

**TOWN OF PATTERSON
ZONING BOARD OF APPEALS
March 18, 2009**

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

**ZONING BOARD OF
APPEALS**

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

PLANNING BOARD

Shawn Rogan, Chairman
David Pierro, Vice Chairman
Michael Montesano
Maria DiSalvo
Charles Cook

**Zoning Board of Appeals
March 18, 2009 Meeting Minutes**

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

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

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

There were approximately 8 members of the audience.

Sarah Wagar was the secretary for this meeting and transcribed the following minutes.

Chairman Buzzutto stated Sarah, will you read the roll call.

Roll Call:

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

1) MICHAEL & ANNE MONTESANO CASE #03-09

Chairman Buzzutto stated okay. Look at the agenda.

Board Member Herbst stated I don't see Mike here. He's first on the agenda.

Chairman Buzzutto stated you read the agenda.

The Secretary stated it's not...

Board Member Bodor stated it's not a public hearing.

Chairman Buzzutto stated oh.

Board Member Bodor stated that wasn't posted.

Chairman Buzzutto stated okay. Just to call...

Board Member Bodor stated the first case is a renewal of an accessory apartment permit for Michael Montesano. Mr. and Mrs. Montesano is not here. Is the representative here. Okay, then let's move it...

Chairman Buzzutto stated okay. We'll move it...

Board Member Bodor stated until later in case they're going to show up.

Chairman Buzzutto stated he'll probably be here in a few minutes. I heard somebody come in. I don't know.

Board Member Bodor stated go on with the next case.

Chairman Buzzutto stated okay.

2) MICHAEL PICCIRILLO CASE #04-09

Mr. Michael Piccirillo was present (architect). Mr. Jamie Waters was present (property owner).

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, March 18, 2009 at 7:00 p.m. at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following application:

Michael Piccirillo Case #04-09 – Area Variances

Applicant, who is acting on behalf of Jamie Waters, is requesting area variances pursuant to §154-27 A(7) of the Patterson Town Code; Permitted accessory uses, in order to construct a private detached garage for the storage of his antique and classic vehicles. The Code requires that a private garage does not exceed the height of the principal structure which is 25 feet; variance requested is for 17.75 feet. The Code also requires that the private garage not exceed 1,236 square feet; the proposed garage will be 11,666 square feet; Variance requested is for 10,430 square feet. This property is located at 469 Route 164 (R-4 Zoning District).

Chairman Buzzutto stated okay. Thank you.

Mr. Michael Piccirillo stated good evening.

Board Member Olenius stated good evening.

Chairman Buzzutto stated good evening, Sir. Do you want to give your name and...

Mr. Piccirillo stated my name is Michael Piccirillo. I'm the architect for Jamie Waters.

Chairman Buzzutto stated okay.

Board Member Bodor stated if there's something you want to display up there, go ahead.

Chairman Buzzutto stated go and display it on the...

Board Member Bodor stated there are clips up high if that is helpful to you [referring to putting the plans on the board]. I don't know how heavy your board is.

Mr. Piccirillo stated my client has a unique situation where we have...he has a large collection of antique cars and motorcycles. And he wishes to store them on his private property. He has a quite...a very large property. It's approximately 65 acres. And because of the unique (inaudible) and the unique amount of...amount of property and amount of coverage with the woods, we feel that this building would not be a detraction from the neighborhood and not interfere with the character of the neighborhood, and certainly would not be seen by any other household in the surrounding properties. I (inaudible) a study model here if it's helpful to see how we've incorporated the building into the property so it's not as...It doesn't appear to be as large as an 11,000 square foot building would appear, because large amounts of the building are actually under grade. And that 11,000 square foot number includes all; the basement, the main floor area, all this area that's actually underground, so it's not, surely, an 11,000 square foot box above ground.

Board Member Bodor stated what other structures are on this property.

Mr. Piccirillo stated there is an existing single-family residence approximately over here [referring to plans]. In the...

Chairman Buzzutto stated why don't you take the mic and go over to the map and...It would be better for you to point...

Mr. Piccirillo stated there's a single-family residence...the single-family residence of the property is approximately over here. In the package of drawings that you have, you actually have a larger version of the site plan which shows the relationship to our new building to all the property owners and to this existing house.

Board Member Bodor stated how large is the existing house.

Mr. Piccirillo stated it's approximately 2,500 square feet.

Board Member Bodor stated 2,500 square feet.

Mr. Piccirillo stated correct.

Board Member Bodor stated and your proposing an 11,000 plus square feet...

Mr. Piccirillo stated well...

Board Member Bodor stated accessory building.

Mr. Piccirillo stated correct. But again, the 11,000 [square feet] is a conservative gross number. There is certainly...probably...about half of that is underground.

Board Member Bodor stated but it's still square footage for...

Mr. Piccirillo stated it's still...

Board Member Bodor stated proposed.

Mr. Piccirillo stated it's still square footage, yes.

Board Member Bodor stated roughly.

Mr. Piccirillo stated correct.

Board Member Bodor stated what is going to take place in that large garage.

Mr. Piccirillo stated storage of...the storage of antique cars, antique motorcycles, and any maintenance that may have to take place on those vehicles.

Board Member Bodor stated what kind of maintenance are we talking about. A garage...a service station, repair shop type of thing.

Mr. Piccirillo stated I believe we're talking about general maintenance.

Board Member Bodor stated and you are, Sir.

Mr. Jamie Waters stated I'm Jamie Waters.

Board Member Bodor stated okay. What kind of maintenance will take place in this structure.

Mr. Waters stated it will just be normal restoration for my own personal collection. I'm not in business to do this. I have a fulltime job, and this just as a hobby.

Board Member Bodor stated okay, are we going to have combustible materials within that building.

Mr. Waters stated they would be in, you know, D.O.T. approved, you know, gas tanks, as would be in a normal car or motorcycle. So, nothing...I'm not storing quantities of gasoline or other flammables.

Chairman Buzzutto stated is this general repairs you're talking about, also.

Mr. Waters stated to my own stuff, yes. You know, normal maintenance.

Chairman Buzzutto stated well, yeah.

Mr. Waters stated yes.

Chairman Buzzutto stated well, I'm talking about general repairs, like overhauling engines and...

Mr. Waters stated yes. As much as I can do at any one time. I'm not enlisting any people to help, and...

Chairman Buzzutto stated yeah.

Mr. Waters stated and most of the vehicles are, you know, complete and, you know, operable and self-contained already.

Board Member Bodor stated so you'll be doing this yourself. You're not going to have a group of persons coming and working for you...

Mr. Waters stated no.

Board Member Bodor stated to help with the restorations.

Mr. Waters stated no.

Board Member Bodor stated and the mechanical pieces.

Mr. Waters stated I do that myself.

Board Member Bodor stated okay. Does this require...This type of work, I don't know, does it require some type of State, or whoever, authorization...Like a repair shop type thing.

Mr. Waters stated no. I don't...There's no money or business taking place...

Board Member Bodor stated right.

Mr. Waters stated or money transaction or other business taking place.

Mr. Piccirillo stated he's not working on other people's cars. He's...

Board Member Bodor stated because they're your own cars, you don't need to have any type of oversight by some agency somewhere.

Mr. Piccirillo stated correct. Just like you...Just like me changing the oil or changing the tires, or...

Board Member Bodor stated okay. But this is on a larger scale. That's where I'm...

Mr. Piccirillo stated yes.

Board Member Bodor stated you know.

Mr. Piccirillo stated correct. And I'm, obviously, not talking about, you know, new cars. They're older cars type...

Chairman Buzzutto stated yeah. Is this dead storage; where vehicles are going to stay put.

Mr. Waters stated I mean, they'll, you know, come and go.

Chairman Buzzutto stated or are these vehicles registered.

Mr. Waters stated yes. Most of them are registered.

Chairman Buzzutto stated registered and insured and whatever.

Mr. Waters stated yes. They're all insured. Some of the registrations are not current. If it's a vehicle that, you know, one that gets very spare use, then I would register it on **add hawk** basis.

Chairman Buzzutto stated and they will be housed indoors, all the time.

Mr. Waters stated yes. Correct.

Chairman Buzzutto stated there won't be any three or four vehicles out on the property.

Mr. Piccirillo stated that's obviously the need to have a building of this size. The building is made to be flexible so that it can contain all of the cars and motorcycles that Jamie owns. So that was...

Chairman Buzzutto stated okay. Approximately how many vehicles.

Mr. Waters stated it's approximately 50 motorcycles and...

Chairman Buzzutto stated fif...

Board Member Bodor stated and how many cars.

Mr. Waters stated 25.

Chairman Buzzutto stated what did he say. Fifteen or fifty.

Mr. Waters stated 50.

Board Member Bodor stated 50 and 25.

Mr. Waters stated right.

Mr. Piccirillo stated there's quite a few.

Board Member Bodor stated it's a lot.

Mr. Piccirillo stated yeah.

Board Member Bodor stated it's a lot.

Mr. Piccirillo stated and it's certainly, you know, it's better to contain them indoors rather than have them on the property.

Board Member Bodor stated where are they now.

Mr. Waters stated they're in...Most of them are in a rental facility in Bedford Hills.

Board Member Bodor stated okay. And...

Chairman Buzzutto stated but I...Oh, go ahead.

Board Member Bodor stated I have a question about the height variance also. You're asking for a height variance...Height allowed is 25' and you're asking for 17.75' more. Why such height with cars and motorcycles. They're not big, high trucks.

Mr. Piccirillo stated if I could show you. It's actually an architectural issue, not so much a car issue. For a building of this size to have a flat roof, or near a flat roof, simply would not be conducive in the northeast with snow, and it certainly wouldn't be conducive to having a nicer looking building. I'm not...The intention that we had from the beginning, was not to create a big giant box, block. We wanted to create a building that could otherwise be seen as a barn otherwise be seen as another accessory building in this sort of setting. So, again, the point is to create a building that looks aesthetically pleasing and that architecturally works with this site. To have a flat roof, I mean, that's down 17 feet, would certainly not be aesthetically pleasing. Not to mention, that a flat roof in the northeast isn't exactly a...

Chairman Buzzutto stated can you turn it just a little so we can see the back just a little bit [referring to the model of the proposed structure].

Mr. Piccirillo stated sure.

Chairman Buzzutto stated I can't see above that.

Mr. Piccirillo stated you want to take it. Here. You want me to leave it here.

Chairman Buzzutto stated is that Styrofoam.

Board Member Bodor stated yes. It's a foam board thing. Now this curved part here, that's all enclosed behind that.

Mr. Piccirillo stated correct.

Board Member Bodor stated what goes up in here. You drive in from the back...Oh no, I see. You drive in from the back, so that's a floor surface too.

Mr. Piccirillo stated that is actually...The idea that...That section would be actually a flat plaza. Actually a grass roof type...

Board Member Bodor stated where. In here [referring to the model].

Mr. Piccirillo stated on top. Yes. Exactly.

Board Member Bodor stated okay. But this up in here. This is storage area, too.

Mr. Piccirillo stated that is storage area as well.

Board Member Bodor stated and to access that, you would drive from the back.

Mr. Piccirillo stated from the back. Yes. If you look at the other site plan, we're providing two drive accesses into the building; One from the rear and one from the bottom. Because of the way the site is and the topo, it works really well to actually do that.

Chairman Buzzutto stated what part, you said, what part was underground.

Mr. Piccirillo stated that's the actual area...That's more storage.

Chairman Buzzutto stated where. I don't see it.

Board Member Bodor stated under this part here.

Mr. Piccirillo stated no.

Board Member Bodor stated beneath that.

Chairman Buzzutto stated well, it's just a small portion.

Mr. Piccirillo stated underneath this part here. It's all going to be underground. All this down below here is underground. This floor here goes straight back, back here so it's underground. And I counted that whole in my calculation when I was figuring the square footage. Again, being conservative. All this below, this is, you know, there is basement under here; Full basement. That's for more car storage and for, you know...

Board Member Bodor stated how many floors of useable storage space is there. You've got the one way down below here.

Mr. Piccirillo stated correct. Two floors of useable storage. There's a little mezzanine in the back area here. It's basically an open mezzanine area in the back section. It's just going to be an open area.

Board Member Bodor stated what purpose does that silo-like part...

Mr. Piccirillo stated that's where the stairwell for the two floors goes. Correct.

Board Member Bodor stated circular stairway.

Mr. Piccirillo stated correct. Again, we're trying to mask it as a, you know, agricultural building so that it will fit with the site, rather than doing something that is not conducive to the site or the property.

Chairman Buzzutto stated what is the height of the rooms. Are they...will they accommodate a lift to lift the cars up...

Mr. Piccirillo stated they'll be...I believe the lower level is 13 feet; slab to ceiling. And the second floor, obviously, has the cathedral ceiling in it, so that's...

Chairman Buzzutto stated oh, I see.

Mr. Piccirillo stated that's...

Chairman Buzzutto stated so you would have room to...

Mr. Piccirillo stated well, the second floor is purely showroom. It's just purely storage. The downstairs is where any type of mechanical works would take place. So...

Chairman Buzzutto stated and the nearest residence there would be where pointed out up there where the print is [referring to the plans].

Board Member Bodor stated no, their residence.

Mr. Piccirillo stated I believe that the nearest neighbor would be in this direction. This property over here. From the property line to the building, it's 564 square...564 feet. The house would be probably another couple of hundred feet at least.

Mr. Waters stated probably more than 1,000 [feet].

Mr. Piccirillo stated more than 1,000 feet. So it's roughly...Roughly 1,500 feet to the next house, in this direction. Now, the larger site map will show you that the cul-de-sac development, which is next door to Jamie's property. Again, probably several hundred feet away, downhill in the little bit of a valley. And the thinking is, is that you really will not be able to see this building from that house...from those houses.

Board Member Bodor stated is your property higher than Country Hill Road, or...

Mr. Waters stated yes.

Mr. Piccirillo stated yeah.

Board Member Bodor stated so you would be looking down kind of.

Mr. Waters stated yeah. Really all you can see from that area is more trees, as you look down (inaudible).

Chairman Buzzutto stated what about noise factors.

Mr. Piccirillo stated I don't think they'll be doing anything that will be all that noisy.

Mr. Waters stated yeah. The property has a fairly significant grade to it. There's not really an area to, you know, take pleasure drives. It's just in and out of the driveway is the extent. And all of the cars are, you know, kept (inaudible – too distant). It's not a hot rod shop.

Chairman Buzzutto stated do we have any input from the audience on this. You want to come up, Sir, and give your name. Do you want to raise your right hand, Sir.

Paul Wren stated sure.

Chairman Buzzutto stated you swear the testimony you provide tonight will be the truth, the whole truth.

Paul Wren stated I do.

Chairman Buzzutto stated your name.

Paul Wren stated Paul Wren.

Chairman Buzzutto stated address.

Paul Wren stated 35 Country Hill Road.

Chairman Buzzutto stated it's in regards to where you live...Where this is going.

Paul Wren stated yes. I think I'm in this cul-de-sac. In fact, I'm the...

Chairman Buzzutto stated okay.

Paul Wren stated furthest property in on the cul-de-sac at the very end.

Chairman Buzzutto stated okay.

Board Member Bodor stated okay.

Paul Wren stated I'm not sure how to place it exactly on the map. It sounds like it's...

Chairman Buzzutto stated yeah. Okay, you want to state what you...

Paul Wren stated yeah. I delivered a letter to the Board. I mean, I have concerns having not seeing the proposal. We can see the existing structure today from our vantage point. I'm not sure where this is in relation to that, and whether the idea of having it be unseen is going to be the way it is. I could suggest that the intent was to have the cottage that's there today not be seen, but it is. I just have a concern with the overall size. It's a significant and material deviation from, I think, the intent of the Code. And to accept that it's tucked away and not seen by anyone and that there's no environmental impact at all, I think that it's fine. I'm just not sure that everybody can tell from this whether that's going to be the case and would like to have a little more input and time to consider that.

Chairman Buzzutto stated and you could see that from where you live.

Paul Wren stated I can certainly see the existing structure today. That's...

Chairman Buzzutto stated oh, okay.

Paul Wren stated correct. That's correct.

Board Member Olenius stated would this proposed structure be closer to this subdivision, or the opposite way.

Mr. Piccirillo stated it would be farther away.

Board Member Olenius stated farther away.

Dan Kuchta stated how far from the existing...From the cabin to the...how far.

Mr. Piccirillo stated how far...May I steal one of your plans [referring to the Board].

Board Member Bodor stated yeah, you may. Mr. Wren, do you want your letter read into the record. We do have it here.

Paul Wren stated let's see where we are.

Board Member Bodor stated okay.

Paul Wren stated it's a little verbose. I'm not sure if I want that.

Mr. Piccirillo stated the property is...

Board Member Bodor stated could you take the mic over there please. Otherwise it won't be on the record. Just pick it up and pass it back and forth.

Mr. Piccirillo stated this is Route 164 down here. This is the existing driveway up to here. Here is the existing cottage. And the cul-de-sac development I believe is in here. [Referring to the plans]. So we are 1 inch to 130 feet, so...Again, we are going to be several...You know, probably about 200 feet away from the cottage. Farther away from this cul-de-sac development here. I couldn't give you an exact number from the cul-de-sac to the building. But, again, it will be further hidden by more...Again, from the distance away and then further trees. There would actually be another set of trees that would be between the proposed building and the cul-de-sac development. Does that answer...

Paul Wren stated yeah. Here, if remember the fall correctly, the trees actual thin out in this part of the property. The trees are thicker here as opposed to here. So I'm not sure where our place is to let's say the house. The development is circled in this area. I'm not sure that it's going to be entirely hidden. And certainly, it's grander in size. Just to give everyone context, I mean, as you enter the neighborhood, the elevation here...

Chairman Buzzutto stated you've got to talk into the mic. Otherwise, like Mary said, it won't pick up.

Paul Wren stated okay. I was going to make the point that as you enter the neighborhood...

Chairman Buzzutto stated well, you can go up to the...You can go right up with the mic.

Paul Wren stated sure. As one enters the neighborhood, the elevation is such that this really does frame the entire development. And you certainly can't see as you enter the existing cottage today. You can only see that from the back of couple select backyards of the residential houses. But I'm concerned whether you can see this, because it's significantly larger in size, and as said, the trees do thin out here, as I recall.

Board Member Herbst stated let me see that for a second. I can't find mine. It's in the car I'm sure.

Board Member Bodor stated are there currently any other structures on that parcel.

Mr. Waters stated just a small...Just a small existing shed. Just a utility shed. And then the house itself. And a one and a half car garage adjacent to the house.

Chairman Buzzutto stated and what's the size of the house itself. The living...

Mr. Waters stated it's about 2,500, 2,600 [square feet].

Board Member Bodor stated this is 11 [thousand square feet] plus...almost 12 [thousand square feet].

Chairman Buzzutto stated and the additional...Almost 12 [thousand square feet]. 11,666 [square feet] was it.

Paul Wren stated is the footprint 12 [thousand square feet], or is it...

Mr. Piccirillo stated no.

Paul Wren stated 6 [thousand square feet] and 6 [thousand square feet] because you have two levels.

Mr. Piccirillo stated it's the gross footage of all...

Chairman Buzzutto stated eleven...that's almost 50%. That is 50%.

Mr. Piccirillo stated it's a gross footage of all the floors combined.

Paul Wren stated so the physical footprint of the building is...

Mr. Piccirillo stated I believe it's...

Paul Wren stated something like 6,000 square feet.

Mr. Piccirillo stated correct. Yes. And also, the profile that...

Board Member Burdick stated 11,000, not hundred.

Mr. Piccirillo stated of your properties is the narrowest of...

Chairman Buzzutto stated oh. Eleven thousand [square feet].

Board Member Bodor stated yeah. Almost 12 [thousand square feet].

Mr. Piccirillo stated of the two profiles.

Paul Wren stated you're saying head on.

Mr. Piccirillo stated correct. So again, he can use the diagram and tell that the (inaudible) building isn't significantly bigger than the width of the cottage. So again, the thought was to be as sensitive to the

neighborhood and sensitive to the property as best we could, while still containing, you know, (inaudible – papers shuffling) vehicles on the...in the front drive.

Paul Wren stated right.

Mr. Piccirillo stated that would not be a pleasant thing.

Board Member Bodor stated anything further Mr. Wren.

Paul Wren stated I guess what I'd ask the Board to consider is whether we can do some kind of a site walk and get a little more clarity around exactly where this is going to be. And then let's just have everyone acknowledge what it is and isn't.

Board Member Bodor stated thank you.

Chairman Buzzutto stated okay.

Board Member Bodor stated yes. I for one do want to take a site walk out there. Walk the...

Board Member Burdick stated me too.

Board Member Bodor stated property. And when we go, we'd like to have it all staked out as to where the structure is going to be.

Mr. Piccirillo stated okay.

Board Member Bodor stated and one or both of you there to show us where the properties are and where you're setting it and, you know...Familiarize us with the lay of the land and a proposal too.

Chairman Buzzutto stated well, the zoning there is an R-4. We'll have to find out what the Town Codes are about the number of vehicles that can be stored on a single piece of property. I don't know any of that. We'll have to find that out. I don't know what the Town Code's allowing.

Board Member Bodor stated I believe there is, within the Code, a restriction on unregistered vehicles.

Board Member Olenius stated but I believe that's outside.

Board Member Burdick stated outside.

Board Member Bodor stated yeah.

Board Member Olenius stated I don't believe that's housed.

Board Member Bodor stated right.

Board Member Olenius stated I think that's like in the driveway.

Board Member Bodor stated right. We can investigate that further.

Chairman Buzzutto stated I'd like to, yeah. Alright, so do we have any further input from the audience on this. Give your name, Sir.

Dan Kuchta stated Dan Kuchta. 63 Sunset Drive.

Chairman Buzzutto stated raise your right hand, Sir.

Dan Kuchta stated I'm not giving testimony.

Chairman Buzzutto stated huh.

Dan Kuchta stated I'm not giving testimony. Do I have to raise my right hand.

Chairman Buzzutto stated we've always asked...

Dan Kuchta stated I think that doesn't make sense for members of the public...

Board Member Olenius stated that's the applicants usually.

Dan Kuchta stated asking questions.

Chairman Buzzutto stated that's what I have to tell you.

Dan Kuchta stated hmm.

Chairman Buzzutto stated yes, it's...

Board Member Bodor stated for the applicants.

Dan Kuchta stated what am I swearing.

Chairman Buzzutto stated do you swear that the testimony you provide tonight will be the truth and the whole truth.

Dan Kuchta stated if I provide testimony tonight, I swear it will be the truth and the whole truth.

Chairman Buzzutto stated yes.

Dan Kuchta stated so help me god. Okay.

Chairman Buzzutto stated thank you.

Dan Kuchta stated I've got some questions. I guess I was thinking of the criteria for the variance and I didn't hear what the hardship was. So that's one thing I didn't hear brought up. Clearly I think this hardship, if there is hardship, is self-created for just a high variance. The variance is substantial. In fact, you know I've been attending these meetings on and off for four years, this is probably the most substantial variance request I've seen in that period of time. I have mixed feelings about that. If you let this go, I have a bunch of things planned for my property that I'll, you know, this will be a nice precedent for. On the other hand, I really don't think you should let this go because it is so unbelievably substantial. It's ten

times the area that we permit in the Code. I heard something tonight about a showroom, and the first thing that came into my mind when I heard purely a showroom, was maybe they're going to sell some cars. That will bring in a lot of traffic coming in to show the cars. That concerns me. I did a quick calculation of what the area would be for 50 motorcycles and 25 cars. And I assume a 4' x 7' footprint for a motorcycle. I assumed a 10' x 20' for a car. And I calculated an area of 6,400 square feet. Roughly half of what is being requested. So, you know, there's something else to consider. This thing is substantially larger than what would be the minimum to, you know, physically house this many vehicles. And I think I was generous with the sizes. A 10' x 20' footprint for a vehicle is the size of a parking space at a mall. And we all know there's a pretty good amount of room in there. I did notice a shed in the front yard. I'm wondering if that's a violation. I wonder about the legal notice. Was the legal notice...Did it have the property owner's name, or did it have the architect's name. Is that something that's required.

Board Member Burdick stated it's has both.

The Secretary stated both.

Dan Kuchta stated it has both. Okay, I'm sorry. I wasn't paying close enough attention.

Chairman Buzzutto stated yeah.

Dan Kuchta stated in listening to the discussion, I think Mr. Wren is going to find that he'll be able to see the structure from his house. You know, just looking at the terrain, the terrain going from the existing house to where the garage is, it's rather flat there. Even though it's kind of sinking in to the...They're sinking in the hill. We're probably going to see it from Route 164 as well, because that's, you know, it's all uphill up to that point. So those are my sort of questions and comments for you at this time.

Chairman Buzzutto stated thank you, Dan.

Board Member Olenius stated thank you.

Chairman Buzzutto stated appreciate it.

Board Member Herbst stated I had a question on that too, when I heard the showroom thing. Are you going to have that open to the public in any way, for showing these cars.

Mr. Piccirillo stated I misspoke. It's meant to mean compared to a store (inaudible – too distant). I use the expression showroom only because in the design of that space, between finishes on the inside that we're going to do, (inaudible – too distant) space. It's not going to be a (inaudible – too distant) storage room, so...I misspoke when I said showroom. It's not really used as a showroom. It's certainly not going to be used for, obviously (inaudible – papers shuffling).

Chairman Buzzutto stated okay. Thank you. Alright, are there any other comments from the audience. Alright. Are you all set to table this until...

Board Member Bodor stated yeah. Table it pending a site visit.

Chairman Buzzutto stated yeah. We're going to take a site walk on it.

Board Member Bodor stated keep the public hearing open.

Chairman Buzzutto stated table it until the next meeting. We'll keep the public hearing open. Anybody wishes to come. You will not be notified again of it, but we'll have to set a date of a site walk. Sarah will as soon as we find out. Like Mary said, we would like it to be staked out. Whatever you can do for us on that. I guess it's not dark enough yet...or too dark in the evening. Saturday would be...Well, we'll discuss that later. Okay. So it will be tabled as of now. Okay. Thank you for your presentation. I appreciate it.

Board Member Bodor stated we'll contact you regarding the site walk and make it agreeable to everyone.

Mr. Piccirillo stated okay. Thank you.

Board Member Bodor stated who should we contact; the architect or the...

Mr. Piccirillo stated you can contact me.

Board Member Bodor stated go through you.

Mr. Piccirillo stated yeah.

Chairman Buzzutto stated this is your copy of the letter. These flowers are real [referring to model of the proposed garage].

Board Member Burdick stated I know. They were smelling.

Board Member Bodor stated it's baby's breath.

Board Member Burdick stated it does say showroom on the plans too.

Board Member Bodor stated hmm.

Board Member Burdick stated it said showroom.

Board Member Bodor stated does it. Thank you, Sir.

MICHAEL & ANNE MONTESANO CASE #03-09

Chairman Buzzutto stated okay, we have Mr. Montesano. You were late.

Michael Montesano stated it was all in your imagination, Sir. I was held up.

Chairman Buzzutto stated you were late.

Dan Kuchta stated isn't that grounds for denial.

Board Member Herbst stated did they get anything from you.

Mr. Montesano stated anything's possible. My name is Michael Montesano. I live at 1 Shirley Drive, Patterson. I'm here to attempt to renew my accessory apartment permit.

Chairman Buzzutto stated okay.

Board Member Olenius stated any changes or improvements since the last...

Mr. Montesano stated none.

Board Member Olenius stated application.

Mr. Montesano stated everything's the same. Health Department...nothing has changed.

Chairman Buzzutto stated well, I found it. Okay. Has everything been checked off.

Mr. Montesano stated Health Department, Building Department, septic.

Chairman Buzzutto stated well, nothing's changed since...

Mr. Montesano stated nothing changed. Building's still located in the same spot, so far.

Board Member Bodor stated are you going to take it somewhere.

Chairman Buzzutto stated wait until that first earthquake comes through. What did I do with the checklist. Here it is. Do we have to go through the checklist.

Board Member Bodor stated where did you find the checklist. I don't have it.

Board Member Olenius stated not for a renewal. That's not for that, that's...

Board Member Burdick stated yeah. This is just a renewal.

Board Member Bodor stated that's something else.

Board Member Olenius stated yeah.

Board Member Bodor stated this is a renewal. Only for the initial.

Board Member Burdick stated yeah.

Board Member Bodor stated this is not...He's got this checklist.

Board Member Burdick stated we already went through the checklist the first time around.

Chairman Buzzutto stated yeah.

Board Member Burdick stated this is just a renewal.

Board Member Bodor stated and there are no changes.

Chairman Buzzutto stated okay.

Board Member Burdick stated we have a letter from the Building Inspector's Office saying that everything's in compliance, dated January 14th of this year.

Chairman Buzzutto stated okay. Okay, so then there's nothing more we can do. Is there input from the audience on this particular...

Board Member Bodor stated we appreciate you coming in to renew this.

Chairman Buzzutto stated yeah.

Board Member Bodor stated we really do.

Chairman Buzzutto stated yeah.

Mr. Montesano stated I wish the Department of Health would go along with the Town with a five year renewal, but they make it three. So I have to go see them in three years.

Board Member Burdick stated what a bummer.

Chairman Buzzutto stated so do I hear any kind of a motion on this.

Board Member Bodor stated well, I have a reso. I'll read it if you want me to.

Chairman Buzzutto stated yeah. Fine.

Board Member Bodor stated okay.

Board Member Bodor read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
Michael & Anne Montesano, Case #03-09
*For a Renewal for an Accessory Apartment***

WHEREAS, *Michael and Anne Montesano are* the owners of real property located at 1 Shirley Drive (R-1 Zoning District), also identified as **Tax Map Parcel # 13.7-1-65**, and

WHEREAS, *Michael and Anne Montesano* have made application to the Patterson Zoning Board of Appeals for a renewal for an accessory apartment as set forth in §154-105 of the Patterson Town Code; Accessory apartments, and

WHEREAS, the said application was reviewed by the Zoning Board of Appeals on March 18, 2009, and

WHEREAS, all the conditions of the original permit are still satisfied, and

WHEREAS, 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 *Applicant substantially complies with the requirements set forth in §154-105 of the Patterson Town Code for Renewal for an Accessory Apartment*, and

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby *grants* the application of *Michael and Anne Montesano for a renewal for an Accessory Apartment* as set forth in §154-105 of the Patterson Town Code; Accessory apartments, and

Board Member Olenius stated second. Sorry.

Board Member Bodor continued to read the following resolution:

BE IT FURTHER RESOLVED, that the variance granted herein is subject to the following special conditions:

1. Those conditions that exist in the Town Code for Accessory Apartments which include a renewal in five years. (A copy of that section pertaining to accessory apartments in the Code is attached to this resolution).

Board Member Olenius stated second.

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

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

Mr. Montesano stated thank you very much ladies and gentlemen.

Chairman Buzzutto stated R-1.

Board Member Bodor stated you're good to go.

Board Member Herbst stated Anne, I want to see you a minute.

Chairman Buzzutto stated Mike, R-1 is the hamlet.

Board Member Herbst stated I want to see you one second.

Chairman Buzzutto stated you live in the hamlet. I didn't know...He lives in the hamlet.

Board Member Bodor stated yes. We increased it. They moved it out.

Mr. Montesano stated now they moved the hamlet up...

Chairman Buzzutto stated it was by the Legion there, wasn't it .

Board Member Bodor stated no, no. It was the other side of Cornwall Hill Road.

Mr. Montesano stated it used to end at Cornwall Hill [Road].

Board Member Herbst stated I want to tell you, don't (inaudible – too many talking).

Chairman Buzzutto stated good luck.

Mr. Montesano stated thank you very much.

Chairman Buzzutto stated maybe you want to rent it (inaudible – too many talking).

Board Member Bodor stated you got to move the others out first.

Mrs. Anne Montesano stated I called the doctor and left a message.

Chairman Buzzutto stated okay Mike.

Mrs. Montesano stated I guess they're going to call me back tomorrow.

Board Member Herbst stated oh.

Mrs. Montesano stated so, I'm keeping (inaudible – too distant).

Board Member Herbst stated okay.

Mrs. Montesano stated thank you.

Board Member Bodor stated you're welcome.

3) OTHER BUSINESS

a) Guiding Eyes – Lead Agency

Chairman Buzzutto stated okay next on the other business would be the lead agency on the Guiding Eyes. You want to take care of that first.

Board Member Bodor stated go ahead.

Chairman Buzzutto stated okay. We were sent a letter...If I could find that. Do you have the letter that was sent. This is from the Planning Board. It says:

Please find the enclosed copy of the State Environmental Quality Review Act (SEQRA) Lead Agency Notice, Full Environmental Assessment Form (EAF) – Parts 1 and 2, Site Plan and the

application materials submitted to the Planning Board by Guiding Eyes for the Blind. (hereinafter referred to as the "Applicant").

For a description of the Applicant's proposal, please refer to the attached...

It would be helpful to the Planning Board if you would provide any comments and project, and/or identify other issues which warrant evaluation during the environmental review process, within the...

What they're asking for is a...let the Planning Board take Lead Agency on this. That's my opinion of it. I don't know. How does the rest of the Board feel about it.

Board Member Olenius stated I agree.

Chairman Buzzutto stated do I have to make a motion on that.

Carl Lodes stated you should make one, yeah.

Board Member Bodor stated yes.

Chairman Buzzutto stated I'll put that into a motion to allow the Planning Board to take the Lead Agency on that. That's the Guiding Eyes...no. What's that.

Board Member Herbst stated it's Guiding Eye.

Board Member Bodor stated it's Guiding Eyes for the Blind, yes.

Board Member Burdick stated Guiding Eyes for the Blind.

Chairman Buzzutto stated okay.

Board Member Bodor stated and what they're doing is amending a site plan, is what I understand here. Amending an existing site plan.

Chairman Buzzutto stated okay.

Board Member Bodor stated and they want a...There's a response form here that they would like us to attest to also.

Chairman Buzzutto stated yeah.

Board Member Bodor stated it's a response to the request that the Town of Patterson Planning Board serves as Lead Agency. They want to know whether we consent or not consent that they be the Lead Agency for the current...

Chairman Buzzutto stated I think it's better that they are the Lead Agent because it would save one step in the process.

Board Member Bodor stated well, it's site plan stuff.

Chairman Buzzutto stated yeah.

Board Member Bodor stated it's...That's their...

Chairman Buzzutto stated it's a lot easier for us to allow them to do it.

Board Member Bodor stated is there anyone out there who has...

Chairman Buzzutto stated yeah.

Board Member Bodor stated input regarding this issue. Make a motion...just a quickie motion.

Chairman Buzzutto stated right. Okay. I make the motion that we allow the Planning Board to accept Lead Agency. Jerry seconded it.

Board Member Herbst stated I'll second it.

Chairman Buzzutto stated alright.

Board Member Herbst stated yeah.

Board Member Bodor stated all in favor. Motion passed by a vote of 5 to 0.

Board Member Bodor stated done. So be it.

Chairman Buzzutto stated okay. So you'll notify the...

The Secretary stated I will notify the Planning Board.

Chairman Buzzutto stated Marianne, just tell your husband.

Board Member Burdick stated no, we'll notify the Planning Board.

Board Member Herbst stated it won't be hard, Sarah. You just go across the desk and tell her.

Board Member Bodor stated should we really fill out this form.

Carl Lodes stated yeah.

Board Member Bodor stated yeah, it should be done.

Board Member Burdick stated yes.

Board Member Bodor stated okay. This will need to be done.

Chairman Buzzutto stated okay.

Board Member Bodor stated this one paper here. It needs to be signed. Buzzy will have to sign it.

Chairman Buzzutto stated okay.

Board Member Olenius stated oh. I thought there was one for each of us. I already handed mine in. I thought it was one each.

Board Member Bodor stated are you the whole Board.

Board Member Olenius stated well, I figured you had your own. I did my own.

Chairman Buzzutto stated okay. I'll sign after.

Board Member Bodor stated check the right box.

Chairman Buzzutto stated yeah. Tomorrow I'll...Do you want me to sign it now.

The Secretary stated you can do that now.

Chairman Buzzutto stated because I don't have a...

Board Member Bodor stated here. Here it is.

Board Member Olenius stated here it is.

Board Member Bodor stated no. This is yours, see.

Chairman Buzzutto stated sold. The last time I signed something, I got in trouble. We're being sued. Today's date is what.

Board Member Olenius stated 18th.

Board Member Bodor stated 18.

Board Member Burdick stated 18th.

Chairman Buzzutto stated 18th.

Board Member Bodor stated yes. This one.

Chairman Buzzutto stated yeah. I just want to read here what...I'm giving up my 40 acres down here.

Board Member Bodor stated that's it. Just the one sheet. Pull that out of the packet and give it to Sarah after you checked it. Looks good.

Board Member Olenius stated you good.

Chairman Buzzutto stated yeah, okay.

The Secretary stated thank you.

Chairman Buzzutto stated Sarah, verify that for me.

The Secretary stated it looks good.

b) Patterson Crossing

Chairman Buzzutto stated okay. Other business. Patterson Crossing. We're going to go into executive session now.

Board Member Bodor stated yes.

Chairman Buzzutto stated is that the process.

Board Member Burdick stated yeah.

Board Member Herbst stated do we need a motion to go into executive session.

Chairman Buzzutto stated I'm sorry.

Board Member Bodor stated I think so. I make a motion...

Board Member Herbst stated alright. Then I'll make a motion we go into executive session.

Board Member Bodor stated I'll second it. All in favor.

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

BOARD GOES INTO EXECUTIVE SESSION

Board Member Bodor stated executive session is completed and we're back to the regular monthly meeting.

Chairman Buzzutto stated is there a second on that.

Board Member Burdick stated second.

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

Chairman Buzzutto stated oaky.

Board Member Bodor stated alright, with regards to Patterson Crossing, after some discussion it was determined that in order to address recently submitted concerns, the Board would like to offer the following resolution that hopefully more closely clarifies the resolution that was passed on Patterson Crossing on

January 7th '09, for a special use permit. We considered all the issues presented to us. We did our work and the Planning Board did theirs. Therefore...

Board Member Bodor read the following resolution:

WHEREAS, PATTERSON CROSSING REALTY CO., LLC (the “Applicant”) has made application to the Patterson Zoning Board of Appeals for a Special Use Permit pursuant to Sections 154-93 and 154-111 of the Town of Patterson’s Zoning Code (the “Zoning Code”) in order to operate a Regional Retail Center known as the Patterson Crossing Retail Center (the “Project”), and

WHEREAS, the Zoning Board of Appeals, as an involved agency, participated in the coordinated review of this project, with the Planning Board of the Town of Patterson acting as Lead Agency, and

WHEREAS, the Zoning Board of Appeals has met and followed all the requirements of the New York State Environmental Quality Review Act, 6 NYCRR Part 617 (“SEQRA”), as an Involved Agency, and

WHEREAS, a Public Hearing was held at Patterson Town Hall, 1142 Route 311, Patterson, New York on December 11, 2008 and on January 7, 2009 to consider the application of **PATTERSON CROSSING REALTY CO., LLC**, and

WHEREAS, at the December 11, 2008 public hearing, Dr. Marian Rose, a member of the Board of Directors of Croton Watershed Clean Water Coalition, Inc. (“CWCWC”), appeared and read from a letter prepared by Adler Consulting dated September 7, 2006, which said such letter, by its terms, critiques the DEIS prepared by the Planning Board, as Lead Agency, but made no reference to any other letter prepared by Adler Consulting, and

WHEREAS, on January 3, 2009, the Zoning Board of Appeals conducted a site inspection for the Project in order to determine whether the Applicant had satisfied the requirements of Sections 154-93 and 154-111 of the Zoning Code; said inspection included, by way of illustration and not by limitation, an inspection of the proposed emergency access drive location and surrounding conditions, and

WHEREAS, as confirmed by the official minutes, on January 7, 2009, the Zoning Board of Appeals expressly and unanimously adopted its own SEQRA Findings Statement (the “ZBA Findings Statement”) prior to granting the application for a Special Use Permit; and

WHEREAS, on January 7, 2009, the Zoning Board of Appeals, having given careful consideration to the facts presented in the Application, at the Public Hearing and at the Site inspection and having found that the Application substantially complied with the requirements set forth in Sections 154-93 and 154-111 of the Zoning Code for a Special Use Permit in connection with the Project, unanimously adopted a Resolution granting a Special Use Permit to the Applicant to construct a 410,560 square foot retail center, including management and meeting space, a substation for the Sheriff’s Department, and a 28,000 square foot garden center (the “January Resolution”), and

WHEREAS, well after the close of business on January 7, 2009, the following letters were sent to Patterson Town Hall by facsimile transmission: (i) a letter dated January 7, 2009 from James Bryan Bacon, Esq., as attorney for CWCWC and Putnam County Coalition to Preserve Open Space, Inc. (“PCCPOS”), to the Chairman of the Zoning Board of Appeals (the “Bacon Letter”) and (ii) a letter dated

December 3, 2008 from Adler Consulting, a traffic consultant, to the New York State Department of Transportation (“NYSDOT”)(the “Adler Consulting Letter”)(the Bacon Letter and the Adler Consulting Letter are collectively referred to as the “January 7th Submission”), and

WHEREAS, no one on behalf of CWCWC or PCCPOS contacted the Zoning Board of Appeals by telephone or in person during business hours on January 7, 2009 to apprise the Board of the delivery of the January 7th Submission or appeared at the public hearing that evening to present or refer to the January 7 Submission, and

WHEREAS, the purpose of the Adler Consulting Letter, as set forth on page 3 thereof, was to urge the NYSDOT to recognize certain allegedly “deficient conditions” relating to traffic generated by the Project and to “modify the Lead Agency’s Findings Statement to require the applicant to address them”, and

WHEREAS, on or about January 8, 2009, the Zoning Board of Appeals received a copy of a letter dated January 5, 2009 from Tim Miller Associates, Inc., the Applicant’s environmental engineer, to the NYSDOT, which letter was written in response to the Adler Consulting Letter (“the Miller Response”); the Miller Response makes it clear that “[t]he points raised by Adler Consulting were considered by the Lead Agency and its consultants and satisfactorily addressed in the Draft and Final Environmental Impact Statements and the Findings Statement”; and

WHEREAS, the Zoning Board of Appeals considered the issues raised in the January 7th Submission through its review and consideration of the ZBA Findings Statement, the Application in connection with the Project, related review Memoranda by the Town Planner, and testimony at the Public Hearings by the Applicant’s engineer, land use consultants, and residents of the Town of Patterson, and

WHEREAS, on or about March 18, 2009, the Zoning Board of Appeals decided to clarify the record pertaining to the Special Use Permit for the limited purpose of making it clear that the issues raised in the January 7th Submission had previously been considered by the Zoning Board of Appeals and that no new issues were raised therein, and

WHEREAS, having now considered the January 7th Submission, as well as the Miller Response., the Zoning Board of Appeals hereby wishes to amend and restate the January Resolution so as to make it expressly clear that the Zoning Board of Appeals carefully considered the issues raised in said letters when it first granted the Special Use Permit on January 7, 2009, and

WHEREAS, the Zoning Board of Appeals has considered the general standards and guidelines enumerated under Section 154-93(A) of the Zoning Code and, as addressed in full detail in the ZBA Findings Statement, finds that the application satisfies those requirements as follows:

1. The Project will be of such location, size and character that, in general, it will be in harmony with and conform to the appropriate and orderly general development of the Town and, in particular, the General Business (GB) District;
2. The Project is consistent with the Comprehensive Plan, and the requirements of the Zoning Code have been met in that adequate mitigation has been provided in connection with any potential adverse impacts, including, but not limited to, traffic congestion, promotion of health, safety and general welfare, adequacy of light and

air, prevention of overcrowding of land, avoidance of undue concentration of population, and the facilitation of provisions of public requirements;

3. The Zoning Board of Appeals' review of the Application affirmatively considered the character of the district and its peculiar suitability for the Project, and finds the use appropriate for the General Business (GB) District and the Site in general;
4. The effect on the environment of the Project was fully considered by Zoning Board of Appeals in its role as an Involved Agency in the SEQRA process; and
5. The location, nature, extent and height of all buildings, structures, walls or fences and the nature and extent of any landscaping in connection with the Project will be such as will not hinder or discourage the appropriate development and use of property in the general neighborhood, and

WHEREAS, the Zoning Board of Appeals has considered the five conditions enumerated under Section 154-111 of the Zoning Code and finds that the application meets those conditions as follows:

1. Subsection "A" requires that access shall be only from a State or County road. Principal access to the site for the Project is from NYS Route 311, a State-owned, and maintained road;
2. Subsection "B" requires that the minimum setback of all buildings, structures, parking areas and access drives shall be 65 feet. Sixty-five feet from any rear or side property line shall be maintained as a vegetated buffer, and shall not contain any surface or subsurface improvements, including waste disposal systems or utility lines. All regulated improvements such as buildings, structures, parking areas and access drives are greater than 65 feet from the rear property line and any side property line of the Project Site. In addition, the Applicant is proposing to install two to three rows of mixed evergreens to enhance the 65 foot vegetated buffer required along the western side property line;
3. Subsection "C" requires that all other dimensional requirements of the particular district are in conformance with the Zoning Code, except that total area of all impervious surfaces shall not exceed 50% of the total lot area. The drawings accompanying the Special Use Permit Application show that all dimensional requirements of the Patterson Zoning Code have been met. Approximately 30.2 acres of the 74.1 acres, or 48.8%, in Patterson will be changed to impervious surface.

Board Member Burdick stated 40.8%. You said 48.8[%].

Board Member Bodor stated oh. Excuse me. 40.8%

Board Member Bodor continued to read the following resolution:

4. Subsection "D" requires that the individual uses permitted on the Site shall include all those uses in General Business (GB) Districts, including indoor theaters and fast food establishments, which may be permitted. All uses proposed for the Project are

uses that are currently permitted within the General Business (GB) Zoning District of the Town of Patterson; and

5. Subsection "E" requires that any entrance to a Regional Retail Center shall be located within 2,000 feet of Interstate 84. The proposed entrance to the Project is located approximately 420' from Interstate 84, and

WHEREAS, the Meeting minutes of the December 11, 2008 and January 7, 2009 Public Hearing are presently available to the public upon request pursuant to Section 106 of the New York Open Meetings Law, and

WHEREAS, based upon the foregoing, the Zoning Board of Appeals again finds that the Application meets all applicable requirements of SEQRA and the Zoning Code, and wishes to reaffirm and re-adopt its January Resolution granting the Special Use Permit requested by the Applicant.

NOW, THEREFORE BE IT RESOLVED, the Zoning Board of Appeals reaffirms and re-adopts the ZBA Findings Statement previously adopted on January 7, 2009, and authorizes the Chairman of the Zoning Board of Appeals to re-execute the ZBA Findings Statement as of January 7, 2009, the date on which it was first adopted; and be it hereby

FURTHER RESOLVED, that the Patterson Zoning Board of Appeals hereby reaffirms and re-adopts the January Resolution granting PATTERSON CROSSING REALTY CO., LLC a Special Use Permit in accordance with Chapter 154 of the Patterson Town Code as set forth in this Resolution to operate a Regional Retail Center, as of January 7, 2009, the date on which it was first adopted; and be it hereby

FURTHER RESOLVED, that the Special Use Permit granted herein is subject to the following special conditions:

1. The access drive to Concord Road is to be used for emergency access ONLY, and be it hereby

FURTHER RESOLVED, that the January Resolution is now merged into this Resolution and both resolutions shall be read as one.

Board Member Bodor stated I would therefore move that we adopt a revised resolution, which has been revised in the limited respects to address the issues of the January 7th submission. Does anyone want to be heard on this motion.

Board Member Burdick stated you ready for a second. Second.

Board Member Olenius stated second.

UPON ROLL CALL VOTE:

Board Member Burdick	-	aye
Board Member Bodor	-	aye
Board Member Olenius	-	aye

Board Member Herbst - aye
Chairman Buzzutto - aye

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

Chairman Buzzutto stated shall we have it dated March the 18th ...

TAPE ENDED

Chairman Buzzutto stated a time and date when that was adopted.

Rich Williams stated we will, you know, put the normal headings and dates within the resolution tomorrow.

Chairman Buzzutto stated I just want to make sure that it's adopted at this meeting. That's all. Very good reading Mary.

Board Member Bodor stated thank you.

Rich Williams stated can I just, at the Board's indulgence, to address one more issue.

Chairman Buzzutto stated yes.

Rich Williams stated and that has to do with the fact that the letter was faxed in after hours. I was the one that received it. It was a little unusual that the applicant never called to confirm that the letter had been received or actually even called to let us know it was coming in, considering it was coming in after hours. But, you know, I did review the letter before the meeting, had an opportunity to go through it with some detail. Having done that and having spent hours and hours reviewing the Environmental Impact Statement, I didn't find that there was anything...any new issues that had been raised in that letter, which is one of the reasons that I had never, you know, brought it to the Board's attention during the meeting, because there was nothing substantive. There was no new issues that I felt that the Board needed to address that night, or within the Findings Statement or resolution.

Chairman Buzzutto stated are you referring to the January 9...

Rich Williams stated I'm referring to Mr. Bacon's letter that was faxed in after hours.

Chairman Buzzutto stated right. Okay. That's it.

c) Minutes

Board Member Bodor stated we have some...

The Secretary stated some minutes.

Board Member Bodor stated we have some minutes to approve. February 18th, 2009.

Chairman Buzzutto stated you were sitting all through the meeting.

Audience member stated just (inaudible – too distant).

Chairman Buzzutto stated sorry.

Audience member stated just observing.

Chairman Buzzutto stated okay.

Board Member Bodor stated I make a motion to approve the minutes from February 18th as presented.

Board Member Burdick stated second.

Chairman Buzzutto stated February the 18th.

Board Member Bodor stated yes. Marianne seconded it. All in favor. Motion carried by a vote of 5 to 0.

d) Site walk

Board Member Bodor stated we have a...Is there anything else floating around other than the site visit.

Chairman Buzzutto stated other than the site walk, no. The site walk's for Piccirillo.

Board Member Bodor stated yes.

Chairman Buzzutto stated what was that. Guiding Eyes. That's not Guiding Eyes.

Board Member Bodor stated no. It's the man that wants to build the big garage to put his motorcycles...

Chairman Buzzutto stated oh yeah.

Board Member Bodor stated and cars in.

Chairman Buzzutto stated the 18th. I can't hear. My hearing aid's...

Board Member Bodor stated that's alright.

Chairman Buzzutto stated I don't have it.

Board Member Bodor stated that's alright. I'll get over it.

Chairman Buzzutto stated I forgot it. That's why I'm slow to response here. I can't. I can hear me. Okay. Did we get any dates on these...

Board Member Bodor stated well, are we going to be able to do this in an afternoon, or do we have to go to a weekend. I don't know how late its...

Chairman Buzzutto stated it's dark...

Board Member Bodor stated it's getting dark later now.

Board Member Herbst stated it gets dark about 7 o'clock.

Board Member Bodor stated 7:00 [p.m.].

Chairman Buzzutto stated around 7 o'clock.

Board Member Herbst stated yeah.

Chairman Buzzutto stated ten after seven, it still...it's not daylight but it's not really dark either. Alright, so we...Did you say that they're next to one another.

Board Member Herbst stated well, they're not next to one another.

Chairman Buzzutto stated I mean...

Board Member Herbst stated but they're on the same road. In other words...

Board Member Bodor stated right.

Board Member Herbst stated if you're coming from, let's say, my house or Marianne's house, you have Guiding Eyes first.

Board Member Bodor stated we're not going to Guiding Eyes.

Board Member Burdick stated we're not going to Guiding Eyes.

Board Member Olenius stated we don't have a site walk...

Board Member Herbst stated we're not going to Guiding Eyes. So where are we going to. Just the...

Board Member Burdick stated just the one across from Couch Road.

Board Member Herbst stated just the one from Couch...

Board Member Bodor stated right.

Board Member Herbst stated that's off of Couch Road.

Board Member Burdick stated Guiding Eyes is just to determine...

Board Member Herbst stated then it's just...

Board Member Burdick stated Lead Agency.

Board Member Herbst stated you can come up Couch Road and be right there.

Board Member Bodor stated yes.

Board Member Herbst states we would come...Marianne and I would come from [Route] 164.

Board Member Bodor stated right.

Board Member Burdick stated I might come from...

Board Member Herbst stated and you come the other way.

Board Member Burdick stated from work.

Board Member Olenius stated I'll come from work.

Chairman Buzzutto stated alright.

Board Member Olenius stated I come from Farm To Market [Road].

Board Member Herbst stated yeah. The same way you would almost go to work. That's right. Except you don't use [Route] 164 to go to (inaudible – too many talking)...

Chairman Buzzutto stated wouldn't that be Coach Road too.

Board Member Herbst stated do you.

Board Member Olenius stated sometimes. It depends on what time of day.

Board Member Herbst stated yeah.

Board Member Bodor stated it's Couch.

Chairman Buzzutto stated it could be Coach though, right.

Board Member Bodor stated it's Couch.

Board Member Burdick stated Coach would be O-A.

Chairman Buzzutto stated I'm sorry.

Board Member Burdick stated C-O-A.

Chairman Buzzutto stated O-A.

Board Member Burdick stated Coach would be O-A, I believe.

Chairman Buzzutto stated okay, so what's the date now.

Board Member Herbst stated I don't know. I don't have a calendar.

Board Member Bodor stated I have a calendar.

Board Member Herbst stated when do you want to go.

Board Member Bodor stated well I can't go until after the 29th.

Board Member Herbst stated the 29th.

Board Member Bodor stated that's a Sunday.

Board Member Herbst stated well, I don't have a problem.

Board Member Bodor stated if we're going after work, then, you know, we got 30, 31.

Board Member Herbst stated we're only going to the one place.

Board Member Bodor stated yes.

Board Member Herbst stated then I think if we make it say, I don't know, 5, 5:30 [p.m.], we should have no problem at all. It will be daylight.

Board Member Bodor stated so what day of the week is good.

Chairman Buzzutto stated any day for me.

Board Member Burdick stated any day is...

Board Member Herbst stated the 29th is a Monday. That I do know.

Board Member Bodor stated the 30th ...

Board Member Burdick stated no, the 30th.

Board Member Bodor stated is a Monday.

Board Member Burdick stated 30th is a Monday.

Board Member Herbst stated 30th is a Monday.

Board Member Bodor stated yes.

Board Member Herbst stated oh, wait a minute. The 29th I'm going to Mohegan Sun. Yeah, that's Sunday. That's right. So...

Chairman Buzzutto stated okay. The 30th.

Board Member Bodor stated 30th is that Monday.

Chairman Buzzutto stated do you want to make it that Monday, or you want to...

Board Member Herbst stated I don't care.

Board Member Olenius stated it's fine by me. That time of day is fine.

Board Member Burdick stated it's okay with me.

Chairman Buzzutto stated Monday.

Board Member Bodor stated 30th.

Board Member Herbst stated alright.

Board Member Bodor stated 5:15 [p.m.]. 5:15 on the site.

Board Member Herbst stated okay. On the site, right.

Board Member Bodor stated yes.

Board Member Herbst stated okay.

Board Member Burdick stated do we want to do a rain date.

Board Member Herbst stated Monday, 3/30...

Chairman Buzzutto stated what's the name on that one there.

Board Member Herbst stated site walk.

Board Member Bodor stated Piccirilli.

Chairman Buzzutto stated Piccirilli.

Board Member Bodor stated Piccirillo.

Chairman Buzzutto stated I got it right there.

Board Member Herbst stated 5:30 [p.m.].

Board Member Bodor stated he's the engineer.

Board Member Olenius stated 5:15 [p.m.].

Board Member Bodor stated do a rain date...

Board Member Herbst stated 5:15 [p.m.].

Board Member Olenius stated 5:15[p.m.]

Board Member Herbst stated okay. 5:15 [p.m.]. That's right, she did say 5:15 [p.m.].

Chairman Buzzutto stated rain date on the 1st.

Board Member Herbst stated whatever.

Board Member Bodor stated same time.

Board Member Herbst stated okay.

Chairman Buzzutto stated April Fool's Day, huh.

Board Member Olenius stated don't be playing no tricks.

Rich Williams stated shoot, the switch is off. Mary, you're going to have to do it over.

Chairman Buzzutto stated Rich, thank you for your assistance in there. I appreciate it.

Board Member Burdick stated you made me look, and I was the one who turned it on, so...

Board Member Herbst stated okay. Are we adjourned.

Board Member Bodor stated make a motion to adjourn.

Board Member Olenius stated second.

Meeting adjourned at 8:56 p.m.