kozakiewicz: Yeah, and ...

Cory Dalmata: So, I think the understanding is that it would be operated on Saturday evenings —

Kim Walker: It's Friday.

Cory Dalmata: Friday evenings during the summer. I just didn't want to — don't want to be — if there's a —

Chair Al Kozakiewicz: No, no, this is — and I know that this goes beyond this year because this is a Use that would be continuous until you stop doing it. But, this — I'll take this as representative and I think the way you phrased it. The eighth — 9/8 — is that a Sunday, you said?

Kim Walker: Yes.

Chair Al Kozakiewicz: So, that's a during-the-day type operation?

Kim Walker: Yes. Yup.

Chair Al Kozakiewicz: So, why don't we just say, you know, Friday to Sunday, June to September, and, you know, approximately. What do we got: one, two, three, four, five, six, seven, eight — so, you know, approximately twelve events a year. I mean —

Kim Walker: It may be more.

Chair Al Kozakiewicz: I know. That's going to be — this sort of like sets the what-to-expect. If it's fourteen, no one cares. If it

turns into every single day of the week, 365 days, yes, I think somebody might care then. I don't know.

Kim Walker: You don't want to go out in the snow like this?

Chair Al Kozakiewicz: OK. Any issues with — or, let's talk about what the issues are with the parking plan. You know, I agree that, you know — first of all, you can't stop people from parking on a town road or a highway. Town roads, you can between whatever it is, December and April, or whatever the dates are, but this appears to be mostly — it would be state highway — that it isn't illegal to park off the state highway and, you know, off the pavement. I've gotten a ticket for parking on the pavement, but it had nothing to do with parking. That's another story. It was a plea deal involved. The, the Walkers sound like they, you know, have been responsive to suggestions about signage and whatnot on the road, so try — to encourage people to take advantage of the onsite parking.

Kim Hart: Maybe even, at your events, you could educate people for the next time they come. You know what I mean? Like, friendly little reminders because, it seems to me, it is obvious, your goal is to have people not park on that road.

Kim Walker: We would rather have them park in the parking lot.

Kim Hart: Yes, so just that education process, I think would be important. Because most of the time people will do what they know to do. What they don't know, they're just confused as you're going to just figure it out on their own.

Fred Franko: The question I have about this is — and, I'm very concerned about the safety issues involved in that — is this something that actually falls within the jurisdiction of the town to actually get some “no parking” signs up there?

Chair Al Kozakiewicz: No, it's the State Department of Transportation.

Mike Voght: State highway. The town has no control over that. New York State DOT.

Fred Franko: OK.

Chair Al Kozakiewicz: Now the, you know, the one good thing is: that is within the forty mile an hour speed limit zone in the town.

Mike Voght: I'd like to add to that. Also, there is, there is "no parking", there is "no parking" signs when you're in the hamlet, through the town here, but, once you're out of the hamlet, then it's, it's — you're OK to park, because there's no signs.

Chair Al Kozakiewicz: You look in front of, like, Groom's and the old Outdoorsman there, you can see, they're pretty small, but there are "no parking" signs there. They aren't on this part of the road.

Lynne Delesky: Can the Walkers legally put up an event sign? You know?

Chair Al Kozakiewicz: Kim told me that the DOT would actually do that for you, potentially.

Kim Walker: Potentially.

Chair Al Kozakiewicz: You would have to obviously do some more investigation. Correct.

Kim Walker: I can put "event parking" on my fence, correct?

Chair Al Kozakiewicz: Yeah. Yeah. I don't think — well, I'm sure somebody will object, but honestly, if you were to put signs, you know, off the road but, on the shoulder of 29A. You know, it's

being helpful. I highly doubt you are going to have the authorities coming after you to get you to remove those signs. Again, you are doing it for the purpose of making the situation better.

Kim Hart: What about those tent signs that you can remove, put out?

Chair Al Kozakiewicz: Yeah.

Cory Dalmata: If the Site Plan were to say and the review that comes, that the property owners will make concerted effort to — a concerted effort to the best of their ability to ensure that their off-highway parking is utilized by spectators? Would that be satisfactory, in terms of — because, we don't want to — I think what we want to do from this in any perspective is put them under an obligation to do something that's not compliant with the DOT, not compliant with what the town Code would allow for on certain properties. So, and, I think, our conversations have all been: this is what we can do; this is what we can try to do. Obviously, if we try to put up a and the state comes along and says, "you can't put up that sign, you're in the Adirondack Park, I don't care if it is only going to be up there for three hours, take it down", we're going to have to take it down. So, is that language something that would be sufficient in terms of something to —

Chair Al Kozakiewicz: Guide?

Fred Franko: I don't take any exception to that, I guess.

Chair Al Kozakiewicz: OK. Alright. Sounds good to me. What about you guys?

Rick Gilmour: Yes. I agree.

Chair Al Kozakiewicz: OK. OK. So, do we think we've dealt with the — and, what I'm going to do actually is — and, before you leave, can I get your email address, so I can copy you on this correspondence? But, I'm going to go ahead and I'm going to — I'll go ahead and write this up and put it in — thank you. I'll, I'll go ahead and revise this — make it part of the application, which we use this language that you just uttered there. Site Map: Is anything missing from here that we need?

Rick Gilmour: The lighting issue? How many lights did you say you were going to put in?

Kim Walker: Five. We're using generator lights.

Rick Gilmour: Then, that will —

Chair Al Kozakiewicz: Yeah, honestly —

Rick Gilmour: Sufficiently?

Kim Walker: Sufficiently.

[Multiple persons speaking at the same time.]

Kim Walker: Oh, my goodness: they go very high.

Chair Al Kozakiewicz: Well, I used to run football practice under those things and it was like —

Rick Gilmour: Where's the ball?

Chair Al Kozakiewicz: I will make this comment, and again, this is just me, now that I have seen this — I hadn't walked the site. I'd only seen it from the road. Seeing where it is, it is difficult for me to see how the lighting is going to be an issue to any of the neighboring houses. It's, it's well isolated.

Mike Voght: I'd like to ask a question now.

Chair Al Kozakiewicz: Well, you go right ahead.

Mike Voght: How many of the Board members have actually been there to one of their events, and actually been out back?

Rick Gilmour: [inaudible] Well, my kids have.

Kim Hart: Did you raise your hand?

Mike Voght: Yes, mam.

Rick Gilmour: And, I know Lynne had a question about emergency access to this. I assume, since you have ambulances there in case people get hurt, that the road to get out will be clear of...

Kim Walker: It's always clear. We can't not block that, not ever. It has to be a clear, straight, shot.

Rick Gilmour: Got it.

Chair Al Kozakiewicz: OK. The next thing on here, which was the sanitation requirements of, I think...

Rick Gilmour: You could ask [inaudible] over there.

Chair Al Kozakiewicz: Yeah, I know. Well, it says, will have porta potties provided to accommodate as many people as predicted for the event.

Kim Hart: So, is that seven hundred, you going off of for the potties?

Kim Walker: She knows how many porta potties it takes.

Rick Gilmour: What is the magic number?

Kayla Przestrzelski: There is no per se magic number. I can't pull that out of anywhere.

Rick Gilmour: Really. I'm surprised there isn't.

Kayla Przestrzelski: For seven hundred, I mean, and you're only talking a few hour event. Five is probably, but, if they're going to do a Saturday-Sunday, cleanings are recommended.

Kim Hart: And then, the night that you get twelve hundred, would those same amount?

Kayla Przestrzelski: I can honestly say when they started out and only, you know, one or two porta pots, right away she immediately called me and said, "hay, get up here" and we took more up as the crowds grew. So, they were on top of it. Of course, we can't maintain what people do while they're in them. People come up to me all the time and they're like "those are filthy". Well, I can't — you know how many people are standing in here, you are going to be different than you and you are going to be different than you. And, I can't tell you people aren't pigs, because some of them are.

Chair Al Kozakiewicz: The only thing — one of the comments we got, in the correspondence was: providing at least one handicap-accessible porta john. So.

Kim Walker: We did have one, didn't we last year?

Kayla Przestrzelski: They did have one at one point, kind of depending on, you know — like I said, the further they went on, the more —

Chair Al Kozakiewicz: And, I just don't know. You might have, but ADA might actually require it. I don't know. OK. So.

Kayla Przestrzelski: [whispering] We have them available.

Chair Al Kozakiewicz: There you go. Alright. The next — and I'm going to make a comment about this, and — because I do have a problem with this: certificate of insurance. And, I'm going to direct this to because most of this came from you. I understand your concerns. I want the Walkers to, you know, provide appropriate liability insurance. The only problem I have is that once we assume the role of in terms of determining how much insurance, we've now roped ourselves into a situation where we could be held liable for that. So, and, you know, I don't think legally anyone would prevail, but I don't want to be in a situation where we were to say, specifically, you need \$500,000 or \$1,000,000 liability. Something really bad happens. That doesn't cover it, and somebody comes back and says, well, you guys said that was OK. There's something wrong, you know.

Rick Gilmour: We're not experts on this.

Chair Al Kozakiewicz: No. So, I would just simply say that you would provide — I'd just say —

Cory Dalmata: Well, I can say — I mean, I actually —

Chair Al Kozakiewicz: Yeah, you actually know something about this. You're one of those scum-sucking trial lawyers.

Cory Dalmata: This is exactly what I do. And, I can tell you that the Walkers, in a conversation that the Walkers and I had, prior to them starting anything, we had a very long about the limits of insurance that they should carry related to this type of event and the type of insurance. And, they carry a policy that is very

sufficient and similar to events of this nature and commercial policies across the state. So, I would, I would prefer, in terms that this is a matter of public record that, you know, obviously they don't want to be in a situation where their insurance policy is being placed on public record. And, that's not something that any — there's any state law that requires, in any regard, in terms of, in terms of putting what those private insurance policies are into the record and doing something of that nature. But, I can say, as an officer of the court, that their policy is very similar to —

Chair Al Kozakiewicz: Can you, can you — and, I'll, I'll send you an email tonight or first thing tomorrow, just to establish a channel so you know how to get back to me — can you provide just one or two sentences of language that, that basically says what you just said?

Cory Dalmata: So, just a representation that I've reviewed their insurance policy?

Chair Al Kozakiewicz: Not, not that you did, but that something along the lines — this is my suggestion, guys — I've been expecting one of you [Board members] to speak up and say, shut up, if I'm, if I'm, you know, speaking out of turn here.

Lynne Delesky: I've been trying to tell you —

Mike Voght: I'd like to. No, we, we go through the same thing with Blaise for his motocross and everything else. We have not yet asked him for proof of insurance. And, this one kind of buffaloes me. Why are we asking these people, when we do the same thing every year for Blaise and we don't ask him that? I, I think that the insurance thing is personal: should not be asked.

Chair Al Kozakiewicz: I agree with you, but other board members did not agree with you when you weren't here last week. So. Yeah.

Rick Gilmour: I have a question about —

Chair Al Kozakiewicz: And, I was trying to be accommodating. So.

Mike Voght: Yep, yep.

Rick Gilmour: Only because we are giving them a permit to do this and if they didn't have insurance and something happened. Who knows where that would lead back to the town. That's my only question.

Cory Dalmata: I, I can, I mean, I can tell you, as the scum-sucking attorney sitting here — whether or not what happens with, in terms of the insurance, has no, no play in terms of liability issues. So, so, any and all liability issues are completely separate from what the insurance is. The insurance is, is a private contract between an individual and a company to provide for a defense and an indemnification should they have any liability for their conduct. Whether or not the town has any liability, separate and apart from the Walkers for anything that occurs here. You know, that's, that's a completely different matter that would have no bearing on whether or not they're in possession of a private insurance policy, the limits of that insurance policy, or whether or not they're self-insured. And, there are a lot of entities within this state that are self-insured. So, so, again I do agree with Mr. Voght, in terms of the sense of what those — whether or not there is insurance here, and whether or not they've, they've obtained an insurance policy is not something for public record. But, I know, in the interest of, of trying to be a community and trying to have a dialog without

this, they, they have, you know, indicated to me and I have reviewed an insurance policy that, that is available for these events.

Chair Al Kozakiewicz: Yeah, the, the most — oh, and, bottom-feeder, by the way, is another apt description, but — I can — I have millions of them.

Cory Dalmata: Obviously, I've got a few for you, too.

Chair Al Kozakiewicz: I have a million. But, I can, I — the direction I was going in was language that basically said that, you know, the Walkers will basically consult with the appropriate amount, so — someone who will advise them on the appropriate amount of insurance and make sure that they obtain it. However, I am more open to Mike's [Voght] comment. It's like, I'd just as soon scratch this altogether.

Mike Voght: Yes.

Rick Gilmour: That's fine.

Chair Al Kozakiewicz: Is that OK with everybody?

Mike Voght: I agree.

[The Board consensus was to scratch this.]

Chair Al Kozakiewicz: Alright. So, that is gone.

Fred Franko: Before, before you move on, I do have a question — since we do have free legal advice happening here — what is our liability involvement in this?

Cory Dalmata: You have to talk to your — I can't, I can't represent to you in terms of what the town's liability is. And,

especially because you're talking about hypothetical situations that I don't know what the situation is that you're talking about. So, until something arises, I can't tell you what liability on anything like that would be. It's, it's all fact determinant. And, the town does have, does have an attorney. I think, is it still — is it — I think it used to be —

Chair Al Kozakiewicz: Dunn&Dunn now, isn't it?

Cory Dalmata: OK, so, they're very competent counsel that would probably be able to answer that question for you, related to this specific incident.

Fred Franko: I'm going guess that means we do have some kind of liability [inaudible].

Cory Dalmata: You know, I don't know, you know, I don't know because you're talking about, you're talking about a number of different things here. You're talking about a hypothetical that hasn't occurred, so, you know, I don't know.

Chair Al Kozakiewicz: I can, I can say this, that, generally speaking, you know, towns don't have the liability — the same liability exposure that cities and state governments do. But, you know, generally again — it's just generally speaking — anything we do in terms of — whatever you call this job — mothering over — you know, executing the Zoning Ordinance, unless somebody's been corrupt, we have immunity.

Cory Dalmata: Yeah, if that's what you're asking about, in terms of the Board's liability for saying yes or no, that's protected by judicial immunity. You know, you're talking about a completely different situation if you've got a town truck that's driving down the road and it hits somebody who is in the road —

Chair Al Kozakiewicz: It's a different situation.

Cory Dalmata: It's a different situation. Or, if there is a — you know, it's just again, so many facts that come into consideration, that I can't give you an exact response.

[Secretary noted the the town has insurance through New York Mutual Insurance Reciprocal. The town was a founding member of that mutual organization. It does provide liability insurance. It does provide both liability insurance to the the Town Board members and across the board, with reasonably high caps.]

Chair Al Kozakiewicz: OK. We know — OK, I'm assuming we can — since we scratched that — we can move on to the next one. We know the sources of noise now. We've heard comments from a number of the audience members here — the public — with respect to their view on the noise. I know we're going to get back to an hour of operation. And I, you know what, I — you can't really separate the two, I don't think, because: one kind of determines your tolerance for the other. So, why don't we combine the two of those now. As, as written, you know, in the, in the application, they're talking about PA system for the rodeo and then a band on this area marked in yellow, going to no later than 12:30AM. I guess, I would ask: are we OK with that? We want to talk about that? Ask questions? What do we want to do?

Kim Hart: Well, my thought about the 12:30, which they can go later. They, they clearly state they can't guarantee that.

Chair Al Kozakiewicz: They have to. I mean, that's, that's part of the deal is: you're the business owner. You've got to manage your business in a way that if you come before us and say 12:30 — now, if it goes to 12:35, it's like, no one is going to be jumping up and down, getting upset. But, it can't go to like 2:30 in the

morning, because, you know, you couldn't get the people to stop within a reasonable amount of time.

Cory Dalmata: In terms of the community and conversations about things that things that already exist and things that are already happening, my understanding is that they are tolerated until approximately one o'clock. If we're looking at putting some type of guarantee and some type of cap — because, I know, I know that the, the Walkers have indicated, you know, that it's not their intention that this thing go this late, but there are some things that happen that can change the consideration. If one o'clock is the standard that's allowed to on other events, then, is it acceptable —

Chair Al Kozakiewicz: Do you want to change your application to say one o'clock?

Cory Dalmata: As a drop-dead time.

Kim Hart: Drop-dead.

Chair Al Kozakiewicz: Done. I've changed the application — so now we, now we discussed whether 1, 1AM is.

Fred Franko: I have to add: I have kind of a problem with that. I live on the other side of East Caroga and I heard the music, you know, very, very late last year, and —

Unidentified speaker: It didn't go past 12:30 last year.

Fred Franko: I've have people who said that's not exactly true.

Unidentified speaker: Well, I'll say, we had a complaint last year. I'm not going to mention individually. He called the sheriff's department. They went there and shut it down. He called back a

half hour later, 'cause he still heard the music and it wasn't them — it was the Boathouse.

Fred Franko: Well, I have no problem applying some kind of a standard, although we don't have, like, retroactive jurisdiction on a lot of this stuff. But, it wouldn't mind me seeing that be a little much earlier cutoff. And, you know, personally, it's looking like it's ten weekends on a Friday that we have this chance of loudspeakers playing 'til 12:30 or one o'clock on the morning. And, I've got, quite frankly, a problem with that. And, I may be the only one, but —

Chair Al Kozakiewicz: Let's, let's, let's find out if that's the case. Mike, what do you think?

Mike Voght: Well, I don't have a problem with it. I — honestly, there's barrooms in the, in the town. And, there's loud music going on, which you can personally hear until 2AM. And if I — if memory corrects me — I believe the establishments — the — any establishment can run until — music until 2AM. I'm for the Walkers to have music running until one. I feel that one o'clock would be sufficient. If they run a hair over, you know, who's to say that — the way they explained it to me — a rodeo rider gets hurt. It sounds like they shut their system down until another ambulance gets there. That's a half an hour. You know, I don't know how many people they're going to have riding or what, but, I mean, I would say one o'clock would be sufficient you allow your barrooms to run until two.

Chair Al Kozakiewicz: OK. Lynne?

Lynne Delesky: I'm fine with one.

Chair Al Kozakiewicz: One. Rick?

Rick Gilmour: One is fine.

Chair Al Kozakiewicz: Kim?

Kim Hart: I'm — I mean, I love the rodeo and I love music, so I don't have a problem with that. I'm just wondering if there's — I think what the problem is — is that, it just feels like there — now you're saying past one. It has to be an absolute, if you're — 'cause you're trying to compromise. So.

Chair Al Kozakiewicz: Wait a minute. Wait a minute. Let me, let me, let me finish with the Board here. So, you're OK with one, except?

Kim Hart: If it's one, you know, like cutoff. No like then it goes beyond one. Because, I think that's a compromise and it seems more than fair.

Chair Al Kozakiewicz: Peter?

Peter Kiernan: One.

Chair Al Kozakiewicz: OK. Unless you want to — again, my advice: stop selling when you get what you want. OK?

Kim Walker: I'm good with that. We can shut the music down.

Chair Al Kozakiewicz: This obviously wasn't a vote, but by consensus, it seems to be: one was OK. Alright, so, I think that covers everything in terms of the application as it was delivered to us. I'm going to ask the Board again: Do you think that the application is complete? Are there any areas that we didn't cover that should be covered?

Fred Franko: Is SEQR supposed to be?

Chair Al Kozakiewicz: That's, that's the next thing I'm going to get to. Everybody agree with that?

Rick Gilmour: Yep.

[The Board consensus was to move on to SEQR.]

Chair Al Kozakiewicz: OK, so, for the minutes, the application is now complete and the clock — the 62-day clock starts running. So, if you don't get a decision from us within 62 days, your application is granted. Believe me, it's going to be way before 62 days. But, that's, that's the magic thing that has to happen: the application is complete. Now, the — now, it's on us to get it done. So, before — and, and, I'll, I'll want to ask the Board two things: there's, there's essentially — well, there's two things that we need to cover. We need to go over the SEQR process and I'm guaranteeing you there are seven of us that don't fully understand it. Eight, if you count James. OK? And, the other thing is to basically to have our deliberations on the application and vote. Now, it's, its quarter after eight. I think we can get through the SEQR thing — well, let me put it this way: I think within fifteen minutes, we can find out whether we are hopelessly lost as far as SEQR goes and adjourn to a later time or we can at least get that out of the way. And then, I — I'll ask what you guys want to do as far as the deliberations and voting. I can adjourn the meeting any time — or, Public Hearing — I can adjourn, and as long as we set a date before we leave the room, we can — we do not need to do another whole one-week-public-notice and all that stuff. We can do it again. We can pick up tomorrow, if we wanted to. So, what I'm asking you is: do you want to try to get through this tonight? Hopefully finish by nine, or do we want to plan on coming back to do this?

Rick Gilmour: I would like to do this portion tonight, if we can.

Chair Al Kozakiewicz: OK.

Mike Voght: I second that.

Chair Al Kozakiewicz: OK. Alright. So, that, that sounds good. So, I'm going to give you my — did you bring back the short SEQR form?

Kim Walker: I did.

Chair Al Kozakiewicz: Thank you.

Kim Walker: You're welcome.

Chair Al Kozakiewicz: You didn't change any of the answers, right?

Kim Walker: No.

Chair Al Kozakiewicz: No. So, I kind of know where we are.

[inaudible]

Chair Al Kozakiewicz: No. We went through and decided what the answers would be, but this is kind of just the input to the SEQR process. I'm going to attempt to explain it to you in the best way I can.

[Audience conversations drowning out Board discussion.]

Chair Al Kozakiewicz: Every, every Site Plan Review has it's own set of circumstances for essentially different businesses. So, if someone else come in with a rodeo, music outside, you're right, this would be a precedent for that. But, if somebody comes in and says, you know, I want to hold an outside Oktoberfest and I want music that goes until 3AM, we'll — we're not bound by it, you

know. OK. For you guys, SEQR is State Environmental Quality Review, or a — is it Quality? It seems like a stupid word to use there, but, at any rate, it's essentially the environmental review process for — and, the issue is that anything that has the potential — and, that's virtually everything — to affect the environment, you know, some agency — in our case, it's us, because we're the ones processing the application, has to do the evaluation to see whether or not a full environmental impact study is required. Now, to give it to you — and, I am not an expert. There's gobs of stuff online from the State Department, and the Department of Environmental Conservation. But, basically, there's, there's three types of actions. OK? There's type one. Type one actions are: you must do an environmental impact statement for these. There's type two, which is: you never need to do an environmental impact for these. And, there's unlisted, which is everything else and you've got to figure out if it is a type one or type two. OK? So, if I go through and there's not that many — so, I'm going to, I'm just going to briefly summarize them. The type one actions —

Mike Voght: I didn't think we needed a type one.

[Secretary asked that the chair gavel the room, so board discussion could be heard.]

Chair Al Kozakiewicz: What's that? Everyone quiet please. OK.

Mike Voght: I didn't think we needed a type one.

Chair Al Kozakiewicz: So, the purpose of type one actions is to identify those actions and projects that are more likely to require the preparation of an EIS than unlisted actions. OK? So, these are things like the adoption of a municipality's land plan: No, that's not what this is. The adoption and changes in allowable uses within a zoning district affecting 25 or more acres: No. The

granting of a zoning change: No. Acquisition, sale, lease, annexation of a hundred or more contiguous acres: No. Construction of new residential units that meet or exceed a bunch of thresholds: No. Activities other than the construction of residential facilities that meet or exceed other thresholds: No. Nothing being built here. Any structure exceeding a hundred feet above original ground level: Again, no, no structures. Any unlisted action — that includes a non-agricultural use occurring wholly or partially within an agricultural district: No, doesn't apply here. Any unlisted action that exceeds 25% of any other thresholds: we're not talking about building any other structures that — that doesn't apply — no. Same thing for the next one: No. So, the catchall here — why go through the type two actions. OK, here. Because, here's where the catchalls are. The type twos are: first of all, not a type one action. OK, maintenance or repair: No. Replacement, rehabilitation, or construction, blah, blah, blah: No. Retrofitting an existing structure: Nope. Agricultural farm management practices, including construction, maintenance, and repair of farm buildings and structures and land use changes consistent with generally accepted principals of farming: Not a lawyer, but it sounds like you could probably make this fit under that. Here's another catchall. Repaving highways, street openings, installation of telecommunication cables, landscaping, accessory structure or primary structure, routine activities of educational institutions, construction of a single family house, construction of swimming pools, decks, blah, blah, blah. There's a bunch here. They're of similar type which involved in building — I'm not going to read this. There's like fifty of these things. But, they all involve building structures and, and disturbing the land, which I don't believe this is true. But, let me pick — point out two that could be, and I also said is a catchall, which I think is where we are: reuse of residential or commercial structure or of a structure containing mixed residential or commercial uses, where the

residential or commercial uses are a permitted use under an applicable zoning law or ordinance, including by Special Use Permit and the action does not meet or exceed any of the thresholds which are — the thresholds are dimensional things that this doesn't come anywhere near. You'll have to take my word for that. Or, you don't have to, but whatever. Minor temporary uses of land having negligible or no permanent impact on the environment. I think this is one of those. But, the big catchall is, you know, it's a type two. In no case, have a significant adverse impact on the environment, based on the criteria contained in section 617.7c of this part. And, I forget what that is. I think it's that list of things I just gave you a minute ago. Bottom line is: my opinion — and if you wish to fight it, we'll go out on the parking lot — but, my opinion is, based on this language, this is a — what's the word, James?

[Secretary offered: non-jurisdictional.]

Chair Al Kozakiewicz: This is a non-jurisdictional or whatever for us. In other words, there's no need for us to conduct a full-blown SEQR. Do all of you agree that?

Mike Voght: I, I personally agree with that.

Rick Gilmour: Agreed.

Mike Voght: I'd make a motion that we wave that.

Chair Al Kozakiewicz: I think that's a good idea.

[The secretary asked for clarification of the language of the motion.]

Chair Al Kozakiewicz: I think the motion is that this is — this application does not require SEQR review beyond where we've

gone already. And, I don't have the damned road map in front of me which tells me which step it is?

Scott Horton: You just want to call it a negative declaration.

Chair Al Kozakiewicz: Negative declaration. Those are the words I was looking for. Thank you.

[inaudible]

Chair Al Kozakiewicz: Negative declaration. Second?

Rick Gilmour: I'll second.

Roll call vote:

Mike Voght: Yes.

Fred Franko: Yes.

Lynne Delesky: Yes.

Chair Al Kozakiewicz: Yes.

Rick Gilmour: Yes.

Kim Hart: Yes.

Peter Kiernan: Yes.

The motion carried.

Chair Al Kozakiewicz: Oh, I get to say that: the motion carried. OK. So, now we can get on with deliberating and voting on the application. You can make a motion to do that right now. Don't forget, I've got to go and I've got a little doctoring to do to bring it up to — or to incorporate the comments that were made tonight.

Or, we can discuss it further. It's entirely up to you, but only you can make a motion at anytime.

Rick Gilmour: I will make a motion to approve the Walkers application.

Mike Voght: I would like to second that.

Chair Al Kozakiewicz: OK. Well, that makes it easy. James?

Roll call vote:

Mike Voght: Yes.

Fred Franko: Yes.

Lynne Delesky: Yes.

Chair Al Kozakiewicz: Yes.

Rick Gilmour: Yes.

Kim Hart: Yes.

Peter Kiernan: Yes.

Chair Al Kozakiewicz: Motion carries. OK. Who wants to make a motion to close the meeting?

Mike Voght: I'll make a motion to close.

Chair Al Kozakiewicz: Second.

All were in favor of adjourning.

The meeting adjourned at 8:27PM.