

The Deerpark Zoning Board of Appeals met for a public hearing for the application of Ron Babcock on Thursday, January 21, 2010 at 7:30 p.m. at Deerpark Town Hall, 420 Route 209, Huguenot, N.Y. The following were present:

MEMBERS

Martin D. Smith, Jr., Chairman
Charlotte Russman
Gerald Cedrone

Frank Bigger
Jane Lord

OTHERS

Mr. Glen Plotsky, Town Attorney
Mr. Ron Babcock, Applicant
Mr. John Fuller, Civil Engineer
Rae Storm, Citizen
MaryannCohen, Citizen
Tom McCarron, Citizen
Cheryl Bartlett, Adjoiner
Phyllis Dunn, Citizen
Richard Lupe, Citizen
Brian Blensell, Citizen
Ed Carr, Adjoiner

The secretary read the public hearing notice: "Notice is hereby given of a public hearing to be held by the Town of Deerpark, Orange County, New York, pursuant to Article 8 of the Town of Deerpark Zoning Law on the application of Ronald Babcock for an interpretation and/or a use variance to build and operate a restaurant. The application effects the following premises: Tax Map Designation: Section 33; Block 1, Lot 2.3; Zone Designation RRC. Located at 593 Route 97, Sparrowbush, Town of Deerpark, Orange County, New York. Information on this application is on file with the Town Clerk, Town Hall, Route 209, Huguenot, New York. The Hearing shall take place at 7:30 o'clock P.M. on the 21st day of January, 2010 at Deerpark Town Hall, located on Route 209, Town of Deerpark, Orange County, New York, or as soon thereafter as practicable. All parties wishing to be heard shall be heard at that time."

Martin Smith: All right, Mr. Fuller would you like to present your case?

John Fuller: Good evening members of the Board, ladies and gentlemen. I'm John Fuller here tonight representing the application before the Board for public hearing this evening. I will take several minutes to introduce the project. We have done all certified mailings, and have 6 returns out of the 9, and I'll give them to Barbara.

Glen Plotsky: Do you have the actual proof of mailings, the white ones with the date stamped?

John Fuller: Yes, I turned those in earlier, they should already be in the file.

Secretary: Here they are.

Glen Plotsky: Thank you.

John Fuller: We brought an application to this Board a month ago, requesting an interpretation of the Zoning Law. And after the discussion and advise given at that meeting, we have also realized that we are asking for a use variance, so we have also made an application for that. The interpretation that we are specifically requesting... I'll begin by saying that Mr. Babcock, who I represent, desires a retail Hawks Nest Restaurant, located on this property, where it originally stood, which most of you know about. At the time it was called the Hawks Nest Café, but most of you know it as the Hawks Nest Restaurant, which burned down in 2003. At the time, according to the Ordinance, as it is currently written.... The restaurant in the RRC zone is not a permitted use, which means that it was grandfathered in as a use, to allow it to operate as a restaurant at that location. In Article 6 of the Zoning

Law, there are provisions which allow a property owner to restore a structure that has been damaged by a fire. Specifically there is reference to a time period of one year. Originally we had asked for an interpretation because of some vague wording, being that it exceeded one year since the fire, and his desire to restore the restaurant structure, that possibly he may be allowed to rebuild it under special permit, which is why we are asking for an interpretation. I will read it, it's Section 6.3 of Article 6... "If less than 75% of a floor area of a non-conforming use building or structure is damaged, it may be restored or re-constructed by building permit, issued within 12 months of the date of damage." It's very clear that if it's less than 75% damage it can be rebuilt. Specifically we are asking for the interpretation of the next sentence which says, "If more than 75% is affected, and a replacement or re-construction shall be permitted by special use permit." So, there was no date or length of time associated with that sentence. And so we came before the Planning Board for an interpretation to see if the application as presented to restore the building restaurant, could be granted by special use permit. The conversation led us to the possibility that if the interpretation is tied to the length of time in the previous sentence, which says that you are limited to 12 months to restore the building and the use, then we would at this point, seek a use variance to restore the restaurant and its building. So we have a joint application before the Board tonight, and are asking for a possible interpretation by the Zoning Board, or given a use variance. So, with that introduction I will turn to the Board. I am prepared to argue the use variance, if the Board so wishes, or we can discuss the interpretation.

Martin Smith: How would you present the case to us?

John Fuller: A couple of things. Mr. Babcock had asked me... he did make efforts,... I'm sure people will speak here tonight, either in favor or against the application, we did make efforts to demonstrate to the Board that there is resounding support for the restoration of the restaurant. He went about collecting signatures for support of it, and I have for the record, over 1,000 signatures in support of this effort. I will just read the heading of these petitions... "We the undersigned, urge the Deerpark Zoning Board to approve the re-construction of the Hawks Nest Restaurant at its' original location on Route 97 in Sparrowbush, New York. This restaurant created many local jobs and a great deal of tourism to this area, a noted panoramic view to enjoy while dining is deeply missed, and needs to be re-constructed as soon as possible. This will be an asset to our local community and economy." And again, this has over 1,000 signatures, and I will turn these over to Barbara for the record.

Gerald Cedrone: Are all these signatures residents of Deerpark?

Ron Babcock: No, 75% are local people, others are those who had patronized the restaurant.

John Fuller: There is a mix of Deerpark residents, as well as Port Jervis and Sullivan County.... local people. He also received two letters in support, which I will read... "To whom it may concern, I have known Ron Babcock both personally and professionally for over 20 years. My family and I have always enjoyed visiting the Hawks Nest Restaurant. I fell that the rebuilding of the establishment will be an asset to the community. The local traffic that are visitors to the area will be an asset to the Town of Deerpark and the whole tri-states area. William F. Carroll, William F. Carroll Agency." Another letter is from Neversink Lumber, James Rohner, President..."Dear ladies and gentleman, I am writing to express support to the above referenced project, which once completed will undoubtedly help to increase exposure and visibility to the Port Jervis, Town of Deerpark, business community. As you know, I am one of the owners of a family owned local building material firm, and it has been my experience that over the years that when people stop at one particular business, they often tend to learn about other area businesses. This will more than likely be the case with the Hawks Nest Restaurant, in addition, there's probably no better visibility or view of the Delaware River corridor, than what used to be the public eating area of the Hawks Nest Restaurant. Should this project be approved, I'm sure it will enhance the tourist industry of this area, and local businesses in our locale." I will submit these for the record. With regards to the use variance, I will take a time before opening it up to the public. In accordance with our application here in Deepark, as well as the Zoning Law. When we do a use variance, there are a number of criteria that we have to demonstrate, and I would like to speak to them now, for the record. It says that if you are requesting a use variance you must prove that the applicable Zoning Ordinances has caused unnecessary hardship, by presenting evidence regarding and proving each and every one of the following, as it would apply to each and every permitted use in the zone, which the property is located. Number one, "After considering all permitted uses, that the applicant cannot realize a reasonable return, if use is only for the purpose allowed in the district. The lack of reasonable return must be significant, and must be proved by competent financial evidence." I'd like to read our written response, which we submitted to the Board, as part of our application. Number one, "The property located at 601, 593 Route 97, in

the Town of Deerpark, also known as tax map parcel, section 33, block 1, and lots 1.1 and 2.3, is a total of 9.6 acres in the RRC zoning district. The property is owned by Mr. Ronald Babcock, who is applying for a use variance, to grant the approval to reconstruct a restaurant that burned down in October 2003. After the restaurant was destroyed by fire, Mr. Babcock was advised by the Town of Deerpark, to demolish the building, and reconstruct the restaurant. In 2003 Mr. Babcock retained by services, Mr. John Fuller, to prepare plans for reconstruction. The plans were submitted to the Building Department in 2005. At that time the building department requested that Mr. Babcock have soil tests prepared for bearing capacity, which were performed, and found to be adequate. I will note that the building was located on the side of what is a cliff, and so there was some concern about the bearing capacity of restoring the structure there, and making sure that there was adequate bearing for the new building. Those soil tests were successful, and there is nothing that would prohibit or prevent a building from going back into that area. "Mr. Babcock was then informed that he was required to appear before the Planning Board to obtain an approval to rebuild. Due to the loss of the restaurant, Mr. Babcock has not been able to obtain any income from the property, but continues to pay the associated costs in full." Meaning the taxes and other related fees for a vacant lot. We have attached a summary of that financial information. "The cost of the original demolition of the building and the associated fees, and the continued loss of property, has been a hardship to Mr. Babcock, who continued to maintain the site. And the approval of the use variance would allow Mr. Babcock to rebuild the restaurant and begin to earn an income from the property, which he currently is showing a loss, over the last couple of years." Number two, criteria under the use variance, the alleged hardship is due to the unique circumstances affecting the property, which is the subject of the application, and does not apply to a substantial portion of the district, which is the RRC zone. Our response is, "A hardship has occurred, due to the fact that the restaurant burned down in 2003. This is a unique circumstance that only affects the subject property, and does not apply to a substantial portion of the district." Number three, that the use authorized by the variance, will not alter the essential character of the neighborhood. Our response to that is, "should the variance be granted, the restaurant will be rebuilt similar to the previous building, so as not to alter the essential character of the neighborhood. Essentially what we're trying to do is, if the use variance is granted, we would restore the restaurant exactly as it was, maybe as far as the magnitude and the scope of the restaurant, the design of the building.... As most people know, the original building was enhanced with several additions, so it will be a completely new facility, but clearly the scope and the magnitude of the restaurant in size, will be the same as what was originally there. The fourth criteria is, that the unnecessary hardship claimed as a ground for a variance, has not been created by the owner, or a predecessor in title. Each purchaser of the real property shall be negotiated in the terms of the full knowledge of the permitted uses and restrictions on the property. The hardship has not been self created, but was created by the fire. Obviously, the applicant owned and operated the restaurant before the fire occurred. The fact that the fire destroyed the building, it is not a self created hardship, that is what our argument is. The fact that the one year has expired, he would need a use variance to restore the structure. The fifth criteria says, that within the intent and purpose of the chapter, the variance if granted, is the minimum variance necessary to afford relief, and to this end, the Board may permit a lesser variance, than that which is applied for. And we responded, "the variance for the allowance to reconstruct the restaurant, if granted, is the minimum variance necessary to afford relief." I would also like to say for the public, and also the Board, that again, a use variance, this is not a permanent use and/ or a conditional use in the zone. This means that the restaurant was grandfathered in, which means that it was a pre-existing use, which means that it was allowed to continue to operate from the date that its owner adopted it, and the current regulations were adopted in 2003, five years ago. I just wanted to point out to the public, so that they understand what is permitted in the RRC. The permitted uses in the RRC are one and two family dwellings, agricultural uses, equestrian uses, hunting clubs and other public uses and semi-public uses. Those are the current uses. Under special uses, which would be in terms of a special permit, the following are permitted: "bait and tackle shops, camps and campgrounds, cemeteries, essential services, home occupations, hotels and motels and resorts, membership clubs, nursery schools, places of worship, residential conversions, river related recreational facilities and social halls." The only thing I would point out, that under special uses there's no specific language for restaurants and/or eateries, however, there is the allowance for public assemblies, which is clearly what a restaurant is. So that is permitted under special use, but specifically a restaurant is not, as of present, neither a permitted or special use in the zone, which is the reason for the use variance. So, with that introduction, I will again ask the Board if they would like to turn it over to the public, or if they have any other questions.

Martin Smith: We'll ask the board members first. Does any board member have any questions? The question that I had was about the footprint, is it going to be the same?

John Fuller: Essentially yes, We're going to restore it as a more modern building, but yes, it would not increase the footprint of what was originally there.

Charlotte Russman: Yes, does the additional application have a signature?

Glen Plotsky: If the Board will remember, Mr. Fuller was asked to fill out a second application, mirroring the first, specifically to raise the issue of the use variance, and that's the purpose of this second application. There's already a first application, which referred to the specific interpretation issues, raised by Mr. Fuller earlier. And Mr. Chair, before opening this up to the public, when you are ready to do that, there are two additional letters that were reportedly sent to Town Hall, and should either be read or received for the record.

Martin Smith: I'll read those into the record right now then. The first letter that was handed to me says, "Dear Mrs. Santini, I am taking a chance and hoping you will forward this to Mr. Martin Smith, Jr. of the Zoning Board as my address for him did not work. What I would like to say, is that it would be great to have Mr. Babcock's restaurant up and running. Motorcyclists are drawn to the Hawks' Nest along with a lot of other good people. Everyone deserves to be able to do business in New York State and it's a tough time here for everyone. The old place offered decent food with tremendous view. Do everyone in the tri-state area a favor and give the restaurant a chance to prove itself as a draw for businesses for your area. In New York State it is a fact that we have to depend on the tourist trade to survive. Thank you Ms. Santini for your time and thank you Mr. Smith for giving this your consideration. Sindee Nevin, motorcyclist." The second letter is addressed to the Zoning Board of Appeals... "please accept this letter in lieu of the fact that I can't personally make the Board meeting and variance hearing to be held on January 21, 2010. I have been an avid motorcyclist for almost 27 years now, and have been enjoying it more so recently as my 12 year old son Eric is now old enough to be my passenger and see all that this beautiful country has to offer. Together, we put on almost 8,000 miles a year on our BMW R1200C, primarily in the northeast. As a resident of Long Island, I have found that motorcycling around here is horrible at best. The roads are congested, the scenery is boring, and the residents seem more intent in crashing into me, rather than watching roads. So far, avoiding the other motorists has been successful, but it doesn't make riding around here any more enjoyable. As soon as we get over the Whitestone or Throggs Neck Bridge, the road opens up to us, for endless motorcycle enjoyment. We frequently cruise up Route 97 from Port Jervis, to your way to the Catskills, Woodstock and Vermont and have really come to love the beautiful roads and scenery in our neck of the woods. We never had a chance to visit the Hawks' Nest Restaurant before its demise from the fire, and would really enjoy the opportunity to see it restored to its former glory. There are some things that are hard to explain, but I feel that after the fire, a piece of motorcycling history was left in ruins, for some of us never to be able to appreciate. I highly recommend that you allow Ron Babcock to rebuild his restaurant, or to improve it in whatever way benefits him, and the local area residents. Motorcyclists are often times looked upon as the outcasts of society, unfortunately by those who probably really don't know us at all. We are all hard working folks, who enjoy a little adventure and freedom to make life more palatable. Inside, I feel at peace when I'm riding, and I see that same look in my son's eyes. I'd really like it for him to be able to enjoy a stop along Route 97 someday, to grab a bite to eat and a soda, or his way to and from his journeys yet to come. Hopefully, with restraint and the moral fiber I know my fellow motorcycle riders have, you will never have a problem or complaint emanating from this establishment. Best of luck in your endeavors and please accept this letter again, as a vote of confidence from my son and I. We both look forward to our first meal at the new and improved Hawks Nest Restaurant. Sincerely, Larry Barasch." Okay, I think that's all the correspondence.

Unknown: I'd just like to say that I did have a problem with your website, because I had people call me and email me today, wondering when this was. I think they said it was the town website. I just wanted that to be on for the record.

John Fuller: I'd just like to clear up one other thing for the record. Because we're asking for a use variance, if a use variance is granted, it does not allow Ron to go out tomorrow and rebuild the facility. He will have to actually go before the Planning Board for approval, in regards to the application. But before we can go before the Planning Board for application site plan approval, we would need a use variance, if the Board determines that the interpretation requested does not apply. I just wanted to clarify that.

Glen Plotsky: Mr. Fuller before you leave the podium, could you describe in what way, if any, any of the principle permitted uses, or special uses, either can or cannot be applied on this property?

John Fuller: Yes, again the permitted uses are one and two family, agricultural uses, equestrian uses, and hunting clubs, that's what is a permitted use, which means they do not have to actually go before a Planning Board. Clearly a one or two family dwelling could be built there, which would not be a good call, because the property has always been taxed as a commercial property, and as such, to get the full turnout of this property, he would want to restore the restaurant. But a one or two family dwelling could be built on the property, we would not argue that. Obviously, the other permitted uses, an agricultural use, people who know the property, it would be really impossible to get an agricultural use out of the property, as well as an equestrian use or a hunting club, due to the nature of the property, which is quite steep. So, clearly a one or two family dwelling could be built on this property, but that is not the financial goal of Mr. Babcock. Relative to special uses currently allowed in this zone, a bait and tackle shop, there would have to be a need for that type of shop at that location. Camp and campgrounds, which we feel is not appropriate for this site. Cemeteries, we feel is not an ideal special use for this property, and essential services as well. Home occupations, there would have to be a one or two family dwelling, to allow for a home occupation. Hotels, motels or resorts, clearly it's not feasible, for a hotel type structure there. Membership Clubs, there again, there would have to be some type of structure on the property to allow for a member ship club. Nursery schools, clearly there are a few nursery schools in the area, and so it's not in the financial interest of Mr. Babcock. There's one daycare facility, specifically, in Sparrowbush on Route 97, that would create competition for Mr. Babcock. Places of worship, at this point, we feel it is not a good use for the property. Residential conversions, this is non-applicable. And river related recreational facilities, as most people know along Route 97, especially when you get down to the lower part of the Mongaup Gap, there are already other river related recreational facilities, rafting and kayaking for example, and beings that this property is located at the upper part of Route 97, river related facilities would not be a good location here. So, due to the nature of both permitted and special uses, we feel clearly the restoration of the restaurant is for the best benefit of Mr. Babcock, as far as establishing a financial return from the property in its current state.

Martin Smith: Would food be an essential service?

Jane Lord: I mean it's not a motel, and a hotel might have food, yes.

Glen Plotsky: Frankly, I think that food would be more conducive to a social hall, than it would be for essential services. Essential services would be firehouses, ambulance bases, police department, things of that nature.

Martin Smith: Okay, we'll move into the public comments, please try to keep it brief and to the point, and please come up to the podium and state your name. Does anyone want to make any comments, either for or against this application.

Glen Plotsky: Mr. Chairman, it should be name and address.

Martin Smith: Okay, name and address.

Jane Lord: And I would like to know if they're an adjoiner, a person who owns property near Mr. Babcock.

Rae Storm: Hi, my name is Rae Storm, and I live at 13 Rumsey Street, Port Jervis, and I moved up here, because we took a trip up here and using the scenic route and seeing the restaurant. We fell in love with the place and we were actually married there. And then we wound up coming back there frequently, and my husband ended up working for Ron, and it was great, because I ended up going back and forth to the City, and so my husband could stay up here local, and be there with my son. When the restaurant burned down, it ended up being a hardship to us too. My husband was out of work, and a lot of different things, because he ended up driving back and forth too. And so not only would it be an asset for the community, it would also be a blessing for me. I just wanted to say that a lot of people do miss it. I work in Brooklyn, and a lot of people are very familiar with that restaurant, because it is such a widely traveled road, especially in the summer. And I ran a business in town as well, I used to run a cafe, and took care of the concessions at Kolmar for many years. So, without the people coming here in the summer, it can be pretty hard. So, I really hope that you would take the community into consideration and let Mr. Babcock reconstruct.

Maryann Cohen: Hi, how is everyone tonight? My name is Maryann Cohen, otherwise known as Pudge to most

people in the area. I grew up in Sullivan County in Mongaup, right below the Hawks Nest. The Hawks Nest restaurant was there years ago, and my sister worked there when they served hot dogs, and that was it. And then they added on, and it got a little bigger, and a little bigger, and then I got married and I had my children, I would go there on a Sunday for a treat for breakfast. It is a heritage of this area. Little did I know that I would be working at the Hawks Nest Restaurant one day, as a second income to help out. This has been a great loss to our community, because I'm sitting there thinking of all of the kids that worked there. And off the top of my head, I can think of five waitresses who were in college, who came back on weekends, so they would continue to go to college, that are registered nurses today. Two of them are corrections officers. They continued their schooling so that they could become correctional officers. Another one became an owner of a restaurant further up the Delaware (River) because she missed the restaurant. We had several bus people that had finished college and worked to supplement their money. That's a hard thing to get today. People who hire kids for the summer, and then they go away. These kids were able to come back on weekends and work, to help support. This is a financial help to this economy. It brought a lot of business into the area. We look around us, Scullys is closed, apparently Homers is closed, the Flo Jean restaurant is closed, Alexanders is closed. Anybody who has been in the area for any amount of time, this is what we grew up with. What is left here? What do we have to offer these people? Nolands, it goes way, way back, it used to be called Barons when I was growing up. They used to hang the deer up there, when we got off the bus, we would say, "hey, how many deer did you get today?" It's not there now. Route 97 has become the corridor, the corridor of what? To rent a boat, to rent a raft, if the weather is good, and this year it has not been good, not at all. I want to go back and say, I will never forget working there one Mothers Day. I didn't want to work on Mothers Day, I wanted to stay home with my kids. But I said, no, I'm going to work, because I know what Mothers Day means for tips, and I've got to work. And I took the bus kid, and she worked with me, and I showed her what to do. I say, "get out of that kitchen and come out here with me." At the end of the day I walked out of there with over \$300. in my pocket in tips, and the bus kid with \$50 some dollars in tips. And that was not a known place for Mothers Day. You don't expect people to come to the hot dog stand on Mothers Day for dinner. I got home that night, and Ron had paid me my pay. And when I reached into my pocket, I said something's wrong. I went right to the telephone and called him and said, "something's wrong, you overpaid me." And he said, "no I didn't." He said, "nobody else would give up Mothers Day, but you did. Here's an extra \$100 for working Mothers Day." How many bosses do that? People who were in trouble, Ron would say, "come on." Kids in the area would say they need a job, even though they screwed up, Ron would give them a job. If they screw up, they go out the door, but he did give them a chance. Employers don't do that today. I've lived up there since I was a kid, I miss the place immensely. I went to work at Homers for my second job, after it burned down. Homers isn't there either anymore. I really do urge the Board to look at this area. I'm not going to say that it's grandfathered in, because there's all new laws now. It is deeply missed in the area, by a lot of people. I think a lot of our college kids are not getting the work ethics education, and what it means to hold a job and go to school. It's easier to go home and say, "Hey mom and dad, I need gas in the car, I need this, and so on." This is an opportunity for local people to have incomes, and I really would like to see you put this through, and I would love to see that restaurant again up there this summer, and you have a lot of prayers for this. And I thank you all very much.

Martin Smith: Okay, next.

Tom McCarron: Hi, my name is Tom McCarron, I live at 22 Kingston Avenue in Port Jervis, and I am the assistant vice president, manager of the TD Bank in Port Jervis, 205 E. Main Street location. I have here tonight in support of Mr. Babcock. I have done business with him for over 15 years at least, although it may go even back further than our computers show. And I know that he has been a reputable business man, and has had this on his mind and heart for a long time, to get this restaurant up and running again. And he has my total support for it. Thank you very much.

Cheryl Bartlett: Good evening, my name is Cheryl Bartlett, and I live at 600 Route 97. A brief history on the Hawks Nest Restaurant. It was originally built in the 1930's and remodeled in the 1950's. There's a photo in the Assessor's Office, that shows after that, it became a small dairy with a bay garage next to it. Somewhere after that, it was remodeled into the restaurant itself. In 1984 the back deck was enclosed with a building permit, for more eating space. It was purchased by Mr. Babcock in 1999. In 2000 he did some major renovations. The fire was on October 30, 2002, I have the fire report. He was issued a demo permit in 2002. He applied for a foundation on September 22, 2003. It was denied in December, based on not enough information. In November 2003, John Fuller submitted new plans, and was denied because it exceeded the height restrictions for the area,

and also on the space. On December 12, 2003, a letter was sent to Mr. Babcock to contact the Zoning Board, for the increase in the size, for the type of storage, and also for Planning Board approval and designation of all parts of the building for usage was required. January 21, 2004 he received a letter from the Building Department requesting a soils test, and also stating that the increase in the size requires Planning Board approval, and the building needs to be placed as far as possible from Rout 97 as possible to accommodate possible parking egress. February 20, 2004 there is a photo showing that the building is completely gone, there is no foundation left. On April 21, 2004, there is a letter from John Fuller, regarding the soil testing conducted by Advanced Testing on March 26, 2004. On September 16, 2004 there's a letter from the Building Department to the owner, regarding the necessity of providing the soils class, and it also clearly states that he has one year to rebuild from January 21, 2004, the date of the soil testing, not the date of the loss, which was October 30, 2002. There were revised plans submitted by Mr. Fuller in March 2005. That also increased the occupancy of the building from 68 people to 80 people. There's been nothing else since 2005. Why now? It's five years later. When I purchased my property in 1988, it was a family restaurant, and then it was remodeled into a bar atmosphere. There was loud music late at night. There was an instance of a Sunday night, going into a Monday morning, where I called Mr. Babcock's home at 2:00 a.m., because the music was so loud, it rattled the windows of my house, and my children could not sleep, and they had to get up for school that morning. There was overcrowding. Whenever I complained about it, I was told that there's nobody to monitor it in the Town. There were also patrons that parked on my property, I couldn't even get up into my driveway. My ex-husband got into an discussion with Mr. Babcock, because he was very upset, and locked all of the patrons into our property, so that they couldn't get out. He was trying to make a point. There have been times when there was over 100 vehicles parked in the lot there. The building is only supposed to occupy 68, where did the other people go? The egress from the property is an issue, because it's on the inside of a curve. There's a limited sight line. We have trouble leaving our property, because the school bus used to stop there to pick up my children. However, they no longer stop the bus there, because of incidents of accidents. The property is better suited for other uses. And just to state that in the past it's been stated that I don't like motorcycles. It's not true. I happen to be a founding member of an international owners motorcycle club, and also the New York State Chapter president, and the acting president of Pennsylvania, New Jersey and Connecticut. We have brought our groups through the area. The letters written in support of Mr. Babcock, stating that it's part of motorcycle history. Really, the motorcycles were not there, until after the completion of the restaurant. The prior owner did not happen to like motorcycles per se. I love motorcycles. My problem is that there is nobody to police the overcrowding. It's not a great place. In the time that it was first built, yes. But since the time that I have owned by property, that's 12 years, traffic along Route 97 has increased three-fold. It's a very, very dangerous curve there. I would like you to take that into consideration. Thank you.

Martin Smith: Anybody else?

Phyllis Dunn: Hi. My name is Phyllis Dunn, and I've lived in this area since 1968 and I'm a retired nurse. When I came here, that was one of my stops, I would like to go sightseeing and everything. My husband likes this area too. And we've been friends with Ron personally and professionally, pretty much since 1969. And I really think that this restaurant is an asset to our community. And my children worked there and were dependent on their tips, and it's a livelihood, in the way that the economy is now, and we need to have more people come into the area. Thank you.

Martin Smith: All right, thank you. Is there anyone else? Okay, sir.

Richard Lupe: My name is Richard Lupe, and I live at 5 Bertha Road, Matamoras, Pa. And I really think that this restaurant was a good asset to the community. Even over in Pa. We would drive over to New York just to enjoy the good food and atmosphere, and would really like to see it come in again. Thank you.

Martin Smith: Okay, anyone else.

Brian Blensell: Hi, my name is Brian Blensell, and I live at 173 High Road in Glen Spey. I moved here, it was job related, back in 2001, and I didn't know anybody. I would drive past the Hawks Nest Restaurant, I have a motorcycle, and one day I decided to stop in and one of the waitresses came up and talked with me and asked me where I live, and said that the owner lived just down the road, and we've been friends ever since. I personally have seen the kids that work in there, and nowadays a lot of kids don't learn how to clean the toilet or mop the floor, well, Ron's taught it. I saw a bus boy in there one time, and Ron said, "go and clean the bathroom, clean the

toilet.” And he said, “I don’t know how to do that, my mother does that.” And Ron said, “Well, let me show you.” So, I spent a lot of time there, Ron’s my friend, and I’ve seen a lot of kids work there and learn things. It’s an asset to the community. Ron’s not only an employer, he’s also a good teacher. Thank you for your time.

Martin Smith: Thank you, anybody else?

Ed Carr: My name is Ed Carr, I live at 600 Route 97. My biggest concern, if this were to be rebuilt, is the increase in traffic. As Cheryl stated earlier, the traffic along Route 97 has grown dramatically within the last several years, especially in the summertime. There have been numerous accidents right there, both cars and motorcycles. I just wanted to emphasize that to the Board.

Martin Smith: Okay, thank you. Anybody else? Okay, you want to close it?

Frank Bigger: I make a motion to close the public hearing.

Jane Lord: I second it.

Martin Smith: Okay, we have a second. All in favor?

Charlotte Russman: Aye.

Gerald Cedone: Aye.

Frank Bigger: Aye.

Jane Lord: Aye.

Martin Smith: Aye.

Motion carried.

Public hearing adjourned at 8:30 p.m.

Respectfully submitted,

Barbara Brollier, Secretary