

**TOWN OF PATTERSON  
ZONING BOARD OF APPEALS  
January 19, 2011**

**AGENDA & MINUTES**

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<b>2) Eric Schmidt Case #02-11</b>	27 – 37	Public hearing opened; Application tabled pending site walk
<b>3) Other Business</b>		
<b>a) Appoint Vice Chair</b>	37 – 39	Howard Buzzutto appointed Vice Chairman
<b>b) Site Walk</b>	39 – 45	Site walk scheduled for 1/29/11

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**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**ZONING BOARD OF  
APPEALS**

Lars Olenius, Chairman  
Howard Buzzutto, Vice Chairman  
Mary Bodor  
Marianne Burdick  
Gerald Herbst

**PLANNING BOARD**

Shawn Rogan, Chairman  
Charles Cook, Vice Chairman  
Michael Montesano  
Thomas E. McNulty  
Ron Taylor

**Zoning Board of Appeals  
January 19, 2010 Meeting Minutes**

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

Present were: Chairman Lars Olenius, Board Member Mary Bodor, Board Member Marianne Burdick, Board Member Howard Buzzutto, Board Member Gerald Herbst, Tim Curtiss, Attorney with Town Attorney's Office Curtiss & Leibell and Rich Williams, Town Planner.

Chairman Olenius called the meeting to order at 7:08 p.m.

There were approximately 4 members of the audience.

Michelle Russo was the secretary for this meeting.

Sarah Wagar transcribed the following minutes.

Chairman Olenius led the salute to the flag.

Chairman Olenius stated would you like to do the roll call, Secretary, please.

Roll Call:

Board Member Bodor	-	here
Board Member Burdick	-	here
Board Member Buzzutto	-	here
Board Member Herbst	-	here
Chairman Olenius	-	here

**1) KATHLEEN PETTEY CASE #01-11**

Ms. Kathleen Pettey was present.

Chairman Olenius stated good evening, everyone. First case, Kathleen Pettey. Would you like to read the legal notice.

The Secretary read the following legal notice:

**NOTICE IS HEREBY GIVEN BY THE TOWN OF PATTERSON BOARD OF APPEALS** of a public hearing to be held on Wednesday, January 19, 2011 at 7:00 p.m. at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following application:

**Kathleen Pettey Case #01-11 – Interpretation**

Applicant is appealing the determination of the Director of Codes that her existing dwelling is limited to two families. This property is located at 35 South Street.

Chairman Olenius stated Ms. Pettey.

Ms. Kathleen Pettey stated I was going to let this guy go first because his case is probably shorter, but since you read that...

Chairman Olenius stated it's okay. You're first on the...

Board Member Buzzutto stated you're up.

Chairman Olenius stated agenda.

Ms. Pettey stated okay. You already know who I am, because I've been here before; Kathleen Pettey. My family name is actually Bubenicek. My father was William Jr.; he was the local game warden for years. My grandfather was William Bubenicek Sr. who was Patterson Highway Superintendent for awhile and he was also active on the Planning Board here for years. I, myself, was born and raised here in Patterson, and beside for a few short years in between, I've lived here all my life in the house on 35 South Street, which was my family's house and was purchased by me in 1983, and which is the reason for me being here. This house at 35 South Street was originally purchased by my father upon his return from the war in 1946, when all the houses in South Street were for sale. My father chose this particular house because it was a two-family house, with plumbing, where he could have and raise a family, and also where he could provide decent housing for his own parents, who at the time, were residing in a house on Orchard Street without plumbing. And that was how it went. My brother and I were both born in the early 50's, and we resided continuously in this house with my...with our grandma and grandpa on the other side until my father was transferred to Long Island in 1968. My mother, who was originally from the Bronx, and that is where her parents were, in 1959 we learned of a problem with mother's parents in that they were being evicted from their apartment in the Bronx and had nowhere to go. Even being young, I remember heated discussions between my parent regarding the issue: my mother wanted to take them into our home with us and my father did not want to take them at all. And it was finally decided that they would take them, however, they would have to be in their own separate apartment, like my father's parents were. I remember that my father had to apply to the Zoning Board for permission to build this apartment, and letters had to be sent to all of the neighbors. And I do have a copy of something from the Zoning Board from 1961 and requesting a variance. Case #27, it says variance was granted on September 1<sup>st</sup> to Mr. William Bubenicek of South Street to add a two room extension to his present home. The Board unanimously approved the above for though the house is nonconforming, its use is one allowed in the particular district. Mr. Pezzullo, the sanitary inspector, approved the existing sewerage facilities as adequate to accommodate that addition and no public objections were presented. I also remember that we were poor at the time and we made a deal with the Cushmans, up on Cushman Road, that if we tore down an old house on their property, we could keep the materials and use them for our job; and that's what we did. We spent the summer tearing down the house and bringing the materials to South Street. The apartment in question today, was built in 1960 or

'61, by my father, himself. It had a separate entrance and it had a living room/kitchen combination, a separate bedroom and a full bathroom, with modern at the time, blue fixtures, which are still in there. And my other set of grandparents and all their furniture and belonging were moved in there. It's my understanding that the burden is upon me to prove this to the Board, which is difficult due to the length of time that has passed and the fact that most of the people who could verify this are now dead. I do have a statement here from Marie and Bill Gronke, who were continuous family friends and original Patterson people, who do recollect the circumstances of the apartment and the fact that my grandparents resided in it. Both Marie and Bill are in their late 80's now and live on Lumber Street with their daughter. The statement from them, which reads:

To Whom It May Concern:

We have known Kathy Pettey all her life. We knew her father, William Bubenicek, most of his also. We remember when he built that apartment in 1960 for wife's mother and father to live in. They were from the Bronx and were getting old and needed to be by their daughter. We are 89 and 86 years old and we know that apartment was on there when Kathy bought the house. Thank you.

I also have a statement from my brother verifying the same. I don't know if you'll allow something...immiscible because it's my brother, but he says:

I, Williams Bubenicek, do hereby affirm that I grew up in our family home located on 35 South Street and that said residence was a two-family residence, which housed our immediate family on one side and my father's parents on the other, and that some time between 1958 and '62, my father, William J. Bubenicek, did apply to the Town of Patterson, and did receive a variance, and did construct a third small apartment to the rear of said residence for my mother's parents to reside in as well.

The residence at 35 South Street housed family members and remained our family home until 1983, when my grandmother died, and residence was sold to my sister, Kathleen Pettey.

The facts as stated can be verified by any of our still living family members, such as my mother, Eleanor Bubenicek, or Betty Bubenicek, or anyone who resided in Patterson in the '50's and '60's. If there's any further questions, call.

I'm also thinking that this presence of the second set of grandparents in the apartment could be verified by voting records, if need be. Their names were Mary and Edward Freygang, and they did vote. I don't know how you would get the voting records, but I guess I could get them if you wanted to see that.

Tim Curtiss stated Kathy, is the third apartment separately metered. Does it have a separate electric...

Ms. Pettey stated no.

Tim Curtiss stated meter.

Ms. Pettey stated oh, yes it does. It does now, but I put that there.

Tim Curtiss stated oh, you put that there. Okay. Because I was going to say if they were separately metered, you might be able to get it from NYSEG when they started billing at that point.

Ms. Pettey stated right.

Tim Curtiss stated do you know when it was put on the assessment card.

Ms. Pettey stated well, I'm getting to it Tim.

Tim Curtiss stated okay. Sorry.

Ms. Pettey stated unfortunately, my grandmother, my mother's mother, passed away after a few years. And until we moved away in 1968, my grandfather alone resided in that apartment. When we moved to Long Island in '68, my grandfather came with us and the handling of the rentals for the now two vacant apartments there, were turned over to my other grandfather, William Bubenicek Sr., who still resided in the other side and took responsibility for the house. In 1977, my grandfather died, and I returned to Patterson to the house at 35 South Street to care for my...Excuse me [referring to clearing her throat]...now alone grandma, which I did until 1982 when she died. At that time, my father put the house on the market to be sold. At the time of the sale listing, I was living on my grandmother's side of the house, and the other side was rented to Kenny Fulling and his family and the little apartment in the back was rented to Kenny's mother, Marie Fulling. After a few months on the market with no bites, I decided to buy the house myself. Over the years, I have refinanced three different times to make the house better, yet this is the first time that this apartment issue has ever come up, which is a little questionable to me, as this was never an issue for the last three refinances, despite the fact that the apartment status always has remained the same. This apartment in question has been inhabited and/or rented continuously since its erection in 1960. And aside from some minor improvements made by me; carpeting, siding, appliances, it's in its original condition. In 1991, when Town of Patterson began garbage pickup, I was sent a notice advising me that my charge would be for three garbage pickups because I have a three-family house. Then when I looked at my card in the Assessor's Office, it now said three-family on it, and I didn't put it there. In fact, if you look at the Assessor's records online right now, it still says three-family. And I've been taxed for three-family consistently, and charged for three garbages. This determination was made by the Town of Patterson, not by me, and I've been paying for a three-family all these years, and to this day, and yet now, when I'm looking to refinance again for my fourth time to build this garage, the Town has blocked me from doing so, as the bank has denied my loan because of this, with my garage already half under construction. Some other thoughts I have are as follows: In a letter that I have from Nick, the Building Inspector guy. He says in there that there was no three families ever allowed in Patterson; not before 1960 or after 1960. And being someone who is from Patterson, and who lives here...lived here my whole life, I know for a fact that three-family...there are many three-families in Patterson, a lot on South Street alone. And this is from my own personal observation growing up here, and it can be verified by anyone who was a kid back then that trick-or-treated and when you went to a house, how many doors you knocked on in one house. For example, I can tell you that the house that's at 32 South Street, which is present Kelly residence, was a three-family. It had Peggy Pugsley, Eloise Pugsley and Ms. Kent, the school teacher, lived in that one. 21 South Street, which is the old library, is Baker house now. And that was just recently allowed to be a three-family. And then we have one on the corner of...both corners of [Route] 311 and South Street, both three-family. And one that was Tense's; that's now a two, but that always was a three. And the one at 1132 [Route] 311, across from South Street, and the one that belonged to Gil Wadle that was torn down, both always were three-families. On 45 Front Street, right by the Rec[reation] Center, there's the Gallagher house, which says it's two-family, but that's a three-family, and always has been. And even Bill Martin's house there on First Street, that has always been a three-family house, and I know that from growing up here. Also, according to the Zoning Ordinance that went into effect in May 1960, which was...a copy was given to me by Nick, with his letter, he states that 35 South Street falls under M-1. And under M-1 in that paper, it says all uses that are permitted in any district are permitted in M-1, and uses may be permitted if okayed by the Board. And so I'm thinking that in 1960, the Board permitted an addition...an apartment. And then it also goes on to saying that permitted uses in district R-20 and RPL-5, which would include M-1

for under all uses, #A2 states an apartment can be made for a family member if the outside is not altered. And that's all I can find. That's all I have to say. And I don't know how that...

Tim Curtiss stated Kathy, just so I am clear, your position is your dad came in and got a variance...

Ms. Pettey stated yes.

Tim Curtiss stated in '61 or '62. Okay. So then we should have a record of that somewhere.

Ms. Pettey stated you do. I just showed it...

Tim Curtiss stated yes. Do you have...Does the Board have a copy of that of what you have. This.

The Secretary stated I didn't. Sarah did. I'm just covering for her tonight.

Tim Curtiss stated okay. You do.

Board Member Bodor stated yes. We have...

Tim Curtiss stated so we should be able to go back from here. I'll give you yours back.

Ms. Pettey stated well, it seems to be that it doesn't say apartment. It says...

Tim Curtiss stated two room addition.

Board Member Bodor stated two room extension.

Tim Curtiss stated two room extension.

Ms. Pettey stated they're not calling it an apartment.

Tim Curtiss stated well, it may be...

Ms. Pettey stated but it was in fact an apartment.

Tim Curtiss stated and there may be minutes as to what you're fabricate. Minutes to explain that your...his in-laws were going to live in there as an apartment. So there may be more of a record than just what you have in Town records.

Ms. Pettey stated I don't think so because we've already...I've already researched this. This is the best that I could come up.

Tim Curtiss stated okay.

Ms. Pettey stated everybody's dead and the records are very sparse here where I feel really lucky to...

Tim Curtiss stated yes.

Ms. Pettey stated have found that...

Tim Curtiss stated true.

Ms. Pettey stated that it even, you know, happened.

Tim Curtiss stated did you check with the Town Clerk in terms of what minutes existed for the Zoning Board at that point.

Ms. Pettey stated well, no. I did not.

Tim Curtiss stated okay. Well, I'm just asking because I'll go look.

Rich Williams stated Tim, we had (inaudible – too distant) research.

Tim Curtiss stated did you. Yes. That's the only thing that came up.

Ms. Pettey stated I thought so.

Tim Curtiss stated okay. Alright.

Ms. Pettey stated but I have my assessor card here. See, it says three-family, 1991.

Tim Curtiss stated yes.

Ms. Pettey stated so, I don't know.

Tim Curtiss stated when you bought the house in the '80's, were you being assessed for a three-family, or you don't remember.

Ms. Pettey stated I don't even know.

Tim Curtiss stated alright.

Ms. Pettey stated I don't really know that much about it. I know the house is in the same...it's the same as it was when I bought it. I mean, I didn't put the apartment on there, it was already there.

Tim Curtiss stated right.

Board Member Burdick stated when did you add the meter to the house.

Ms. Pettey stated I added the meter just within the past few years because I added also a house meter and I also added, you know, I had (inaudible) garage, I had my garage there, so I made it separate metered to have the garage because...Actually, because my mother was making a stink that the garage was on hers. She was calling NYSEG, and he took it off. So, I decided to give everybody their own meter and to make a separate house meter. My issue, actually, here is I don't really care if the house is called a two-family or a three-family, I mean, that's...That doesn't really matter to me, you know, but what I'm concerned about here is that my garage, they have it constructed. I mean, they have the whole framing up and everything, and I'm not able to get the money from the bank now, until this is resolved.

Tim Curtiss stated well, what's the issue that the bank has. That there's a violation on the property.

Ms. Pettey stated because the Town sent a letter to the bank...

Tim Curtiss stated oh.

Ms. Pettey stated when they did a title search saying that the house is not a three-family and the house is under violation because that apartment is there.

Tim Curtiss stated I got you. Was there an existing violation at the time, or did Nick issue any violation yet. No. Okay, alright.

Ms. Pettey stated nope. And not only that, but I've refinanced. This is my fourth time refinancing and that has never come up. One time something came up that I didn't have a CO for my swimming pool. But then I went in my papers and I found it...

Tim Curtiss stated okay.

Ms. Pettey stated and filed it.

Tim Curtiss stated okay.

Ms. Pettey stated you know, so...But never anything about that apartment for three times.

Tim Curtiss stated okay.

Board Member Buzzutto stated the apartment now is rented to family or strangers.

Ms. Pettey stated it's rented to Karen Buechel.

Board Member Buzzutto stated oh, I see.

Ms. Pettey stated she's been in there since 1995.

Board Member Buzzutto stated well, that would be family then.

Ms. Pettey stated a friend.

Board Member Buzzutto stated well, sort of.

Ms. Pettey stated if you consider (inaudible) in Patterson to be family. I just...an original Pattersonite. It's Freddy Buechel's daughter.

Board Member Buzzutto stated oh, Buechel. I thought you said...Oh. Patty.

Ms. Pettey stated Karen. Sister. We've been discussing this and what my options were and what actually I was even looking to do here. The talk about it was, you know, am I looking to challenge the law. Am I looking to, you know, challenge his letter, or, you know, looking to, you know...And what it came out to be was that I'd have to prove, this was according to Nick, that I have to be able to prove...that the burden

of proof is on me that that was used as an apartment for my grandparents. So that was what I was told I would have to show here: That when...Not only was this an addition but it was, in fact, an apartment with a separate entrance that they lived in. Not in our house, their own house. And they lived there for those years, and it's been that way ever since. And that I would have to prove that. It's hard for me to prove that. I mean, my mother's still alive, but she's a little senile. And, you know, I mean, I feel lucky that the Gronke's, you know, even remember it, and that they gave me something. But aside from them, I don't know, you know, who even paid attention, you know. I mean, when would that all...Family movies and show my grandparents sitting outside it or something like that. I don't know.

Board Member Buzzutto stated but you said you were paying taxes for a three-family...excuse me [referring to coughing].

Ms. Pettey stated well, it's on my, you know...

Board Member Buzzutto stated on the tax...

Ms. Pettey stated it's on my card and it says on here three-family.

Board Member Buzzutto stated and how far back...

Ms. Pettey stated they did that. In 1991 they wrote three-family...

Board Member Buzzutto stated that puts it at '91.

Ms. Pettey stated that's when garbage came into effect.

Board Member Buzzutto stated yes.

Ms. Pettey stated that was the first time, actually, I became aware of anything about being three-family. I never even considered it, you know...I...

Board Member Buzzutto stated yes.

Ms. Pettey stated I never called it anything. You know, it was just the way it was. And then when the garbage thing came, they sent me a thing for three garbages. And then I looked at my card and it said three-family, so I thought I had three-family. I don't know. So when I applied to refinance I said it was a three-family.

Board Member Buzzutto stated oh boy.

Tim Curtiss stated just let me see your card for a minute, your assessor's card. I (inaudible) when I picked it up. Okay.

Board Member Buzzutto stated when the house was put on the market by your father...

Ms. Pettey stated yes.

Board Member Buzzutto stated was it through real estate.

Ms. Pettey stated yes.

Board Member Buzzutto stated how was it listed then.

Ms. Pettey stated I don't remember.

Board Member Buzzutto stated I mean, was it listed...You don't remember if it was listed as a three-family or...I mean, that would be...

Ms. Pettey stated I really don't.

Board Member Buzzutto stated that would be help if you could...

Ms. Pettey stated I don't pay much attention to that kind of stuff, you know what I mean.

Board Member Buzzutto stated yes.

Ms. Pettey stated how it was listed.

Board Member Buzzutto stated that would be (inaudible)...show up there.

Chairman Olenius stated I see two-family on this copy of...

Board Member Bodor stated there's two cards attached there. This one says two.

Ms. Pettey stated I have this old Zoning Code here that you gave me a copy of. It says that it's M-1 and that all uses are permitted. It was okayed by the Board, so...And then it says that for having an apartment...

Board Member Burdick stated what's this one.

Board Member Bodor stated d-w-g.

Board Member Burdick stated it's two-family.

Board Member Bodor stated two-family. Three "F", there's only one.

Chairman Olenius stated it must have been...

Board Member Burdick stated she said...

Chairman Olenius stated was the reassessment done in 1990's.

Rich Williams stated '96.

Tim Curtiss stated yes, the reval was in 1996 from the County. The County went reval. Do you guys think it would be helpful to just go out and take a look at the structure because if they're blue fixtures or aqua, that would...

Ms. Pettey stated he's already done that.

Tim Curtiss stated 50's, 60's.

Ms. Pettey stated he's already verified that.

Time Curtiss stated yes. They're all blue, you know, it may give you some indication as to when they were installed because if they're 50's fixtures, they're going to look like 50's fixtures.

Chairman Olenius stated actually, it's written right on the card here: addition 1960, \$1,500 own labor. It's a notation.

Tim Curtiss stated oh, yeah.

Chairman Olenius stated that must have been so they could come up with a taxable value.

Tim Curtiss stated yes.

Board Member Buzzutto stated you said that you were paying taxes for a three-family house. How was the tax records shown before that. Is there any way we could check that to see if the tax record showed three-family when your father was there.

Ms. Pettey stated I don't know. I just...I know that now they...says three-family on there.

Board Member Buzzutto stated yes.

Ms. Pettey stated it says it right now on the, you know...

Board Member Buzzutto stated how far back do tax records go.

Tim Curtiss stated well, there should be a card or record when it was...when that...

Board Member Buzzutto stated that building went up.

Tim Curtiss stated was added, yes. I'm sure they probably do. They go back far.

Ms. Pettey stated no, I think that what happened was in 1991 when they were doing the garbage...

Tim Curtiss stated garbage, yes. That's when...

Ms. Pettey stated went around to see what everybody had.

Tim Curtiss stated had. Right.

Ms. Pettey stated and then they wrote it on here that it was a three-family.

Tim Curtiss stated because you get charged by...

Ms. Pettey stated yes. Right.

Tim Curtiss stated for the garbage. Yes, true. True.

Board Member Buzzutto stated that's when you started paying three-family...for three-families, in 1991.

Ms. Pettey stated I'm not sure to be completely honest...

Board Member Buzzutto stated when the garbage district (inaudible – too many talking).

Ms. Pettey stated I don't understand anything about assessments or taxes or anything like that.

Board Member Buzzutto stated yes.

Ms. Pettey stated so, I don't know how they come up with their figures. I just know that in 1991, it went on my card that it was a three-family, and it's been on there ever since and that was because of the garbage. Because at the time when I got the bill for, you know, three-family...

Board Member Buzzutto stated yes.

Ms. Pettey stated I came down and looked at my card and it said three-family on it.

Board Member Buzzutto stated did Rich do any further investigating...

Tim Curtiss stated yes. You could. We could go to the assessor's records and see if there's any record of when it was put on as three-family.

Board Member Buzzutto stated yes. Are you doing any further investigating the records on this particular...

Rich Williams stated as always, we will do whatever we're directed to do.

Board Member Buzzutto stated oh, I see.

Rich Williams stated if you need additional information, if you have something in specific in mind, we certainly will do the research for you, sure.

Board Member Buzzutto stated what do you think.

Chairman Olenius stated well, we can check the tax records.

Board Member Buzzutto stated tax records, yes. We can even go into that. I think that would be one step.

Tim Curtiss stated yes. That's one way you could do this because it would...The assessors used to go out and, you know, check everything, especially if you were doing an addition.

Ms. Pettey stated right.

Tim Curtiss stated they should have gone out and done an addition and just put it on there as an extra unit in the house back in the 60's which would confirm that you were...

Ms. Pettey stated so you want to see that...if it was called a three-family back in the 60's.

Tim Curtiss stated if they put it...yes. When it was constructed because obviously you must have gone and got a building permit, you know.

Ms. Pettey stated well, it says right on the thing that they didn't say it on here until '91.

Tim Curtiss stated well, that's when they brought up the garbage, but there may be another card or like an older card that has it.

Board Member Burdick stated is there a C of O.

Tim Curtiss stated you know.

Board Member Burdick stated is there a C of O. Did they issue C of O's.

Tim Curtiss stated C of O's back in the 60's, no.

Board Member Burdick stated no.

Tim Curtiss stated no. I don't think they're until '74, '75, something like that.

Rich Williams stated yes, maybe a little later.

Tim Curtiss stated later, yes. '76 or '77 when they went to do a CO at that point.

Chairman Buzzutto stated how about this Mr. Pezzullo, the sanitary inspector. Was that for the Town or the County, do you think.

Rich Williams stated back then I think it was for the Town.

Tim Curtiss stated I think it was for the Town, too, yes. I think the County...

Chairman Olenius stated there wouldn't be any records from when he went out and did this inspection.

Rich Williams stated back then...Again, this comes to you from Nick.

Chairman Olenius stated it's too long.

Rich Williams stated we did a little bit of research regarding the Zoning Board of Appeals past history. We didn't do any sort of in depth history about the assessment records or anything else.

Ms. Pettey stated also, this zoning code went into affect May 10, 1960. On the card, it says the addition went on there in 1960, however this summary report from the Zoning Board says September to November of '61. I don't know which one is correct.

Board Member Buzzutto stated would there be anything at the Board of Elections, possibly.

Tim Curtiss stated sure. They were (inaudible) of the C of O.

Ms. Pettey stated yes.

Tim Curtiss stated well, there you go. Go to the Board of Elections and then ask them and see if they have a record of...

Board Member Buzzutto stated yes.

Tim Curtiss stated of...

Ms. Pettey stated how do you do that. Do I do that.

Tim Curtiss stated well, you...You could call over and if you speak to...

Board Member Buzzutto stated you speak to Nancy or...

Tim Curtiss stated Nancy, yes. Nancy...

Board Member Buzzutto stated well, she's in Florida right now, so she's away.

Board Member Burdick stated Kelly.

Tim Curtiss stated anybody there could help you. Just ask for...

Board Member Buzzutto stated yes. They'll help you.

Tim Curtiss stated record of your grandparent's registration.

Board Member Bodor stated yes, and that could, you know, verify that they did in fact live there, but that does not verify a separate living unit.

Tim Curtiss stated yes, that's true. Yes.

Board Member Bodor stated yes.

Tim Curtiss stated it would be one of the pieces to the puzzle but at least you know they were here and that was consistent with building an apartment here.

Ms. Pettey stated well...

Board Member Burdick stated it would be...

Ms. Pettey stated I have...

Board Member Burdick stated it would be...

Ms. Pettey stated I have the Gronke's saying it was a separate living unit. They remember.

Board Member Burdick stated I think it would help if we could find something from the Building Department...

Chairman Olenius stated yes.

Board Member Burdick stated from when the...

Tim Curtiss stated yes.

Chairman Olenius stated is there anything designated, I'm thinking maybe on the voter registration, too, it would say 35 South Street, Apartment 1. 35 South Street, Apartment 2.

Ms. Pettey stated except there was no numbers...

Chairman Olenius stated ah.

Ms. Pettey stated until 911 came around.

Tim Curtiss stated oh, boy.

Ms. Pettey stated so it would have just said South Street.

Tim Curtiss stated yes.

Chairman Olenius stated but maybe still, it would say Apartment 1, 2 or 3.

Tim Curtiss stated it might be at they're address. They may have put down an address.

Chairman Olenius stated they have separate mailboxes, do you recall.

Ms. Pettey stated I don't recall.

Board Member Herbst stated do you remember if your taxes went up when they did that in '91, when they added the third apartment.

Ms. Pettey stated well, it did go up because the garbage. But I don't...

Tim Curtiss stated but not the real property taxes.

Ms. Pettey stated I don't know. I don't know. They go up every year.

Board Member Herbst stated they do.

Ms. Pettey stated yes.

Board Member Herbst stated gee, I never noticed.

Ms. Pettey stated you never know what the reason is.

Tim Curtiss stated make a motion to hold it over then, and see what we can find on the Building Department records and what you can find at the Board of Elections.

Ms. Pettey stated and I'll search through. I mean, Cheryl's been very good. She's...

Tim Curtiss stated okay.

Ms. Pettey stated gone through everything. You know, Nick has gone through everything. You know, that's how they found that one little piece there, right.

Tim Curtiss stated yes.

The Secretary stated yes. Sarah went through the records...

Ms. Pettey stated right.

The Secretary stated that we had and was able to find some stuff; those minutes.

Tim Curtiss stated those minutes from the 1961...

The Secretary stated yes.

Tim Curtiss stated meeting.

Ms. Pettey stated I think that years ago the record keeping was not all that great here. That's what I hear from Town Clerk anyway.

Tim Curtiss stated is that what you heard. Okay. Well, then maybe it's the truth.

Councilwoman Ginny Nacerino stated can I ask you guys a question.

Tim Curtiss stated sure.

Councilwoman Ginny Nacerino stated if burden of proof is on Kathy...

Tim Curtiss stated yes.

Councilwoman Ginny Nacerino stated to produce these documents. But the...

Board Member Buzzutto stated she should come up and talk in the mic.

Councilwoman Ginny Nacerino stated for the Town, the records are inconclusive as well.

Tim Curtiss stated correct.

Councilwoman Ginny Nacerino stated so what the Town should...or dismiss this, they don't have the information they don't have to information to make that determination...

Tim Curtiss stated correct.

Councilwoman Ginny Nacerino stated at this time.

Tim Curtiss stated correct.

Councilwoman Ginny Nacerino stated so is her sworn affidavit that people that lived there enough to satisfy...

Tim Curtiss stated they...yes.

Councilwoman Ginny Nacerino stated (inaudible – too distant) would this be grandfathered in.

Tim Curtiss stated yes. It may push it over the top because there is some record that her father came and asked for the addition and came and for the purpose of having the grandparents move up, which kind of then comes...reverse the presumption to us that we have to produce the record for...

Councilwoman Ginny Nacerino stated absolutely.

Tim Curtiss stated and if she has some proof from another neighbor to add to the fact that, yes, they remember the grandparents living there, and that they have their own separate apartment, that would probably be some...

Ms. Pettey stated I have that.

Tim Curtiss stated yes.

Councilwoman Ginny Nacerino stated she has that.

Tim Curtiss stated yes, she does have that. The Board can take a look at it and get it from...

Ms. Pettey stated you can have a copy of all of this.

The Secretary stated that would be great.

Tim Curtiss stated yes, do you have a...Did the Board get a copy of that, of the...

Board Member Bodor stated no.

Ms. Pettey stated no.

Tim Curtiss stated of the statement you got. Oh, well then you've got to...

Board Member Buzzutto stated so we have to take a look at it (inaudible – too many talking).

Tim Curtiss stated yes, we have made a copy of that for them. They should have that because...

Chairman Olenius stated she didn't submit it. It wasn't part of the packet.

Board Member Buzzutto stated yes.

Chairman Olenius stated the affidavits.

Tim Curtiss stated you read it tonight, but you didn't submit it with the package from the...

Ms. Pettey stated I just did it. I just pulled it up and got...

Chairman Olenius stated no, no, no. Not the notes. The affidavits.

Tim Curtiss stated oh, the affidavits submitted.

Chairman Olenius stated anyone else in the audience have any comments on this. I'm probably still going to make a motion to hold it over to see if you can find anymore supporting documentation or we can do a little bit of digging...

Ms. Pettey stated well...

Chairman Olenius stated to nail down the dates a little better.

Ms. Pettey stated I can tell you that, believe me, I've done a little digging because my garage is going on my credit card until this is resolved because they already started doing it.

Chairman Olenius stated right.

Ms. Pettey stated so I didn't, you know, get this news until they already tore down my other one and started putting up the new one. So, I'm under a little pressure here. So, you better believe I did a lot of digging already.

Board Member Buzzutto stated yes.

Chairman Olenius stated my concern is that, you know, everything submitted here says two-family prior to 1991. So...

Ms. Pettey stated but you can see it on there. It's on there, and I have the thing from the Zoning Board that it was constructed in 1960. It says right on there it was constructed in 1960.

Board Member Bodor stated a two room addition was constructed.

Chairman Olenius stated yes.

Board Member Bodor stated it does not...

Chairman Olenius stated it doesn't say it's separate.

Board Member Bodor stated say it's a separate dwelling unit. And that's the piece right there.

Ms. Pettey stated right. So, I don't know how... You know, I have that affidavit from the Gronke's, I have it from my brother. You know, I don't... He gave a sworn affidavit. You know, I've given my sworn testimony that that's how it was. And even though, you know, I mean, and that Zoning Code does say on

there that you could make an addition an apartment as long as you didn't, you know, build on more on the outside. So if it was already an addition, if there's a family member, it can be an apartment. It says it in there.

Board Member Bodor stated did any rent money change hands. Any rents charged or...

Ms. Pettey stated for my grandparents.

Board Member Bodor stated yes.

Ms. Pettey stated you know, I don't really know, but I would say what I would guess would be that my parents probably just got their social security checks and...

Board Member Bodor stated that was it. Because if there were rent receipts, even if they were written on brown paper bag, you know, something like a document is a legal document, so to speak.

Ms. Pettey stated I was really a young kid then, you know.

Board Member Bodor stated yes.

Tim Curtiss stated oh, you weren't that young.

[Laughter].

Ms. Pettey stated neither were you, Tim.

Tim Curtiss stated it's true. That's true.

Ms. Pettey stated not by much. I'm wondering, you know, how the library came to be a three-family.

Board Member Bodor stated I wasn't aware that it was, so I don't know.

Ms. Pettey stated it is. It's a three-family. And that, you know, that was not...That was the library.

Board Member Bodor stated that was a library downstairs and a residence upstairs.

Ms. Pettey stated two apartments downstairs and one upstairs.

Board Member Bodor stated really.

Ms. Pettey stated it's a legal three-family. It's on the, you know, the Town records. I'm just saying that that one was allowed, recently.

Board Member Bodor stated not through us.

Chairman Olenius stated not through us.

Board Member Bodor stated so...

Tim Curtiss stated they didn't come to Zoning...

Board Member Bodor stated they didn't come here.

Tim Curtiss stated so it may not be allowed.

Board Member Burdick stated it didn't come...

Board Member Bodor stated yes. It didn't...

Board Member Burdick stated it didn't come through here.

Tim Curtiss stated it may be on the cards, but it doesn't mean it's approved, you know. I don't think they were given...

Ms. Pettey stated (inaudible) he told me it (inaudible).

Tim Curtiss stated oh, yeah.

Board Member Bodor stated didn't come here. We've been on the Board for...

Board Member Burdick stated I think I would remember that.

Ms. Pettey stated yes.

Board Member Bodor stated it did not come here.

Ms. Pettey stated maybe it was from before.

Tim Curtiss stated well, thanks.

Board Member Burdick stated I've been on the Board almost 20 years.

Ms. Pettey stated oh, okay. He said it was John Calbo who gave it to him.

Board Member Burdick stated but that's Building, not necessarily through us.

Ms. Pettey stated okay. So he just gave it to him.

Board Member Burdick stated you'd have to check the Building records to see if there was a building permit...

Ms. Pettey stated he said that John Calbo told him there was a clause in the zoning law. He could, you know, make an additional apartment if it was family members.

Board Member Bodor stated we have nothing to do with that.

Board Member Burdick stated yes.

Board Member Buzzutto stated well, it would still have to go to zoning though, wouldn't it, to change the zoning it would be.

Tim Curtiss stated it would.

Board Member Buzzutto stated it would, yes.

Councilman Joseph Capasso stated Kathy, do you have any refinance papers prior to this that show (inaudible – too distant) prior. (Inaudible – too distant) it would show there.

Board Member Bodor stated excuse me, but all this conversation...

Board Member Buzzutto stated he's got to come up to the mic.

Board Member Bodor stated out there is not getting into to the record because you are not coming up to the mic.

Councilman Joseph Capasso stated okay.

Board Member Bodor stated so please, you know, we need you to come to the mic. Next time.

Councilman Joseph Capasso stated and you said...

Board Member Bodor stated and your name, Sir.

Councilman Joseph Capasso stated Joseph Capasso...

Board Member Bodor stated thank you.

Councilman Joseph Capasso stated of Patterson. You said you've refinanced this home two or three times.

Ms. Pettey stated this would be the fourth time.

Councilman Joseph Capasso stated anything back then when you refinanced show what kind of home it was.

Tim Curtiss stated two-family, three-family application. Because they would have approved it as a three-family if you got refinanced.

Ms. Pettey stated right. Well, that's what I'm saying. I should...yes. I can look up those...

Board Member Burdick stated what your title say...

Ms. Pettey stated documentations.

Board Member Burdick stated with the title search. What's the title search say.

Tim Curtiss stated yes.

Ms. Pettey stated exactly.

Tim Curtiss stated did you bring the title search with you.

Board Member Burdick stated because the title search should say...

Ms. Pettey stated oh, the title search. So the prior ones should tell.

Tim Curtiss stated yes. It should show it as a three-family unit.

Board Member Burdick stated it should list it.

Ms. Pettey stated alright.

Tim Curtiss stated with no violations.

Ms. Pettey stated with this one, it's through the title search that this came up.

Tim Curtiss stated yes. That may...

Ms. Pettey stated (inaudible – too many talking).

Tim Curtiss stated dig that out, yes. That might put you over top...

Ms. Pettey stated prior. Right.

Tim Curtiss stated yes.

Rich Williams stated ladies and gentlemen, before you go and do all of that...

Councilwoman Ginny Nacerino stated up to the microphone.

[Laughter].

Rich Williams stated before you go through all of that effort, probably most of the time you've refinanced has been since 1991.

Councilman Joseph Capasso stated your name for the record.

[Laughter]

Rich Williams stated Richard Williams, Planner.

[Laughter]

Ms. Pettey stated I'm not sure.

Rich Williams stated okay. I mean, if you have something that predates maybe 1975, that might be germane.

Tim Curtiss stated yes.

Rich Williams stated but you need to get back that far, and that's where Kathy keeps running into...

Tim Curtiss stated yes. There's probably...

Rich Williams stated difficult times is researching...

Tim Curtiss stated those records...

Rich Williams stated you know...

Tim Curtiss stated way back.

Rich Williams stated yes.

Ms. Pettey stated well, I bought the house in '83, so, I refinanced once in the 80's, I know that.

Rich Williams stated well...

Board Member Burdick stated the original purchase would have had a title search done on it.

Ms. Pettey stated right.

Board Member Burdick stated so your original purchase should have something.

Councilman Joseph Capasso stated yes, it should.

Board Member Burdick stated that would be the one you really should start with because that shows the earliest...

Ms. Pettey stated right. So, that's the original purchase but then I've had three refinances before this one.

Tim Curtiss stated yes.

Councilman Joseph Capasso stated and you used to have...

Ms. Pettey stated and I've had title searches that went through alright.

Tim Curtiss stated sure. Well, yeah, take a look at those because that may have it in there, too. Shows it.

Board Member Bodor stated thank you. That's a good point.

Board Member Burdick stated that may also clear up this title company. It might show previous documentation from another title company. I don't know too much with that.

Tim Curtiss stated yes, true.

Board Member Burdick stated they may say, well, it's already been insured as a three-family...

Tim Curtiss stated family house.

Board Member Burdick stated through another title and it's cleared.

Tim Curtiss stated yes.

Board Member Burdick stated sorry.

Tim Curtiss stated and they've omitted that...

Ms. Pettey stated well, I don't think (inaudible) every time, so this is my fourth time at M&T, and the guy there, you know, he tried to fix it first.

Board Member Burdick stated are they using a different title company this time.

Ms. Pettey stated I don't know.

Board Member Burdick stated that could be...

Tim Curtiss stated yes, that could be... That could be it. Because if they used the old title company, they would have already omitted that. Actually, it probably would have sailed right through.

Ms. Pettey stated right. Well, he was saying that, you know, there's nothing different.

Tim Curtiss stated really.

Ms. Pettey stated and that the Town just didn't pick up on it the first three times. That's how he's putting it.

Tim Curtiss stated well, that could be. Yeah, it could be that...

Ms. Pettey stated the Town okayed it three times...

Tim Curtiss stated the Building Department never really...

Ms. Pettey stated now the fourth time...

Tim Curtiss stated saw it, yes.

Ms. Pettey stated they didn't.

Tim Curtiss stated yes, well, they went back and looked... actually looked in the records and found out that the records show it was only a two-family.

Ms. Pettey stated I think that should grandfather me in.

[Laughter]

Tim Curtiss stated well, it does it for the bank's purpose I guess. That's the key. But...

Chairman Olenius stated so I want to make a motion to table this.

Ms. Pettey stated okay.

Chairman Olenius stated hopefully you can submit some more data for us next month and we can render a decision.

Ms. Pettey stated so tell me exactly what data you're looking for me to bring.

Chairman Olenius stated well, I think the previous title searches would be...

Board Member Burdick stated Kathy...

Chairman Olenius stated for your original one.

Board Member Burdick stated when you had...refinanced before, did the appraiser come out and do a walkthrough.

Ms. Pettey stated yes.

Board Member Burdick stated it would be...there would also be an appraisal report that should show that as a separate unit. I mean, when I refinanced...

Ms. Pettey stated okay.

Board Member Burdick stated mine, they took pictures; they did a whole report.

Ms. Pettey stated right.

Board Member Burdick stated if you can get that, that should have documentation to show how many units were in there.

Ms. Pettey stated I'll have to locate the stuff. I'm really not quite sure where it is.

Board Member Burdick stated M&T should have copies of it as well.

Tim Curtiss stated M&T should have the whole file.

Ms. Pettey stated okay.

Tim Curtiss stated yes. They should. If you ask him for his whole files when you refinanced before, it should be in there. The appraisal should be in there from the bank.

Board Member Burdick stated but the appraisal should, shouldn't it Tim.

Tim Curtiss stated yeah, it should be, yes.

Board Member Burdick stated if there's...If they walked through it, it should show all of the apartments.

Tim Curtiss stated and it would show all the units that were in there at that point, yes.

Ms. Pettey stated right. Okay.

Tim Curtiss stated from that time. And if there's anything in voter registration records for your grandparents.

Ms. Pettey stated okay, so we're going voting records. Do I need to be getting any...

The Secretary stated hang on one second, Kathy [referring to the tape ending].

**TAPE ENDED**

Tim Curtiss stated but she may not be...

Board Member Burdick stated anybody there would know.

Tim Curtiss stated anybody there would help you.

Ms. Pettey stated where is that, in Carmel.

Tim Curtiss stated it's in Carmel. It's right down by the old bowling alley. It's right next door, they just...

Board Member Buzzutto stated right next to...

Tim Curtiss stated took over the telephone building.

Board Member Bodor stated on Old Route 6.

Board Member Buzzutto stated right next to Comcast.

Tim Curtiss stated Old Route 6.

Ms. Pettey stated okay.

Tim Curtiss stated it used to be the AT&T...

Ms. Pettey stated okay.

Tim Curtiss stated building down there. It's...

Ms. Pettey stated is there somebody there all the time.

Tim Curtiss stated yes.

Board Member Buzzutto stated yeah.

Tim Curtiss stated there's somebody there all the time. Yup.

Ms. Pettey stated okay. So, I'm looking for prior refinance...

Tim Curtiss stated yes. Title report.

Ms. Pettey stated re-elections...

Tim Curtiss stated appraisal.

Ms. Pettey stated do...Should I be still looking for other people who may remember my grandparents.

Board Member Buzzutto stated what about Betty Bubenicek, Tommy's wife.

Ms. Pettey stated Betty remembers. But she's a relative. My brother doesn't count, so does she count. Or...

Tim Curtiss stated sure she would count.

Board Member Buzzutto stated well, why not. She...

Tim Curtiss stated yes, absolutely.

Board Member Buzzutto stated she's a...

Ms. Pettey stated because she already...I already talked to her.

Board Member Buzzutto stated she lives on Quaker Hill if you want to get in touch with her.

Ms. Pettey stated I know where she is; she's my godmother.

Tim Curtiss stated okay.

Board Member Buzzutto stated oh, okay.

Tim Curtiss stated that's good.

Board Member Buzzutto stated yes, alright.

Tim Curtiss stated yes, other members of the community that know, that would help.

Ms. Pettey stated not too many left, Tim.

Tim Curtiss stated I know.

[Laughter].

Ms. Pettey stated okay. Okay, so I should be getting my other...my refinance, Board of Elections, and some more affidavits from people who may remember.

Tim Curtiss stated and just when you do your refinance, ask for the appraisal...

Ms. Pettey stated yes.

Tim Curtiss stated your title report, okay. It should be listed in both of those...

Ms. Pettey stated alright.

Tim Curtiss stated as to what was there.

Ms. Pettey stated okay.

Tim Curtiss stated okay.

Ms. Pettey stated alright. Thank you. Sorry it was so lengthy.

Tim Curtiss stated that's alright.

Ms. Pettey stated now, when's the next one.

The Secretary stated the 16<sup>th</sup>.

Ms. Pettey stated okay. Thanks.

Chairman Olenius stated thank you. Good luck.

Ms. Pettey stated thanks.

Tim Curtiss stated okay.

## **2) ERIC SCHMIDT CASE #02-11**

Mr. Eric Schmidt was present.

Chairman Olenius stated number two.

The Secretary read the following legal notice:

### **Eric Schmidt Case #02-11 – Area Variance**

Applicant is requesting an area variance pursuant to §154-7 of the Patterson Town Code, Schedule of Regulations, in order to construct a 26' x 24' attached 2-car garage with a family room above and attic storage. The Code requires a minimum 40' side yard setback; Applicant

will have 29.3'; Variance requested is for 10.7'. This property is located at 31 Cornwall Hill Road (R-4 Zoning District).

Chairman Olenius stated Mr. Schmidt.

Mr. Eric Schmidt stated hi. How are you. I'm Eric Schmidt. I live down on Cornwall Hill Road, right by [Route] 164. Only been in Patterson...February will be 12 years. And my wife and I are looking to get an extension.

Board Member Buzzutto stated you're suppose to swear him in.

Chairman Olenius stated yes. Can you raise your right hand. I'm sorry. Do you swear that the testimony you provide tonight will be truth, the whole truth.

Mr. Schmidt stated yes I do.

Chairman Olenius stated thank you. So did you agree with the legal notice. Is that pretty much what you're...

Mr. Schmidt stated yes.

Chairman Olenius stated looking to do.

Board Member Burdick stated you're in the little cape up...

Mr. Schmidt stated yes.

Board Member Burdick stated on the hill, across from the pond.

Mr. Schmidt stated share a driveway down in the front right next to Pleasantview Court.

Board Member Bodor stated do you have a garage now.

Mr. Schmidt stated yes we do.

Board Member Bodor stated and you want to construct an attached two-car garage.

Mr. Schmidt stated correct, because we're going to be using the garage for storage. Things are getting a little tight for two kids, and bikes and other things.

Board Member Buzzutto stated well, what does this here represent.

Mr. Schmidt stated this is the, actually the (inaudible – too distant) adding a new septic. This here is the original house. This is all the, I guess, (inaudible) comes up here.

Board Member Buzzutto stated right.

Mr. Schmidt stated because you come over here and you walk up to the front door. Instead of going up and then driving into the garage, you would drive straight in and this would be...

Board Member Buzzutto stated oh, this is not preexisting.

Mr. Schmidt stated no. This is a preexisting.

Board Member Buzzutto stated yes, but the whole picture is not preexisting [referring to the plans].

Mr. Schmidt stated no, no, no.

Board Member Buzzutto stated this part's...This here part is what you...

Mr. Schmidt stated this would be...

Board Member Buzzutto stated this is what you want.

Mr. Schmidt stated correct.

Board Member Buzzutto stated okay. Alright.

Mr. Schmidt stated this is the two garages, the windows and the two dormers up top on the left hand side of the picture.

Board Member Bodor stated storage upstairs.

Mr. Schmidt stated yes, because currently the attic, I have to crawl through...

Board Member Buzzutto stated I thought this was daylight shining through there.

Mr. Schmidt stated the ceiling to get up there and there's no...

Board Member Buzzutto stated that's what I thought was that hatch [referring to plans].

Board Member Bodor so that's just to be storage. It's not to be...

Mr. Schmidt stated yes.

Board Member Bodor stated living space.

Mr. Schmidt stated yes, that's it.

Board Member Burdick stated it says here family room above. Where's the family room.

Mr. Schmidt stated the family room will be above the garage; these two windows right over here.

Board Member Burdick stated okay.

Chairman Olenius stated that's off like the main floor of the house.

Mr. Schmidt stated correct. Right over...It would be...If you could imagine, here's a living room right here above this first garage. Behind that on the other side of the wall is our kitchen. So we'd be in our kitchen and walk over into this area over here.

Chairman Olenius stated this whole addition will be kind of stepped back.

Mr. Schmidt stated yes. It will be stepped for the one car garage.

Board Member Bodor stated so it is part of the living space, that one floor there.

Mr. Schmidt stated yes. This one floor...

Board Member Bodor stated that floor.

Mr. Schmidt stated right here will be a living room.

Board Member Burdick stated and then where the dormer...where the two dormers are would be the...

Mr. Schmidt stated the dormers, that's going to be an attic.

Board Member Burdick stated the storage.

Board Member Bodor stated okay.

Mr. Schmidt stated correct.

Board Member Bodor stated alright.

Chairman Olenius stated is there a residence on the property adjacent to you on the side where the addition will be put on.

Mr. Schmidt stated the side where the addition is over here is Pleasant Valley Court; it's owned by one family, the Guiney's are on the top, you know, on the top of the hill. And I don't know technically how it is, but there are two other properties back there. I believe they have the right-of-way on the road here, on Pleasant Valley Court. There's a total of three houses that utilize that road. Again, I believe it's a private road. Yes, (inaudible) off the back.

Chairman Olenius stated but they're all behind you. They're not like...

Mr. Schmidt stated yes, they're all...

Chairman Olenius stated there's not a house...

Tim Curtiss stated adjacent to your...

Mr. Schmidt stated I have a road next to me and then I have Chris and Leslie Mario in the yellow farm house.

Tim Curtiss stated down the hill.

Board Member Burdick stated down below.

Tim Curtiss stated yes. Down the hill.

Board Member Buzzutto stated how big is the property itself.

Mr. Schmidt stated 1.35 acres.

Board Member Buzzutto stated oh, I don't see that. Do you have it.

Board Member Herbst stated it's 1.367 [acres].

Mr. Schmidt stated 1-3-6-7.

Board Member Herbst stated that's what we got here.

Board Member Buzzutto stated oh, that's on the other sheet. Okay. This will be heated; the zone heating...

Mr. Schmidt stated we're thinking right now of...Because we have a...probably branching off of an existing zone. You know, that's one of the questions I've looked at.

Board Member Buzzutto stated so it's going to have it's own heating plant or are you going to use the pre...the existing. You don't know.

Mr. Schmidt stated we...I don't know yet.

Board Member Buzzutto stated okay.

Mr. Schmidt stated you know.

Board Member Buzzutto stated I just wanted to...

Mr. Schmidt stated thinking that it might be easier to run it off of the preexisting, but, you know, if that's not going to support it and...

Board Member Buzzutto stated yes.

Mr. Schmidt stated keep that entire room...

Board Member Buzzutto stated okay.

Mr. Schmidt stated then I don't want to do that.

Chairman Olenius stated you currently have three garages.

Mr. Schmidt stated correct.

Chairman Olenius stated boy, that house is deep. It doesn't look like it from the file photo, that's why.

Mr. Schmidt stated yeah, it's...From the front it looks like a small cape. (Inaudible) did an extension back in '02, I think it was.

Chairman Olenius stated and that didn't require a variance.

Mr. Schmidt stated no it didn't because at that time I was looking...Actually it didn't go out to the side that much, and I think also at that time it was 30'.

Chairman Olenius stated okay.

Mr. Schmidt stated I think it was in '03 that it changed.

Board Member Bodor stated so that addition was out the back room.

Mr. Schmidt stated correct.

Board Member Buzzutto stated is that...You said there's three garages now.

Mr. Schmidt stated correct.

Board Member Buzzutto stated you going to eliminate any...You going to eliminate two.

Mr. Schmidt stated we're going to be...Two of them definitely are going to be storage. I mean they're...

Board Member Buzzutto stated okay.

Mr. Schmidt stated almost storage now.

Board Member Buzzutto stated then it will not be used as a garage.

Mr. Schmidt stated yes.

Board Member Buzzutto stated this garage will be what you...I showed you there. Okay, this is a two-car garage. Okay.

Chairman Olenius stated is this a new survey you had done for your addition or...

Mr. Schmidt stated I don't think we had a new survey done. Because looking at that, it was by the same...Actually, this is a copy. I exploited it from the house plans that we had and the architectural drawing. So he may have taken that from the original survey.

Chairman Olenius stated okay.

Mr. Schmidt stated so...

Chairman Olenius stated that's where the numbers are coming from.

Mr. Schmidt stated yes.

Board Member Bodor stated the addition that you put on, back whenever you said it, was like double the size of the original footprint. Yes.

Mr. Schmidt stated uh...

Board Member Bodor stated it's that dark area.

Mr. Schmidt stated I'll explain that. Since it was a Scape, the initial dark area... You have a white area right here.

Board Member Bodor stated the white area.

Mr. Schmidt stated we blew out the roof in the back; we raised the roof.

Board Member Bodor stated yes.

Mr. Schmidt stated okay. So we did that. And then we just did this little butt out right over here.

Board Member Bodor stated just that then. Okay.

Mr. Schmidt stated yes.

Board Member Bodor stated alright.

Mr. Schmidt stated that was the addition.

Board Member Bodor stated okay.

Mr. Schmidt stated okay.

Board Member Bodor stated and the backline of the proposed garage is going to...

Mr. Schmidt stated line up...

Board Member Bodor stated line up with that...

Mr. Schmidt stated correct.

Board Member Bodor stated back of that...

Mr. Schmidt stated yes.

Board Member Bodor stated addition.

Mr. Schmidt stated that's correct.

Board Member Buzzutto stated well, what's going to be in here. Storage.

Mr. Schmidt stated yes. That's a storage space.

Board Member Buzzutto stated and what's in here. Bedrooms.

Mr. Schmidt stated those are two bedrooms in the front of that.

Board Member Buzzutto stated okay.

Mr. Schmidt stated the storage space would actually be accessed through our master bedroom.

Board Member Buzzutto stated would this ever be used for bedrooms.

Mr. Schmidt stated no. I mean, that's... You'd have to... The way it's going to be setup, I don't have a great picture of it, is here is the front pitch of it and here is the back pitch. You can see we're going to be lining it up probably about over here [referring to plans]. And what's going to happen, there's going to be a door in my bedroom; it's probably going to be back near my bedside. I really don't want anyone like walking through the master bedroom into another room. So we're just going to be using that as storage.

Chairman Olenius stated I'm probably going to want to take a site walk on this because I'm...

Board Member Burdick stated it's interesting.

Chairman Olenius stated yes.

[Laughter].

Chairman Olenius stated just to get an idea...

Mr. Schmidt stated okay.

Chairman Olenius stated the lay of your land and what exactly is going on. Not that it's... It's a pretty good packet, I just... it's confusing how deep your house is now with three garages and... I just have to see it.

Mr. Schmidt stated okay.

Chairman Olenius stated is there any input from the audience. Please come up to the microphone.

[Laughter].

Councilwoman Ginny Nacerino stated Ginny Nacerino, Councilwoman, also a neighbor of Eric's. I received a letter; I'm within 500'. I just want to go on record saying that I do support this application. I actually did take a little site walk today down Pleasantville... Valley... Pleasantview Drive. Is it Drive or Road.

Mr. Schmidt stated yes. One of those.

Councilwoman Ginny Nacerino stated the way these have... The way Eric's house sits, it's pretty isolated and onto itself. If you go down Pleasantview Drive, there are no other houses that are visible from his side

yard or his backyard. So the property's quite unique in that you go out there and...In my opinion, there is no negative impacts. So, I support his application.

Chairman Olenius stated thank you.

Board Member Buzzutto stated okay. Table it for a site walk.

Chairman Olenius stated yes. Let's make a motion to table the application for...pending a site walk, just so we can get familiar with it ourselves.

Board Member Buzzutto stated I'll second that motion.

Chairman Olenius stated is there...We'll make the date after the meeting.

Mr. Schmidt stated okay.

Chairman Olenius stated is there any time that is better for you or worse for you for us to come because we like to have somebody there.

Mr. Schmidt stated I mean, afternoons, my wife and I are both teachers, so depending on what day, we can make it home at a reasonable time. You know, 4 o'clock or something. Is that...

Chairman Olenius stated we might even do it on a weekend.

Mr. Schmidt stated oh.

Chairman Olenius stated there's not like a lot of daylight there and...

Mr. Schmidt stated okay. Yes. Weekends are fine.

Chairman Olenius stated but we'll let you know in advance.

Mr. Schmidt stated okay.

Chairman Olenius stated probably have an alternate, too, for snow.

Board Member Bodor stated snow.

[Laughter].

Board Member Buzzutto stated yes.

Tim Curtiss stated good idea.

Board Member Buzzutto stated okay.

Chairman Olenius stated if you can possibly have it measured out for us, like as to where. You know, even if you just put a stick in the ground or something.

Board Member Bodor stated in the snow.

Chairman Olenius stated yes.

Mr. Schmidt stated we'll be going out to the driveway, but...

Chairman Buzzutto stated okay.

Mr. Schmidt stated I can put a cone in the... You know, little orange cones out when you get there.

Board Member Burdick stated that's fine.

Chairman Olenius stated that's fine.

Board Member Bodor stated that's good.

Chairman Olenius stated just so that we have a good idea of where the distance is...

Mr. Schmidt stated right.

Chairman Olenius stated and where the property line is.

Mr. Schmidt stated okay. Not a problem. When can I expect to hear back. I mean, at least on a date.

Chairman Olenius stated I would say probably tomorrow.

Mr. Schmidt stated okay.

Chairman Olenius stated by the end of the week.

Mr. Schmidt stated okay. (Inaudible).

Chairman Olenius stated yes.

Mr. Schmidt stated okay.

Tim Curtiss stated that's it.

Mr. Schmidt stated okay. Thanks guys.

Board Member Burdick stated thank you.

Chairman Olenius stated thank you.

Board Member Buzzutto stated okay.

Mr. Schmidt stated have a good night.

Board Member Bodor stated good night.

Board Member Burdick stated thank you. You, too.

Board Member Buzzutto stated good night. Thank you.

Mr. Schmidt stated thanks.

### **3) OTHER BUSINESS**

#### **a) Appointment of Vice Chair**

Chairman Olenius stated other business. Appointment of a Vice Chair. I was hoping that somebody with a lot of experience here...

Board Member Buzzutto stated well, I'll decline that.

Chairman Olenius stated okay.

Board Member Buzzutto stated keep Mary as Vice Chair, if she'll except it.

Chairman Olenius stated that's fine. You know I value your opinion. What say you, Mar.

Board Member Bodor stated I would like to defer to Buzzy. I have respect for him.

Board Member Buzzutto stated alright. Then okay.

Chairman Olenius stated you accept.

Board Member Buzzutto stated I accept only on the condition that Mary respects me.

[Laughter].

Board Member Buzzutto stated I'll second that motion.

[Laughter].

Chairman Olenius stated so I make a motion to appoint Howard Buzzutto as Vice Chairman.

Board Member Herbst stated do you need a second.

Tim Curtiss stated you need a second, yes.

Board Member Herbst stated second.

Board Member Bodor stated second. Third.

Chairman Olenius stated I didn't see minutes.

Board Member Burdick stated we don't have any.

The Secretary stated you don't have any. I was told they're not proofed.

Chairman Olenius stated okay.

The Secretary stated so, you'll have them for February.

Chairman Olenius stated okay.

Board Member Bodor stated okay.

Rich Williams stated Mr. Chairman. May I make a suggestion.

Chairman Olenius stated Sir.

Rich Williams stated when you do a motion and second, you need to take a vote.

Tim Curtiss stated yes, you got to vote on the record, yes.

Chairman Olenius stated all in favor. Motion passed by a vote of 5 to 0.

Tim Curtiss stated there you go. There you go.

Chairman Olenius stated I need a gavel.

Board Member Buzzutto stated I'll bring you one.

Chairman Olenius stated get me a gavel.

Rich Williams stated you've got to take that out now, again.

Board Member Buzzutto stated what else is on that agenda.

Chairman Olenius stated we're done.

Board Member Bodor stated that's it.

Tim Curtiss stated we're done. You just need a motion to adjourn.

Board Member Bodor stated make a motion to adjourn.

Tim Curtiss stated yes.

Chairman Olenius stated second.

Board Member Burdick stated second.

Chairman Olenius stated all in favor. Motion carried by a vote of 5 to 0.

Board Member Buzzutto stated congratulations on your job tonight. It was very well done. Very well taken care of.

Chairman Olenius stated I didn't even look up when Rich said Mr. Chairman because...

Councilwoman Ginny Nacerino stated good job.

Chairman Olenius stated because I'm not used to responding.

[Laughter]

**b) Site Walk**

The Secretary stated alright. Do you guys want to set a date for your site walk then, since you're still on the record.

Chairman Olenius stated yes. What's good for everybody.

Board Member Buzzutto stated site walk.

Chairman Olenius stated you ladies have your datebooks out, so...

Board Member Herbst stated Timothy.

Tim Curtiss stated yes.

Board Member Herbst stated I've got a question on Kathy Pettey.

Tim Curtiss stated yes.

Board Member Herbst stated when I asked about...

Board Member Burdick stated we're on the record.

Board Member Herbst stated did her bill go up on the, you know, in 1990, if it went up the same as everybody else's, and they had added that then they didn't have it before. Or they had it before.

Board Member Burdick stated just because something's on an assessment doesn't mean it's legal.

Tim Curtiss stated yes, true. I mean...

Board Member Burdick stated we've crossed that bridge before, so...

Tim Curtiss stated yes.

Board Member Herbst stated yes.

Tim Curtiss stated the assessment card...They could have put it on the assessment card in the 60's or the 70's doesn't make it...necessarily legalize it for your purposes.

Board Member Herbst stated no, I understand that. But...But in other words, like for instance, if she, when the inspector came around...

Tim Curtiss stated right.

Board Member Herbst stated to see how many...

Tim Curtiss stated units they had...

Board Member Herbst and they picked up an extra one there...

Tim Curtiss stated yes.

Board Member Herbst stated which means they never had it before.

Board Member Burdick stated it doesn't necessarily mean that.

Tim Curtiss stated no. It wouldn't necessarily mean that they didn't have it on the card, what it would mean would be that for the garbage purposes, they assessed them the extra unit at that point in time. Whether they did that before or after for the house itself, it wouldn't, you know, it's some evidence that it was picked up in '91, but...

Board Member Burdick stated doesn't mean it didn't exist prior.

Tim Curtiss stated yes. Doesn't mean it didn't exist prior to that. And the fact that her father did apparently come into the Zoning Board at some point and made some kind of application for this two room addition, you know, is evidence that at least, you know, made an effort to get it legalized. Mary brought up the point though it doesn't really say separate unit; it just says two room addition. So, you know, what they approved is probably not that clear.

Rich Williams stated just a little quick history and then we need to be, you know, a little fatherly here and say this is a conversation you need to have with the applicant in the room not after she's gone.

Tim Curtiss stated true.

Rich Williams stated they formed the garbage district in 1991. But they formed the garbage district, there were a number of people, myself included, who took a hard look at all the houses based on the number of cans they were putting out to try and come up with the correct number of units. And that's how that all evolved.

Tim Curtiss stated yes. They're really counting them for the garbage district, not necessarily for...

Board Member Buzzutto stated what about when the recycle went in, they gave out the blue boxes. Was that just for one per house. Or...

Rich Williams stated that was one per house.

Tim Curtiss stated yes. One per house.

Rich Williams stated you ever see those blue boxes.

Board Member Buzzutto stated I still got them.

Board Member Bodor stated I have them.

Rich Williams stated did you ever see what's on the front of them.

Board Member Buzzutto stated yes.

Rich Williams stated guess who designed that.

Board Member Buzzutto stated okay. Alright. Yes, I still got one.

Board Member Bodor stated we have ours, too.

Rich Williams stated I don't have one.

Board Member Bodor stated John keeps fixing the hinge because it...

Board Member Buzzutto stated yes.

[Laughter]

Board Member Buzzutto stated okay, anything else.

Board Member Bodor stated are we looking at a weekend.

Chairman Olenius stated I don't know. You don't get out until 5 [p.m.], right.

Board Member Burdick stated yes, but if every...if it was everybody's desire I could take off an hour early. It doesn't matter to me.

Board Member Buzzutto stated when is the next meeting.

Board Member Burdick stated the only Saturday that's...

Board Member Bodor stated February 16<sup>th</sup>.

Board Member Burdick stated not good for me is the 29<sup>th</sup>.

Tim Curtiss stated February 16<sup>th</sup> is your next meeting.

Board Member Buzzutto stated February 16<sup>th</sup>.

Tim Curtiss stated yes, is your next meeting. So you're looking at a...

Board Member Buzzutto stated well, that's a good ways away.

Tim Curtiss stated Saturday.

Board Member Bodor stated alright, this Saturday is the 22<sup>nd</sup>. The following is the 29<sup>th</sup>. 5<sup>th</sup> of February. I would like to see some of the snow disappear.

[Laughter]

Tim Curtiss stated I was going to say bring your mukluks to get out there.

Board Member Buzzutto stated yes.

Board Member Bodor stated I don't know.

Board Member Burdick stated we're supposed to get a storm on Friday, right.

Tim Curtiss stated right.

Board Member Buzzutto stated yes.

Board Member Burdick stated Saturday probably doesn't make sense.

Tim Curtiss stated that's right.

Board Member Herbst stated when was the next one, February what.

Tim Curtiss stated yes. This Saturday is not going to be good.

Board Member Buzzutto stated the 16<sup>th</sup>.

Board Member Bodor stated it's going to be very cold for a few days, so...

Board Member Burdick stated I could potentially do it...I have plans with some friends, but I could do it probably first thing Saturday morning on the 29<sup>th</sup>. You know, not to hold anybody up.

Chairman Olenius stated like 9 a.m., first thing.

Board Member Burdick stated like 9, yes.

Board Member Buzzutto stated that's alright with me.

Tim Curtiss stated Jerry, you're alright with that. The 29<sup>th</sup> at 9 a.m.

Board Member Herbst stated the 29<sup>th</sup>.

Tim Curtiss stated yes.

Chairman Olenius stated at 9 a.m.

Tim Curtiss stated rise and shine.

Board Member Herbst stated the 29<sup>th</sup> in the middle of the night is when you're setting this for now.

Chairman Olenius stated yup. Bring your flashlight.

Board Member Herbst stated that's fine. As for right now, I don't know until I get home.

Board Member Buzzutto stated the 29<sup>th</sup> is a...

Board Member Bodor stated and do a snow date on the 5<sup>th</sup>.

Board Member Burdick stated the 5<sup>th</sup>.

Board Member Buzzutto stated the 29<sup>th</sup> is a...

Tim Curtiss stated Saturday.

Chairman Olenius stated it's a Saturday.

Board Member Bodor stated Saturday.

Tim Curtiss stated Saturday the 29<sup>th</sup>. And the 5<sup>th</sup> is a Saturday.

Board Member Bodor stated right.

Board Member Buzzutto stated at 9 o'clock. Nine...

Chairman Olenius stated 9 a.m.

Tim Curtiss stated 9 a.m.

Board Member Bodor stated 9 a.m. snow date.

Board Member Buzzutto stated and we will meet where.

Board Member Herbst stated Saturday the 29<sup>th</sup>...

Board Member Bodor stated we can meet at the property there.

Board Member Burdick stated there's plenty of parking. It's a long driveway, right.

Board Member Bodor stated yes, they...

Board Member Buzzutto stated that's Cornwall Hill. Okay.

Board Member Bodor stated they have a driveway that goes up and it goes pretty far.

Chairman Olenius stated this is an accurate picture, too, I think, isn't it.

Board Member Bodor stated yes.

Board Member Buzzutto stated snow date.

Chairman Olenius stated is the 5<sup>th</sup>.

Board Member Burdick stated is the 5<sup>th</sup>.

Board Member Bodor stated is the 5<sup>th</sup>.

Chairman Olenius stated the following Saturday.

Tim Curtiss stated the following Saturday.

Board Member Buzzutto stated that would be February.

Chairman Olenius stated February 5<sup>th</sup>.

Board Member Buzzutto stated I'll put rain date because it's not going to snow anymore.

[Laughter]

Tim Curtiss stated there you go.

Chairman Olenius stated I hope you're right.

Board Member Buzzutto stated okay. Oh, well.

Tim Curtiss stated there we go.

Board Member Buzzutto stated Ginny, how the hell are you. I mean, how are you.

The Secretary stated you need a new motion to adjourn now.

Board Member Burdick stated I make a motion to adjourn the meeting.

Board Member Herbst stated second.

Board Member Burdick stated all in favor. Motion carried by a vote of 5 to 0.

Meeting was adjourned at 8:12 p.m.