

**TOWN OF PATTERSON
ZONING BOARD OF APPEALS**

February 18, 2015

AGENDA & MINUTES

- | | Page | |
|---|---------|---|
| 1) Peter Ruisi Case #09-14 | 1 – 2 | Public hearing remained opened;
Applicant was not present – Application tabled pending owners of Thunder Ridge filing a Use Variance application. |
| 2) Stephen Tavano Case #19-14 | 2 – 15 | Public hearing closed;
Resolution – Interpretation made that current use is not legal pre-existing, non-conforming use. |
| 3) Scott & Jean Heller Case #23-14 | 15 – 25 | Public hearing closed;
Resolution – Variance for fence height granted . |
| 4) John Moriarty Case #01-15 | 25 – 34 | Public hearing not opened;
<u>Case could not be heard</u> due to current violations on the property; Application for accessory apartment to be filed; Site Walk to be scheduled before March ZBA meeting. |
| 5) Other Business | | |
| A) Minutes | 34 – 35 | Minutes from January 21, 2015 ZBA meeting approved , with one correction made to cover page. |
| B) Site Walk | 35 – 36 | Site Walk for Case #01-15 scheduled for <u>Tuesday, 3/10 at 5:15</u> ; snow/rain date scheduled for <u>Wednesday, 3/11 at 5:15</u> . |

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

Lars Olenius, Chairman
Mary Bodor, Vice Chairman
Marianne Burdick
Michael Carinha
Stephanie Fox

PLANNING BOARD

Thomas E. McNulty, Chairman
Ron Taylor, Vice Chairman
Michael Montesano
Edward J. Brady, Jr.
Robert F. Ladau

**Zoning Board of Appeals
February 18, 2015 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 Michael Carinha, Board Member Stephanie Fox, Nancy Tagliafierro – Attorney with Town Attorney’s Office, and Rich Williams – Town Planner.

Chairman Olenius called the meeting to order at 7:04 p.m.

There were approximately 6 members of the audience.

Mary Schartau was the secretary for this meeting and transcribed the following minutes.

Chairman Olenius led the salute to the flag.

Roll Call:

Board Member Bodor	-	Here
Board Member Burdick	-	Here
Board Member Carinha	-	Here
Board Member Fox	-	The Secretary: Board Member Fox will be with us shortly.
Chairman Olenius	-	Here

1) Peter Ruisi (Liberty Paintball) Case #09-14

No one was present to represent the application.

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, February 18, 2015 at 7:00 p.m. at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following applications:

Peter Ruisi (Liberty Paintball Games) Case #09-14 – Area Variance: Held over from the April 16, 2014, May 21, 2014, June 18, 2014, July 16, 2014, August 20, 2014, September 17, 2014, October 15, 2014, November 18, 2014, December 16, 2014, and January 21, 2015 meetings

Chairman Olenius: Uh, once again, we're going to hold this over. The... landlord of the applicant has been in and is trying to rectify situations, so... one more month.

2) Stephen Tavano Case #19-14

Three people were present to represent the application.

The Secretary read the following:

Stephen Tavano Case #19-14 – Interpretation of a Zoning Code: Held over from the December 16, 2014 and January 21, 2015 meetings

Mr. Caruso: Good evening.

Chairman Olenius: Good evening.

Board Member Carinha: Good evening.

Chairman Olenius: How are you?

Mr. Caruso: Good. How are you? Michael Caruso of Bill Shilling's office with Steve Tavano.

Chairman Olenius: I read through the, uh... the minutes. It seems...

Mr. Caruso: I understand you had a productive visit.

Chairman Olenius: Yes. I think so, because I really wasn't sure what I was looking at, so...

[Laughter.]

Chairman Olenius: I read through the minutes again, though, um... and I didn't have the opportunity to be here last month when you presented your case, um... it seems pretty thorough, the way you went through it there, um... I actually just got ahold of the two affidavits because I hadn't had them, uh, prior. My, my... my first question to you is – because I didn't get a chance to ask any questions the last time is – you purchased the property in 1990, I believe was the year...?

Mr. Tavano: Correct.

Chairman Olenius: And, at the time you purchased it, it was a... rental unit, for lack of a better word, or...?

Mr. Tavano: As you've seen it. Yes.

Chairman Olenius: Okay. Did you retain the same tenant from the previous owner? I'm just curious, I...

Mr. Tavano: Um...

Chairman Olenius: For [inaudible – too many speaking]...

Mr. Tavano: No. The – the tenant moved out during the purchase.

Chairman Olenius: Okay. But, you've had one back in there since?

Mr. Tavano: I've had one, yeah, ever since.

Board Member Bodor: Has there been any period of time when it has not been occupied?

Mr. Tavano: Uh, just during the tenant moving out and another one moving in. So, your normal, you know, couple of weeks or whatever, um, in tenant rotation.

Mr. Caruso: No less, though. [To Mr. Tavano] It was never more than two years, right?

Mr. Tavano: Oh, no. Just...

Mr. Caruso: Sorry, that was two – there has never be a, uh, cessation for more than two years, um...

Board Member Bodor: For more than two years?

Mr. Caruso: Correct.

Board Member Bodor: Was there – was there a period of time – excuse me – less than two years, where there was no occupancy?

Mr. Tavano: Yeah. Just, uh, in between tenants. A few weeks, you know, when one tenant...

Board Member Bodor: We're talking years.

Mr. Tavano: Oh, no.

Mr. Caruso: No.

Mr. Tavano: No. Never been anywhere near that long.

Board Member Bodor: So, maybe a few weeks there was...?

Mr. Tavano: A few weeks in between tenants.

Board Member Bodor: You've been fortunate enough to keep the rentals, uh...?

Mr. Tavano: Yeah, because of its price, it rents very quickly.

Board Member Bodor: And, generally, it's a one-person, uh, rental?

Mr. Tavano: Yeah. I don't like to rent to more than one person because of its size.

Board Member Bodor: Mm hmm... and it is currently rented...?

Mr. Tavano: That's correct.

Board Member Bodor: By a single person?

Mr. Tavano: Yes.

Board Member Bodor: When – I have a question for you, um... when we were out there, you indicated that the property lines were the stone wall...

Mr. Tavano: Correct.

Board Member Bodor: The back one, specifically, is the one I'm concerned about, because the 2011 survey that we have shows that structure right on the rear line, which is not where the stone wall is.

Mr. Tavano: The – the stone wall runs diagonally, um, so, it's kind of hard to see when you're, you know, with all the snow. But, it is right on... right on the stone wall.

Board Member Bodor: This – the corner of the structure is right on the stone wall?

Mr. Tavano: Yeah.

Board Member Bodor: Alright, then the stone wall you indicated to us, then, was not the one that – that is actually the rear line.

Mr. Tavano: Yes, it...

Mrs. Tavano: [From the Audience] [Inaudible – Too far from microphone]

Mr. Tavano: It is. It just runs diagonally.

Mrs. Tavano: [From the Audience] The back of the house is on the stone wall.

Not the corner. The back of the house is on the stone wall at the corner.

Mr. Caruso: Oh, sorry.

Mr. Tavano: Yeah. Maybe – maybe I’m misunderstanding the question.

Mrs. Tavano: The back of the house is on...

Board Member Bodor: May we have your name.

Mrs. Tavano: Robin Tavano, his wife. Um... the back of the house is on the – on the stone wall. Right against it. The corner of the house is, what...maybe 20 feet from the... the stone wall on the side.

Board Member Bodor: Alright. My, you know – what I remember seeing was a stone wall. The whole piece of – the whole stone wall...

Mr. Tavano: Mm hmm.

Board Member Bodor: Was set quite a few feet beyond the structure, and the survey shows it right on the structure. So, it... that’s why I’m questioning that.

Mrs. Tavano: The back of the house...

Mr. Tavano: Um, the... the stone wall, I mean, may not be exact. If you look at the survey, you’ll see my north side wall where my property line – the stone wall sort of zig-zags through it. So, it – it’s possible the back was does that a little bit. I don’t remember my survey that well.

Board Member Bodor: Okay. Well, what you are saying, though, is that the structure itself is right on the line?

Mr. Tavano: Yes, it’s...

Board Member Bodor: That’s what I’m hearing.

Mr. Tavano: It’s extremely close, if not right on it.

Board Member Bodor: Alright. Thank you.

Mr. Caruso: And if there’s any need to resolve any discrepancies in surveying, or we can discuss whether or not staking is appropriate to resolve that, but, it sounds like it’s just a – a minor area, right [to Mr. Tavano]?

Mr. Tavano: Yeah.

Chairman Olenius: Your argument that I read through – and I’m just re-reading some of the legal part – was that it was a... you consider it a rooming or boarding house as to the 1942 Code.

Mr. Caruso: Correct.

Chairman Olenius: And... what's your rebuttal to the fact that that's supposed to be the principal activity on the property?

Mr. Caruso: Well, it... we can establish that we believe that in the – [to Mr. Tavano] what was the approximate on the, uh...

Mr. Tavano: [19]55.

Mr. Caruso: [19]55. I think there's sufficient ambiguity in the Code to support that if... if the principal use should be a boarding house, um... look, I don't think there was anything in the Code that pointed to whether or not, um, it wouldn't allow multiple structures, um... yeah, there is – there is a bit of an ambiguity there. I can't give you a clear answer. There's not a good rebuttal to that, um... you know, if it was a temporary structure to facilitate the building of the main house – which, Rich Williams and I discussed, was most likely not the case – that would have explained it.

Chairman Olenius: Mm hmm.

Mr. Caruso: Um... and certainly, we are, you know – to be 100% honest – we are seizing on a bit of ambiguity in that definition, so... there's not a clear rebuttal to that.

[Rich Williams and John Moriarty conversing in audience; Inaudible – Too far from microphone.]

Mr. Caruso: The only thing that I could say that might enlighten it a little further is that, like many lake communities in the area – not necessarily Patterson – where you do have these boarding houses and incidental uses despite the outcropping, whether it was part of the main structure or a mother-daughter that developed, or, in this case, what we're saying is, conceivably, a separate boarding house, um... they're usually, and, customarily, incidental to the main use, um, there is some kind – there's sometimes a distinction and a... and a lack of clarity as to whether one is servient to another, because, the – the occupants on the property are only using that facility, um... not necessarily in service of that principal use on the property, but, for something else, like we had discussed. If there was a farming community – which Patterson is pretty rich with – um, those occupants would definitely be a servient use, and going elsewhere, but, just, you know, literally occupying the structure during the nighttime hours, uh, and mostly being [Inaudible – Audience member coughed.] during the day. That's... I mean, that's conceivable. We don't, I mean, we have no living proof as we site here tonight, of course.

Chairman Olenius: Yeah. Who were the prior owners to your purchase? Were they the original owners, or...?

Mr. Tavano: Um... I, I don't recall his name, but, from what I understand, he was basically flipping the house.

Chairman Olenius: Okay.

Mr. Tavano: So, while he was redoing the main structure, uh... the small structure had tenants in there, because, when, uh, I went to see it, he said the tenant didn't want to, you know, stay during the sale.

Chairman Olenius: I apologize. I'm just catching up a little bit on... I was more intent on the minutes prior to coming here than on some of the previous correspondence.

Mr. Caruso: We did – one of the issues that we did address with one of the board members, um, was whether it had ever been used as a garage, and I was just discussing with my client that the shape of this, uh, building really doesn't lend itself to that, um... even if you used very narrow vehicles, or you, you know, rotate the clock backwards to another era, there's just really not enough room to get a vehicle in there on either side. It's barely narrow enough for that, so... I think that construction of it is, is very tenuous. But, I know that was a question outstanding at the last meeting.

[Board Member Fox arrived and joined the Board.]

Chairman Olenius: [To Board Member Fox] How are you doing?

Board Member Fox: Hi.

Mr. Caruso: I guess if someone needs to... to fill some air...

[Laughter.]

Mr. Caruso: I can continue to do that.

Board Member Fox: Okay.

Mr. Caruso: Um, you know, again, I'll just reiterate. As we stand here today, we're not here to propound a non-conforming use, pre-existing, that hasn't been consistently used the same was as a – as an accessory building here for, you know, for rental, uh, purposes. If there were a lapse in it, you know, in that use – for 2 years, for 6 months – um, we wouldn't be standing here today with as much authority, um, as we're well aware of the fact that pre-existing, non-conforming uses are begrudgingly tolerate, uh... and if, and when, there comes a time, you know, that the use is discontinued for any length of time, um, you know, the successors-in-title, or – albeit, my clients, perhaps – might have a more difficult time continuing that use, but, um... tonight, we're still continuously... letted [sic], I will call it, and, uh, their continuing to derive income from that use, so... in that respect I would... I would reaffirm our... our request.

Chairman Olenius: [To Nancy Tagliafierro] And any interpretation we make tonight goes to successors-in-title, correct?

Nancy Tagliafierro: Yes.

Chairman Olenius: It doesn't [Inaudible – speaking away from microphone]...

Mr. Caruso: I mean, obviously, this is up for the Code Enforcement Officers, but, if the interpretation were to go in the way we are requesting it, it doesn't necessarily prevent

the Zoning Board or the Building Department or any municipal official from going out and saying that, you know, the successors-in-title aren't continuing to utilize the property in this manner, um... what's to stop another, uh... you know, a denial of a permit in the future, for an addition, perhaps, or, uh, for this use really stopping at some point, uh... So, in that respect, I would say, uh, it's not necessarily indefinite, but...

Chairman Olenius: And are to able to, um – going off in another direction here – you've only owned the property since 1990.

Mr. Tavano: Correct.

Chairman Olenius: So you... I'm certain that could probably provide some documentation to the fact that – rental receipts, whatever – that you've had a tenant in there...

Mr. Tavano: Mm hmm.

Chairman Olenius: For such time.

Mr. Tavano: Yes.

Chairman Olenius: My biggest problem is that, you know, from 1940 or 1950 to 1990, I don't have a lot of proof that that was the intent of the piece other than the... I got – I understand that you had signed affidavits from neighbors, but the fact that most of the minutes that I read reflect family members there, I'm not so convinced that there was actually rent received or... you know what I mean, that it was...

Mr. Caruso: Mm hmm.

Chairman Olenius: Used as a – a rental property.

Mr. Caruso: Yeah, and I... I think the standards laxed [sic] a little bit, um, in the law, actually – we might have cited in our memo. I can't recall as I'm standing as I'm standing here, um... but the contiguous, you know, the continuous proof of rentals back-to-back-to-back going back 50 years isn't really a standard that's applied anymore, because, frankly, most property owners don't have that evidence available, um... but, certainly that's a concern if you're, you know, having family members enjoy the benefit of that, rent-free, um, that defeats the purpose, but, like many other municipalities – for example, I was on a similar application in Putnam Valley, not that this has any relevance tonight, but, um, the only possible construction standard in that application, where there was a two-family house since the forties, was that the original builders had to support their family in the 40s and they needed that rental income. So, I would ask the board, respectfully – uh, respectfully – to deduce, um, from what we're given you and from the timing of the construction's that, uh, it would seem very much self-evident that that structure was used, and continues to be used, to augment the income of the parties who inhabited the principal dwelling, uh, and that... again, without proof of rents dating back 50 years, I still think that's a fair conclusion on the evidence.

Board Member Fox: I kind of missed, obviously, the first half, um... [Laughter] so, I apologize for that. So, if I'm going over something that somebody's already touched upon, I apologize, um... I was sort of wanting to touch upon what Lars was saying, was that I think that

and things like that, so there's... there's really not much room, if you will, if the danger is, "Can this be expanded? Could more people occupy this? Are we looking to enhance that use?" I think the answer to that is resoundingly no, um... I don't think there's any way, and I'm sure that Code Enforcement Officers and the Department of Health could tell us that, the same, uh... it's probably not feasible to expand this, uh, any more... to develop it any more.

Chairman Olenius: I agree with you there. I'm just – I'm really stuck on the pre-existing part. It's obviously non-conforming, but... I'm just not so sold on the whole rooming/boarding house portion of it. I know many homes in Putnam Lake – my wife's family included – they started as garages or whatever, where they resided until the formal structure, you know, was brought up, and, you know, in their cases, everything was adjoined to, you know, to make one structure, but... I know the stories. I've heard the stories about, you know, the family coming up, and there was no rental. There was no income. It was just a weekend getaway, you know...

Mr. Caruso: Yeah.

Chairman Olenius: They bought them from the "Daily Mirror" in the 50s, you know, or 40s when they...

Mr. Caruso: Yeah.

Chairman Olenius: Were for sale, and...

Mr. Caruso: I agree with you. It's not an easy construction to make with that definition, and we don't come in here tonight, you know, swinging for the fences, thinking that this was certainly a boarding house, um... but, with the dates of construction, the longevity, the consistency of the use, and with the ambiguity, unfortunately, uh, in the Code, to that effect, that's what, I think, bolsters our argument that the use should continue, uh, because we cannot conclusively, uh, with the definitions that we have and the facts that we have, put in one category or another – as a cabin, if you will, versus a boarding house of some kind, um...

Board Member Fox: What does that assessor card call it? Cottage, right? That's what the assessor card says, or something...?

Mr. Caruso: That's correct. It's a cottage on the card. And it calls the, uh, main house a bungalow.

Board Member Fox: Cottage is the right word.

Chairman Olenius: And what year was that from?

Board Member Fox: The assessor card?

Chairman Olenius: Yeah. Is that the...

Board Member Fox: '60...

Chairman Olenius: [Inaudible – Too many speaking at once.]

Nancy Tagliafierro: '92, I think it says.

Board Member Fox: Yeah. '92. This sheet says '92.

Mr. Caruso: [To Mr. Tavano] Which man was here last time? Was it Sullivan, or...?

Mr. Tavano: [To Mr. Caruso] Sullivan.

Mr. Caruso: Sullivan. Okay.

Mrs. Tavano: [To Mr. Tavano] And he's had his for...?

Mr. Tavano: Yeah. He's the one that's been up here since the '50s.

Mr. Caruso: Okay, yeah. Members of the Board, just for your own – I'm sure you recall – the neighbor who spoke at the last meeting was the... the affiant, uh, Mr. Sullivan, who had attested to the, um... the renting of the... the cottage, we'll call it, since about '55... and he's still there...

Mr. Tavano: Yep.

Nancy Tagliafierro: It's on Page 11 of the minutes. His testimony.

Board Member Fox: Thank you. I've been looking for it. [Laughter] Can you tell? Page 11.

Mr. Caruso: Hopefully we're... we're resolving questions, not creating more confusion for you.

Board Member Fox: No... I got through them, I just couldn't remember where I put some of them. [To Rich Williams] Rich, is there a definition of what that cabin is considered in 1955... the definition of a cabin in the 1955 Code?

Rich Williams: Honestly, I've... I would have to go look. I don't know. I mean, I can – if it's an issue – I can go look it up easy enough.

Board Member Fox: Well, I'm just wondering because it says that, specifically, that's not an allowed accessory use. I believe that's what the Code says.

Rich Williams: A cabin?

Board Member Fox: A cabin.

Rich Williams: I... sitting here right now, I don't recall.

Board Member Fox: Right. Okay.

Nancy Tagliafierro: I think it says...

Rich Williams: But, I do have the Code Sheet in my office...

Nancy Tagliafierro: A cabin for rental income is prohibited. Is that right...?

Rich Williams: What?

Nancy Tagliafierro: That a cabin that you rent out is prohibited in the 1940...?

Rich Williams: Yeah, I thought so, you know...

Nancy Tagliafierro: Yeah, I think that's what it says.

Rich Williams: Would you like me to go get a copy of the Code?

Board Member Fox: Sure. That would be good.

Mr. Caruso: Well, it's certainly not in the '40 Code – I'm sorry, I was looking at...

Board Member Fox: Right.

Mr. Caruso: The '60 Code, my mistake. Um...

Board Member Fox: Oh, in 1942. Oh, sorry, sorry, sorry, sorry... okay... there is no 1940 Code. No, 1942 Code. Article 5(B)(1)(k)... or V(B)(1)(k)... 5(B)(1)(k).

Nancy Tagliafierro: Article 5(B)... shall not include tourist cabins, that's what I was thinking of...

Board Member Fox: I'd like to know if...

Nancy Tagliafierro: Or any other activity commonly conducted for gain.

Board Member Fox: For gain, right. I don't know what the definition of a tourist cabin is. That's, you know, such old language.

Nancy Tagliafierro: Or other activities for gain, though.

Board Member Fox: Right... but, at the, uh.... time, right, was it for gain, or was it for grandma?

Rich Williams: I do not see a definition of cabin within the 1942 Code...

Board Member Fox: Okay.

Rich Williams: And there is nothing alluding to the use of a cabin in the B-Zoning District, which would have been the Putnam Lake Zoning District in 1942.

Board Member Fox: Okay.

Rich Williams: Did that answer your question? I – I have it here if you'd like to...

Board Member Fox: No, no...

Rich Williams: Look at it.

Board Member Carinha: Yeah.

Board Member Fox: I mean, I have the... the segment that says what it says, but, you know, again, the definition of what it could be is... open to interpretation.

Mr. Caruso: Yeah, it's not in the '60 Code, as far as I can see.

Rich Williams: The definition of a cabin?

Mr. Caruso: Yeah. I don't see it in the '60 Code either.

Rich Williams: Alright.

Mr. Caruso: I'll look if there was [Inaudible – Papers shuffling.]... unless I'm missing it, I don't – I don't see it anywhere in '60.

Board Member Fox: Okay.

Chairman Olenius: Does anybody in the audience have any comment on this case, before I forget? I'm hearing none. I... I wish you could – I there was more you could me. More proof that, you know... it's unfortunate that you've only owned the property since, 1990, you know, and when we're trying to go back to something, you know, pre-existing, non-conforming... obviously, we keep talking about the fifties and everything, and I... I'm just... and I'm not forcing my [Inaudible – Turned away from the microphone] on the board. Sorry. But, it is an Interpretation that you're requesting, and the two sections of the Code that we're referring to, I'm... I'll make a motion to, uh, close the public hearing.

Board Member Burdick: Second.

Chairman Olenius: All in favor?

Motion passed by a vote of 5 – 0.

Chairman Olenius read the following resolution.

**IN THE MATTER OF THE APPLICATION OF
Stephen Tavano, Case #19-14
For an Interpretation on an Appeal of a Determination by the Code Enforcement Officer**

WHEREAS, Stephen Tavano is the owner of real property located at 17 Wesley Rd (RPL-10 Zoning District), also identified as **Tax Map Parcel #36.57-1-19, and**

WHEREAS, Stephen Tavano has made an application to the Patterson Zoning Board of Appeals for an interpretation on an appeal of a decision of the Codes Enforcement Officer pertaining to **§154-10** of the Patterson Town Code: Separate lot for each building, and **§154-52** of the Patterson Town Code: Continuance of existing uses, and

WHEREAS, the Applicant is seeking a determination that the existing accessory building on the property is recognized as a legal pre-existing, non-conforming use as a rooming or boarding house in a single-family, residential zoning district, and

WHEREAS, §154-10 of the Patterson Town Code; Separate lot for each building, states that every building hereafter erected shall be located on a lot as herein defined, and there shall not be more than one main building and its accessory buildings on one lot except for multifamily buildings in the Multifamily Overlay Zone and nonresidential buildings, and

WHEREAS, §154-52 of the Patterson Town Code; Continuance of existing uses, states that any use of land or buildings thereon, which was substantial and lawfully existing immediately prior to the effective date of this chapter or of any pertinent amendment thereto, may be continued, and any building so existing which was designed, arranged, intended for or devoted to a nonconforming use may be structurally altered and the nonconforming use changed, and

WHEREAS, the interpretation of an existing zoning regulation constitutes a Type II action under 6 NYCRR Part 617, and therefore, requires no further review under the State Environmental Quality Review Act (SEQRA), and

WHEREAS, a public hearing was held on the Application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on **December 16, 2014, January 21, 2015, and February 18, 2015, and a site walk was conducted on February 5, 2015,** to consider the application;

NOW, THEREFORE BE IT RESOLVED, The Patterson Zoning Board of Appeals has given careful consideration to the facts presented in the application and at the public hearing and finds that the use of the accessory building on the property as a rooming or boarding house **is not** in conformity with §154-10 and §154-52 of the Patterson Town Code, because

1. it's not physically possible to have a separate lot for each building due to the size of the overall lot in the RPL-10 Zoning District, and
2. there is no detailed proof that the existing accessory building has been continually used as a rooming or boarding house since its inception in the 1950s.

The Secretary: Board Member Bodor...

Board Member Bodor: You need a second first...

The Secretary: I'm sorry...

Board Member Bodor: [Laughter] Second – I'll second.

The Secretary: Okay.

[Laughter]

Board Member Bodor	-	Yes
Board Member Burdick	-	Yes
Board Member Carinha	-	No
Board Member Fox	-	Yes
Chairman Olenius	-	Yes

VOTE: *Resolution carried by a vote of 4 to 1.*

Chairman Olenius: Sorry...

Mr. Caruso: Okay.

Chairman Olenius: I just don't see the burden of proof there, I...

Mr. Caruso: It's, uh...

Chairman Olenius: That's really what I'm basing my decision on...

Mr. Caruso: You know, it's difficult on these cases because the proof doesn't exist in most often – you know, in most cases. The... the property changes hands many times over decades, the leases are gone, um... the construction records are gone. Most of the building files are incomplete, um, so, it's... it's really a tough area. I know were' asking you to take a leap of faith, um, but, I don't think it's that big of a leap based one, you know, the size configuration of the building, um, and really what the incidental uses have been historically, so, um... you know, sometimes those, those levels of proof that you're seeking just... just aren't available, and I wish we had them.

Chairman Olenius: It was just a little too much of a leap for me, and...

Mr. Caruso: Okay.

Chairman Olenius: You presented a good case. I just...

Mr. Caruso: Okay. Well, thank you for your consideration.

Chairman Olenius: Thank you.

Mr. Caruso: Alright.

[Inaudible – Discussion amongst audience members.]

Chairman Olenius: [To the Secretary] Go ahead.

3) Scott & Jean Heller Case #23-14

Two people were present to represent the application.

The Secretary read the following:

Stephen Tavano Case #23-14 – Area Variance: Held over from the December 16, 2014 and January 21, 2015 meetings

Board Member Fox: I'm sorry. Just to ask – Ruisi got held over?

Chairman Olenius: Yes...

Board Member Carinha: Yep.

Chairman Olenius: I'm sorry. Yes, one more. Good evening, Mr. Heller.

Mr. Heller: Good evening.

Chairman Olenius: Could you just state your name one more time for the record?

Mr. Heller: Yes, uh, my name is Scott Heller.

Chairman Olenius: You – and your address, too, just so...

Mr. Heller: Uh, 433 Mooney Hill Road, Patterson, New York is my address.

Chairman Olenius: Thank you very much. So, we had the opportunity to go...

Mr. Heller: You are a hearty group, indeed.

[Laughter.]

Chairman Olenius: Tour your property...

Board Member Fox: We did.

Mr. Heller: Um, I...

Chairman Olenius: We probably picked the wrong day for it, but...

[Laughter.]

Mr. Heller: I – I had said that to my wife. I said, "What makes them think it's going to be any better the following week."

Chairman Olenius: Yeah.

Mr. Heller: And I was right.

Chairman Olenius: You were.

Mr. Heller: It had snowed and it was cold, but, um... regardless of how this turns out, I have to say I was quite impressed.

[Laughter.]

Board Member Bodor: Well, I'm sorry I didn't make it, but I didn't – couldn't figure out how I was going to trudge through the 2 feet of snow and see anything different, so... [laughter]

Chairman Olenius: So, now I have to go back because I'm, um... you were looking to legalize your existing 12' high fence and construct an addition...

Mr. Heller: Exactly...

Chairman Olenius: To it.

Mr. Heller: Exactly. So, I was looking for the variance for existing, and then to extend that, um, to add additional privacy to mitigate some of the privacy I've lost from the adjacent structure, um... and, I believe, uh, Jean [Heller]... Jean said that – that someone had asked on the Board, um, how far that would go. So, I know that – and here it says an additional eighty-two feet. I would extend behind the – that pachysandra. So, you saw the deer fence, that black deer fence. It would – it would now extend from the existing cedar twelve-foot fence to that deer fence. I'd still retain the, uh, pachysandra, but I'd, obviously, cut a swath out of that. I'd have to remove some trees, and then we would put in that, uh, cedar fence there, so...

Chairman Olenius: When you say pachysandra do you mean...

Mr. Heller: I meant...

Board Member Fox: Forsythia.

Board Member Burdick: Forsythia.

Chairman Olenius: Forsythia.

Mr. Heller: I meant forsythia.

Board Member Burdick: Forsythia. Okay.

Chairman Olenius: Okay.

Mr. Heller: Good catch...

Chairman Olenius: I was just clarifying.

Mr. Heller: Good catch...

Board Member Burdick: Okay.

Mr. Heller: It's very aggressive pachysandra...

Chairman Olenius: The snow was a little deep for pachysandra...

[Laughter].

Chairman Olenius: So, your existing fence is how long? Do you know off the top of your head exactly?

Board Member Fox: 74 ½ feet.

Board Member Bodor: [Inaudible – Speaking away from microphone.]

Chairman Olenius: Okay...

Board Member Fox: That [Inaudible – Too many speaking.]...

Chairman Olenius: So, now we're looking – we're basically doubling the size of what it is?

Mr. Heller: Essentially, yes.

Chairman Olenius: Okay, because that was some confusion on the site walk...

Board Member Fox: Yeah, because we were thinking it was more...

Chairman Olenius: We – for whatever reason – we were thinking that you were...

Board Member Fox: Tripling, almost...

Chairman Olenius: Tripling it. I don't know where that number came from.

Mr. Heller: I'm glad you thought that. No, no...

Chairman Olenius: Okay.

Board Member Carinha: Okay.

Mr. Heller: It's – it's just simply doubling it.

Board Member Fox: I think it came from the 74 [ft] plus 156 [ft]...

Board Member Burdick: Mm hmm.

Board Member Fox: Not 74 [ft] minus...

Board Member Carinha: I think we thought it was going down – back to the apple tree, right.

Board Member Burdick: Mm hmm.

Board Member Fox: Right.

Board Member Carinha: Yeah.

Board Member Fox: Which it's not.

Chairman Olenius: That's what...

Mr. Heller: No, no...

Chairman Olenius: That's we thought.

Board Member Carinha: Yeah.

Chairman Olenius: We thought it was 74 [ft] plus the 156 [ft].

Board Member Carinha: Yeah.

Board Member Fox: But it's 74 [ft]...

Mr. Heller: No, no...

Board Member Fox: It's 156 [ft] total.

Mr. Heller: What I was trying to say was the total length...

Board Member Bodor: The total length. 156 [ft].

Mr. Heller: For the fence would be 156 [ft], so it's...

Chairman Olenius: Basically doubling the size.

Mr. Heller: Basically, the sum of 74[.]6 [ft] and 82 [ft].

Chairman Olenius: Okay.

Board Member Carinha: Okay.

Board Member Burdick: And there's a section closest to the road that's not as tall. Is that going to be...

Mr. Heller: No, that...

Board Member Burdick: Increased?

Mr. Heller: That will not be touched.

Board Member Burdick: Okay.

Mr. Heller: Um... I had extended that previously when we lost a lot of trees in Hurricane Sandy. We also took some out for safety concerns after the storm. I lost a lot of privacy, but on the other hand, um, I gained a measure security, right. There's a little concern that, uh, the amount of power in these storms pull up perfectly healthy trees and... and put the kibosh on homes, you know.

Chairman Olenius: Yeah, that... that was... that tripling part was...

Board Member Carinha: Yeah.

Chairman Olenius: The big thing that I was sticking on. But, then again as we were marching, we didn't necessarily have all our papers held out like this...

[Laughter.]

Chairman Olenius: We were just... trying to remember what we could as we trudged through... The – I think is this probably self-explanatory, but – the additional fence that you're requesting would be of the same style...

Mr. Heller: Yeah.

Chairman Olenius: And construction as...

Mr. Heller: Yes.

Chairman Olenius: What is currently there? We're not...

Mr. Heller: Correct.

Chairman Olenius: Changing anything dramatically?

Mr. Heller: No.

Chairman Olenius: We're just going to continue the, uh...?

Mr. Heller: It would... it would blend in with the existing, other than the natural aging...

Chairman Olenius: Right.

Mr. Heller: You know.

Chairman Olenius: How old is the original?

Mr. Heller: Um... it's a good question, and I... I think it dates back to the original, uh, stand that I did about 2004...

Chairman Olenius: Okay.

Mr. Heller: Okay... I brought in, uh, the... the neighbor at that time. They moved out in 2007, so, I think it was 2004, 2005 – it's over 10 years.

Chairman Olenius: Okay.

Mr. Heller: Um, and then, you know, that was just to kind of give the, uh, that portion of the pool privacy when they had put up a deck... the previous owner – illegally, I might add – they put up the deck, and, um... but, uh... and, and then we extended that out to the read. But, that's a six-foot level, um... uh, you know, after we lost some of the trees, so, um... so... so the – but the original 12 ft piece that I'm asking for the variance on – or, excuse me, 12 ft-high piece – was circa 2004. It's in excess of 9 years.

Chairman Olenius: I only ask because it was in remarkably good condition for... to be 10-years-old already...

Mr. Heller: Yeah, yeah...

Chairman Olenius: I don't know, I thought...

Mr. Heller: It's held up pretty well.

Board Member Fox: I do have one, question, too, um...

Mr. Heller: Sure.

Board Member Fox: On our previous site visit, that didn't have to do with this... this application, you had mentioned that you had taken measures for landscaping, uh, putting in some aggressively-growing shrubbery and things like that, um... you don't feel that that's going to be sufficient enough privacy?

Mr. Heller: It will over time – even aggressive-growing stuff, you saw that's where I put in stand of a, uh, it's kind of a Japanese Willow – but it... it's still going to take a number of years so, in order to, you know... I've already lost the summer, um... if I put things in, maybe three years, uh, you know, um, I... I would start to get some benefit, you know, um... I did look at bringing trees up from Pennsylvania, but, this – these are substantial costs, you know. The fence, quite frankly, is going to be substantial, um, you know, I'm estimating that's going to be probably \$4,000 – something in that range. To bring in trees and then to try to get them in with heavy equipment, if you're talking, you know, 10 feet, 12 feet, I priced them out, um, at Petersen's [Patterson Greenhouses], I priced them out at a couple other greenhouses. I've worked with some people down in Pennsylvania where you can get the trees relatively inexpensive, but, then the shipping and then the heavy equipment to put them in... to put in mature trees is not cheap, um... and then, you know, the – they type of conifers and things that you normally put in, it's... it's slow grow, it's...

Board Member Bodor: Mm hmm.

Mr. Heller: You know, a foot... maybe 2 feet a year, uh, it depends on... so, I'm trying to figure out, you know, what's going to... what is going to afford me privacy in a

minimum amount of time, and... and also keep the cost reasonable. So, at the same time, you know, I will be putting in some trees, but, it's going to be years, really, before you get that...

Board Member Fox: Right.

Mr. Heller: That privacy back, so...

Chairman Olenius: Anybody in the audience have any comment on this case? I'm hearing none. I know you do, Mr. Caruso, but, um, the applicants don't... I will tell you that I'm somewhat relieved to hear that it's only going to the end of the forsythia.

Mr. Heller: Well, you... rather than the pachysandra...

Board Member Fox: Oh, no...

[Laughter.]

Chairman Olenius: Well, no, rather than...

Board Member Fox: Rather than the apple tree...

Board Member Burdick: Rather than the apple tree.

Chairman Olenius: Rather than another 150 feet...

Mr. Heller: No, no... there's actually – there's a deer fence. I don't know if you recall that.

Chairman Olenius: You did...

Mr. Heller: I don't even know...

Chairman Olenius: It was kind of half-buried at that point, and...

[Laughter.]

Mr. Heller: Ah, yeah...

Chairman Olenius: Yes, I do remember, but, that was, like, kind of like that kind of very open area, you know. You're basically....

Mr. Heller: And I want to – I want to retain that. I kind of like that – that open field kind of look...

Chairman Olenius: Mm hmm.

Mr. Heller: But, I like that area of the backyard, and you saw the pool – the work we've done around the pool, and the backyard – to be my private area.

Chairman Olenius: Right.

Mr. Heller: I don't have any privacy in the front yard anymore, you know. I only have that small area in the backyard. That's my pool and my deck and my patio and those things, and there's an expectation that people up here have that you have some privacy in your backyard, and I lost that, and, quite frankly, um, you, I'm, you know, uh... uh, how should I put this... uh, not pleased would be the way that I put it, and... and really it's – I have to bear the price of doing this, but, on the other hand, I think it's worth it to retain some of that, and I also think that it, uh, it diminishes the value of the property, because there's an expectation of people who come and live up here and have to shovel these driveways and walkways and live up here that you have what – you have a couple of acres, you've got some... at least some privacy, you know, and, uh... so, this is my attempt to... to retain.

Board Member Carinha: Anyone have anything else?

Board Member Fox: I don't think so.

Chairman Olenius: No.

Board Member Fox: No.

Chairman Olenius: I'll make a motion to close the public hearing.

Board Member Burdick: Second.

Chairman Olenius: All in favor?

Motion passed by a vote of 5 – 0.

Chairman Olenius: Okay.

Chairman Olenius read the following resolution.

**IN THE MATTER OF THE APPLICATION OF
*Scott & Jean Heller, Case #23-14***

For an Area Variance for an Existing 12 ft. High Fence

WHEREAS, *Scott & Jean Heller* are the owners of real property located at 433 Mooney Hill Road (R-4 Zoning District), also identified as **Tax Map Parcel #13.-1-40, and**

WHEREAS, *Scott & Jean Heller* have made an application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-15 of the Patterson Town Code; Fences, stone walls, and masonry walls, in order to legalize an existing 12 ft. high fence on the property, and

WHEREAS, §154-15 of the Patterson Town Code states that fences shall not be more than 6 ft. in height measured from ground level to the highest point of any portion of the fence; Applicant's fence is 12 ft. in height; *Variance requested is for 6 ft. in height,* and

WHEREAS, the current length of the fence is 74.5 ft.; Applicant would like to extend

the fence an additional 82 ft.; *Total length of the 12 ft. high fence will be 156.5 ft.*, and

WHEREAS, the proposed action constitutes a Type II action under 6 NYCRR Part 617, and therefore requires no further review under the State Environmental Quality Review Act (SEQRA), and

WHEREAS, a public hearing was held on the Application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on *December 16, 2014, January 21, 2015, and February 18, 2015, and a site walk was conducted on February 3, 2015*, to consider the application; and

WHEREAS, The Patterson Zoning Board of Appeals has given careful consideration to the facts presented in the application and at the public hearings and finds that:

1. the proposed application *will not* produce an undesirable change in the character of the neighborhood *due to the neighborhood's topography and the fact that there is some existing natural growth in the area to be extended to*.
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *due to the topography, again, and his need to try to achieve more privacy*.
3. the variance requested *is* substantial, *however, not so much as to cause a denial of the requested variance*.
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because there will be very little ground disruption, and it is going through an already partially-wooded or hedge-rowed area*.
5. the alleged difficulty necessitating the variance *was self-created*, but *is not sufficient* so as to cause a denial of the requested variance.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby *grants* the application of *Scott & Jean Heller* for *an area variance* pursuant to §154-15 of the Patterson Town Code; Fences, stone walls, and masonry walls *of 6 ft. in height from the 6 ft. allowed*, in order to allow the existing 12 ft. tall fence to remain, and

BE IT FURTHER RESOLVED, that the 12 ft. high portion of the fence may not exceed 156.5 ft. in total length when complete.

Board Member Burdick: Second.

Board Member Bodor: Second.

Board Member Bodor	-	Yes
Board Member Burdick	-	Yes
Board Member Carinha	-	Yes
Board Member Fox	-	Yes
Chairman Olenius	-	Yes

VOTE: Resolution carried by a vote of 5 to 0.

Mr. Heller: I thank the board, and I thank you for your diligence, and I thank you for your hardiness. Just as a note, a utility meter-reader came in yesterday, drove halfway down the driveway, looked at the snow, and drove right back out...

[Laughter.]

Mr. Heller: So, you're a lot harder than him...

[Laughter.]

Mrs. Heller: We were very impressed.

Chairman Olenius: I appreciate that, because in a previous life I was a meter-reader, and I did trudge through the snow.

[Laughter.]

Mr. Heller: Not this one. Have a good night.

Board Member Burdick: Goodnight.

Chairman Olenius: Thanks. Take care. Okay. [To the Secretary] Go ahead.

4) John Moriarty Case #01-15

The Secretary read the following:

John Moriarty – Case #01-15: Special Use Permit and Area Variances

Chairman Olenius: Hi, Mr. Moriarty. How are you?

Mr. Moriarty: Good evening.

Chairman Olenius: You know that we can't officially open your case tonight...

Mr. Moriarty: Yes, I do. Richie [Williams] informed me, uh... I wasn't aware of it, you know... um, I guess your Building Inspector wasn't aware of it either, because I requested more time on that to get this, you know, out of the way and then we would handle that, uh, and had he told me that at that point then I would have... would have pursued it...

Chairman Olenius: Okay...

Mr. Moriarty: Until I had that done.

Chairman Olenius: Unfortunately, our Building Inspector isn't privy to counsel like we are, you know, at a moment's notice.

Mr. Moriarty: Sure.

Chairman Olenius: Um, we figured we'd give you the opportunity, though, maybe to explain your case a little bit to us, and hopefully maybe we can get a... a walk out there prior to the next meeting...

Mr. Moriarty: Okay.

Chairman Olenius: You know, if it's alright with you, and that way maybe we can get some resolution next month right away. We'll have seen it, we'll have an idea what you're talking about, and...

Mr. Moriarty: Sure.

Chairman Olenius: Settle itself. So, tell us a little bit about your predicament.

Mr. Moriarty: Well, I'm trying to – as you can see – I'm trying to legalize it. I've been in business there for quite a few years, uh... I've been on Route 22 in Patterson, uh, for 30, 35 years... and, uh, I sold the... the property that I was on where I had the business originally, and, uh, um... that was probably 10 years ago, I guess. I probably sold it 8 years ago. I had been operating out of that, uh, office trailer...

Board Member Bodor: What...?

Mr. Moriarty: And I'm just trying to get everything to legalize...

Board Member Bodor: Excuse me. Which business is yours? There's several businesses....

Mr. Moriarty: Yeah.

Board Member Bodor: There's the cycle shop, there's used autos...

Mr. Moriarty: I'm...

Board Member Bodor: And I know Herman, but...

Mr. Moriarty: Yeah.

Board Member Bodor: Which one is yours?

Mr. Moriarty: Used auto.

Board Member Bodor: The used auto?

Mr. Moriarty: Yeah, yeah...

Board Member Bodor: Okay.

Board Member Carinha: Now, is that part of where the little garage was where they sold like the, uh, the offshoot brands of...?

Mr. Moriarty: That's where I was originally.

Board Member Carinha: Okay.

Mr. Moriarty: Right. I own the property adjacent to that...

Board Member Carinha: Okay.

Mr. Moriarty: South of that.

Board Member Carinha: And the house is kind of behind it, correct?

Mr. Moriarty: Yes, correct.

Board Member Carinha: Alright.

Mr. Moriarty: Yeah.

Board Member Bodor: Oh, you own the house, too...?

Mr. Moriarty: I don't own the – I don't where the... I don't own the little building out front or the house behind it. I sold that. I own the house just, uh, south of it...

Board Member Bodor: Okay.

Mr. Moriarty: Adjacent property.

Board Member Bodor: Alright, I... the one I'm familiar with is the one set back and there's an accessory apartment in there.

Mr. Moriarty: Yeah, that's... that's not mine.

Board Member Bodor: That's not yours?

Mr. Moriarty: Yeah.

Board Member Bodor: Okay.

Mr. Moriarty: I'm at 2233, that's 2237.

Board Member Bodor: Alright. I don't know the numbers.

[Laughter.]

Mr. Moriarty: Alright, yeah.

Chairman Olenius: Did you do a subdivision at some point in the time on the property or was it always separate parcels?

Mr. Moriarty: It was all separate.

Chairman Olenius: It was always separate.

Mr. Moriarty: Yeah. Yep.

Chairman Olenius: Okay.

Board Member Fox: And, so, the... the survey that, um, you submitted, that's from 2004. That says "Other Lands". That's not your lands anymore.

Mr. Moriarty: No.

Board Member Fox: Am I correct.

Mr. Moriarty: No.

Board Member Fox: Okay. You've... since sold.

Mr. Moriarty: I have – I have the survey of the 2 lots together if you'd like to look at them. Give you a better idea. Would you care to see it?

Board Member Fox: [Inaudible – Papers shuffling.]

Chairman Olenius: I'd love to take a peek...

Mr. Moriarty: Yeah.

Board Member Fox: Sure.

Chairman Olenius: So, I can have an idea when we go out there and take a stroll...

Board Member Fox: [Inaudible – Papers shuffling.]

Chairman Olenius: Yeah.

Mr. Moriarty: And I've also located on there where the office trailer is right here. This is my parcel.

Board Member Fox: Okay.

Chairman Olenius: Okay. And this is the one you sold off here.

Mr. Moriarty: Yeah.

Chairman Olenius: Okay.

Mr. Moriarty: This is my parcel here, and that's what I sold off.

Chairman Olenius: Okay. I'm just going to drag it both ways.

Board Member Fox: That's good.

Board Member Carinha: Yeah.

Chairman Olenius: Okay.

Board Member Bodor: I'm going to have to take a good look at this, because it's...

Chairman Olenius: Can we make a copy of something this size, Rich, or no?

Rich Williams: No. We'd have to take something that size down to AVP [Business Products / Patterson, NY].

Chairman Olenius: Okay.

Mr. Moriarty: I can do that. I can make, uh, 7 copies if you'd like of that.

Rich Williams: Yeah, that would be good, because the board is now reviewing something that we're not going to have a copy for, so...

Mr. Moriarty: Right. Sure.

Rich Williams: It's not going to be part of the record.

Mr. Moriarty: Okay.

Rich Williams: So, trying to base your decision on something...

Board Member Fox: [Inaudible – Speaking away from microphone.]

Rich Williams: You know, you give back...

Chairman Olenius: I've – I'm assuming that most of these questions are going to be asked when I actually have – we have – a formal public hearing, right. This was just kind of an information... it's not...

Rich Williams: Yeah.

Chairman Olenius: Session...

Rich Williams: Yeah.

Chairman Olenius: Is all I'm using this for...

Rich Williams: Mm hmm.

Chairman Olenius: Right now, so...

Rich Williams: Absolutely.

Chairman Olenius: Yeah.

Rich Williams: I'm just saying...

Board Member Carinha: [Inaudible – Too many speaking at once.]

Board Member Fox: [Inaudible – Too many speaking at once.]

Rich Williams: You know, we do need copies of that.

Chairman Olenius: Yeah.

Rich Williams: Okay.

Board Member Fox: And that's the one he sold?

Board Member Carinha: Yeah.

Board Member Fox: That's – that's the...

Board Member Carinha: That's the auto...

Board Member Fox: Motorcycle part.

Board Member Carinha: Yep. Not Herman's [Performance / Brewster, NY]. The other little place that we were talking about.

Chairman Olenius: Right.

Board Member Carinha: It's like a 2-bay garage there.

Mr. Moriarty: Yeah, it's a little 2-bay garage, uh...

Board Member Carinha: Yeah.

Mr. Moriarty: Herman would be south of – uh, north of that...

Board Member Carinha: Yep.

Board Member Fox: I guess we'll see it when we go out there...

Board Member Carinha: Yeah.

Board Member Fox: But, where do you house the cars... on...?

Mr. Moriarty: Right now?

Board Member Fox: Yeah...

Mr. Moriarty: I have 1 car, uh, in the driveway right up against [Route] 22, uh... that's all I have there as... for-sale cars that... you know, a display car I have with a "For Sale" sign on it because, uh, that's legal. But, I can't have any more until I get this. My other cars are on Route 22 in... in Brewster and Pawling and Patterson. I put cars here and there.

Board Member Fox: Okay.

Mr. Moriarty: I don't have a formal lot.

Chairman Olenius: I'll give this back. Thank you very much.

Mr. Moriarty: Sure.

Chairman Olenius: So our next meeting is March 18th, right? That's not the one that was moved? It was April that was moved...?

Board Member Bodor: Mm hmm.

The Secretary: Right.

Chairman Olenius: Right.

Board Member Bodor: Yeah.

The Secretary: Yep.

Chairman Olenius: Um... are you available to meet us out at the property...?

Mr. Moriarty: Yes.

Chairman Olenius: At some point...?

Mr. Moriarty: Absolutely. Yeah.

Chairman Olenius: Just to, um... we'll set a date. Well, actually, we usually give the secretary two dates, you know. Once we've combined our calendars, and she'll...

Mr. Moriarty: Sure.

Chairman Olenius: Reach out to you.

Mr. Moriarty: Okay.

Chairman Olenius: Is the evenings alright for you?

Mr. Moriarty: Yeah. Anytime's good.

Chairman Olenius: I mean, it's usually like around 5:15...

Mr. Moriarty: This is...

Chairman Olenius: Something like that [Inaudible – Too many speaking.]...

Mr. Moriarty: This is very important to me, so I'll be there when...

Chairman Olenius: Okay.

Mr. Moriarty: Whenever you want me to be there.

Chairman Olenius: Okay. We – we usually give 2 dates anyway, just in case...

Mr. Moriarty: Okay.

Chairman Olenius: We get a blizzard, snowstorm, or whatever so we have a...

Mr. Moriarty: Yeah, we've been having those, yeah.

[Laughter.]

Chairman Olenius: Back-up place, you know, because it takes a while for the 5 of us to get our...

Mr. Moriarty: I hear you.

Chairman Olenius: You know, what days are good and everything, but... I appreciate you staying tonight and listening to the rest of the rhetoric and giving us a little explanation, so...

Mr. Moriarty: It's okay.

Chairman Olenius: We'll officially open it for you next...

Mr. Moriarty: Alright.

Chairman Olenius: Next month.

Nancy Tagliafierro: Assuming that he's got the accessory apartment in order. He has to get a...

Mr. Moriarty: Well, I'll have the application at the same time.

Nancy Tagliafierro: A special permit for that.

Chairman Olenius: Okay.

Nancy Tagliaferro: Yeah.

Mr. Moriarty: Is that correct?

Chairman Olenius: Yes.

Mr. Moriarty: Yeah, yeah.

Chairman Olenius: That's the – that was lacking.

Mr. Moriarty: I have every – I have everything done, pretty much, done... uh, I need paper from the Building Inspector and... and, uh, hand it in to the, uh, Board of Health, uh, and, uh... fill out the application.

Chairman Olenius: Okay.

Mr. Moriarty: I should be good.

Chairman Olenius: Perfect then. We'll have the site walk out of the way already, and...

Mr. Moriarty: Great.

Chairman Olenius: Hopefully, you know...

Mr. Moriarty: Sounds great.

Chairman Olenius: Get everything ready. We'll be ready for you.

Mr. Moriarty: Very good. Thank you.

Chairman Olenius: Alright. Thank you.

Board Member Fox: Thank you.

Mr. Moriarty: Goodnight.

Chairman Olenius: You, too.

[Inaudible – Rich Williams and John Moriarty conversing in audience.]

Chairman Olenius: This is a site walk....

[Inaudible – Rich Williams and John Moriarty continue conversing in audience.]

Chairman Olenius: [Inaudible – Papers shuffling.]

[Inaudible – Rich Williams and John Moriarty continue conversing in audience.]

Chairman Olenius: I've got too many things here...

Board Member Fox: Is today the 18th?

Board Member Carinha: Yes.

Mr. Moriarty: Goodnight and thank you.

Chairman Olenius: Goodnight.

Board Member Carinha: Goodnight.

Board Member Bodor: Goodnight.

Board Member Fox: Goodnight.

Chairman Olenius: Thanks.

4) Other Business

A) Minutes

Chairman Olenius: The minutes I don't have a lot of input on because I wasn't here.

Board Member Bodor: Oh, you weren't?

Chairman Olenius: I did read them all, but...

[Laughter.]

Chairman Olenius: Actually, I'm lying. There was one thing in the minutes that I saw, and I'm just – it's – I'm really just asking to clarify. The meeting that was moved...one of the things I got said Thursday, April 23rd and one said the 24th, and I never actually opened my calendar to see...

Board Member Bodor: Oh, that's for the one that was back and forth?

The Secretary: Yes.

Chairman Olenius: So, it's... we're talking about April?

The Secretary: Mm hmm.

Chairman Olenius: And it is, in fact, Thursday the 23rd?

The Secretary: Thursday's the 23rd.

Chairman Olenius: Is that correct?

The Secretary: Uh... yes.

Chairman Olenius: The 23rd is a Thursday?

The Secretary: It's the 23rd. Yep.

Chairman Olenius: I just want to make sure.

The Secretary: Yep.

Chairman Olenius: Okay... something in the minutes, I think, said the 24th, and that's where I got confused.

The Secretary: Okay.

Chairman Olenius: Oh, it's right here. It's actually on the cover of it. It said Thursday, April 24th just on the cover of the minutes. That's what...

The Secretary: Okay.

Chairman Olenius: So that's what...

The Secretary: Just on that, but not...

Chairman Olenius: I first looked at, and I...

The Secretary: Okay. I'll just make sure that it's not in here.

Board Member Carinha: That's on the 23rd, right.

The Secretary: Yep.

Chairman Olenius: I don't know if somebody wants to make a motion on the minutes from...

Board Member Bodor: I'll make a motion...

Chairman Olenius: January.

Board Member Bodor: To accept the minutes for January.

Board Member Burdick: Second.

Board Member Bodor: All in favor?

Chairman Olenius: All in favor?

Motion passed by a vote of 5 – 0.

B) Scheduling a Site Walk

Chairman Olenius: Okay [inaudible – papers shuffling]... okay. So, what are we looking at? Dates prior to...

Board Member Carinha: March 18th, right.

Chairman Olenius: Prior to March 18th. The week before looks good for me – the ninth through the thirteenth. I don't know if that's good for anybody else, but... the closer we get, the daylight will be a long – a little longer...

Board Member Bodor: Mm hmm.

Chairman Olenius: And hopefully the snow will be a little shallower...

Board Member Bodor: Snow will be gone.

Chairman Olenius: I don't know. But, if that week is good for everyone, we should maybe pick a couple days in there.

Board Member Burdick: If...

Board Member Fox: I can't do the 12th to 13th.

Board Member Burdick: Good. The 12th is not good for me either.

Chairman Olenius: Okay.

Board Member Fox: Um...

Board Member Carinha: Do we want to do the 9th then? Do a Monday, Tuesday rain?

Board Member Bodor: That's – works for me.

Board Member Carinha: You know, Monday, good. Tuesday, weather.

Board Member Fox: For me, Tuesday, Wednesday's better.

Board Member Bodor: Monday or Tuesday's good for me.

Chairman Olenius: How about Tuesday and Wednesday? That's what we ended up with. The 10th or 11th.

Board Member Bodor: Oh. I'm sorry.

Chairman Olenius: That's okay.

Board Member Bodor: I wasn't listening. I was looking to see what I was doing here, Tuesday and Wednesday. It's okay. Um...

Chairman Olenius: 5:15.

Board Member Bodor: Okay. Yeah, no earlier because I work until 4:30.

Chairman Olenius: Okay.

Board Member Bodor: So Tuesday, Wednesday then.

Chairman Olenius: The 10th and 11th. 5:15. 10... 11... at 5:15.

The Secretary: Okay.

Chairman Olenius: Anything else. We're done. I make a motion to adjourn.

Board Member Fox: Second.

Board Member Carinha: Second.

Chairman Olenius: All in favor?

Motion passed by a vote of 5 – 0.