

**TOWN OF PATTERSON
ZONING BOARD OF APPEALS
March 19, 2008**

AGENDA & MINUTES

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2) Michael Tobin Case #01-08	3 – 15	Public hearing closed; Area variances for two existing sheds denied
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4) Christian Olsen Case #03-08	24 – 41	Public hearing opened; Application tabled until 4/22/08 meeting; Site walk to be scheduled
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a) Discussion of April meeting	43 – 45	April meeting scheduled for 4/22/08
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PLANNING DEPARTMENT

P.O. Box 470
1142 Route 311
Patterson, NY 12563

Michelle Russo
Sarah Wagar
TOWN OF PATTERSON



ZONING BOARD OF APPEALS

Howard Buzzutto, Chairman
Mary Bodor, Vice Chairwoman
Marianne Burdick
Lars Olenius
Martin Posner

PLANNING BOARD

Shawn Rogan, Chairman
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PLANNING & ZONING OFFICE

**Zoning Board of Appeals
March 19, 2008 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 Burdick, Board Member Lars Olenius, Jennifer Herodes, Attorney with Town Attorney's Office Curtiss, Leibell, Herodes & Molé (arrived late at 7:06 p.m.) and Rich Williams, Town Planner.

Chairman Buzzutto called the meeting to order at 7:05 p.m.

Chairman Buzzutto led the salute to the flag.

Approximately 12 members in the audience.

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

Roll Call:

Board Member Bodor	-	here
Board Member Burdick	-	here
Board Member Olenius	-	here
Board Member Posner	-	absent
Chairman Buzzutto	-	here

1) JIRINA EMERSON CASE #29-07

Chairman Buzzutto stated okay. You want to read the...Sarah do want to read the notice.

The Secretary read the following legal notice:

NOTICE IS HEREBY GIVEN BY THE TOWN OF PATTERSON BOARD OF APPEALS of a public hearing to be held on Wednesday, March 19, 2008 at 7:00 p.m. at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following application:

Jirina Emerson Case #29-07 – Special Use Permit

Board Member Bodor stated the Applicant has submitted a request to withdraw the application. This is what we received from the family today.

Board Member Bodor read the following letter:

Confirming my conversation with Ms. Wagar, my husband and I would like to withdraw our application Case 29-07 for a Special Use Permit. The engineering and construction costs involved in building a septic system are more than we can presently afford. We will submit the application at a later date if the situation changes.

Chairman Buzzutto stated okay. Do we have to take a vote on that just to...

Board Member Bodor stated no. They've just withdrawn it.

Chairman Buzzutto stated just withdrawn it.

Board Member Bodor stated we don't have...Do we have to take an action on it. Make a motion to accept their withdrawal because we've been working with it.

Rich Williams stated you can. There is one administrative issue that you might want to address at this time, and that's typically with an...where an application is submitted and later withdrawn, the applicant has the ability to make a request to refund the fees. In this case, there has been considerable review.

Board Member Bodor stated we have been involved with this case since...

Board Member Burdick stated January or December.

Board Member Bodor stated December 19th, and...

Chairman Buzzutto stated site walks and...

Board Member Bodor stated site walks and it's been held over since December 19th. Then it went January 22nd, February 20th and tonight they're withdrawing. I'll make a motion to accept their request to withdraw and further the motion with the fact that due to the fact that we have spent considerable amount of time on this case, that any future request for a refund on this application be denied.

Chairman Buzzutto stated plus Dave Raines, our Code Enforcement Officer, he's been out there...

Board Member Bodor stated right.

Chairman Buzzutto stated several times evaluating the property. So can we get a second on that.

Board Member Olenius stated I'll second that motion.

Chairman Buzzutto stated okay.

The Secretary stated okay. Michael Tobin Case...

Board Member Bodor stated take a roll call.

The Secretary stated oh, I'm sorry.

UPON ROLL CALL:

Board Member Bodor	-	yes
Board Member Burdick	-	yes
Board Member Olenius	-	yes
Board Member Posner	-	absent
Chairman Buzzutto	-	yes

Motion carried by a vote of 4 to 0.

2) MICHAEL TOBIN CASE #01-08

Mr. Michael Tobin was present.

Chairman Buzzutto stated okay, you want to go with the...

The Secretary stated Michael Tobin Case #01-08 – Area variances. You want me to read the whole thing.

Board Member Bodor stated I'm sorry.

The Secretary stated you want me to read the whole thing.

Board Member Bodor stated you can read it.

The Secretary read the following notice:

Applicant is requesting area variances pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations, and §154-27(12)(b) of the Patterson Town Code; Permitted accessory uses. Applicant wishes for two existing 8' x 8' sheds to remain in their present location. The Applicant is requesting a 5' variance for each shed. The Patterson Town Code requires a 15' side yard setback; Applicant has 10' for each shed. There is also 5 ½' between the sheds; Code requires 15'; variance requested is for 9 ½'. This property is located at 79 Panorama Drive (R-1 Zoning District).

Chairman Buzzutto stated Mr. Tobin. You're Mr. Tobin.

Mr. Michael Tobin stated yes.

Chairman Buzzutto stated yeah.

Board Member Bodor stated this is a held over case from the February 20th meeting too.

Chairman Buzzutto stated okay fine. And you are requesting a variance to... You would like to get a variance to leave the sheds where they are.

Mr. Tobin stated yes.

Chairman Buzzutto stated okay. We did do a site walk on that particular piece of property and found that there is a good piece of land there; pretty well, you know, level and stuff like that. You want to go into why you didn't get a permit at the original time against...

Mr. Tobin stated I wasn't aware that I needed one.

Chairman Buzzutto stated he wasn't aware of that.

Mr. Tobin stated my neighbor didn't object and I thought that's, at the time...

Chairman Buzzutto stated right.

Mr. Tobin stated and the reason I setup the location there is there were woods there when they were put up. You saw the property. It's where all the trees were cleared. Plants, you know, reseeded, with landscaping along the sheds.

Chairman Buzzutto stated well, there is a pretty strict code on where sheds are placed and variances to get on them, you know, we have to consider an awful lot to leave them where they are. Since there is available space, there was plenty of available space that they could have been set in a different area.

Board Member Bodor stated the main reason for us going out to visit the property was to see if there was any way that you could retain those sheds on the property and conform with the Code. And I believe that the Board feels anyone, if taking a measuring stick, could realize that those sheds can be placed on your property in conformance with the Code. Would you have to move them, yes. You do have to move them. But you can bring them within the bounds of your property and you would keep within your side yard, your rear yard, and in the backyard in an appropriate place. Your land is level. You've taken down trees, so that's not an obstacle anymore.

Mr. Tobin stated it's just a matter of getting something large enough in there without really ripping up the lawn.

Chairman Buzzutto stated well...

Board Member Bodor stated but they're not... They don't have basements.

Chairman Buzzutto stated a forklift has been used on many of these sheds to pick them up and move them. And that's the way that it was built there, it's not anchored into the ground anyway I could see.

Mr. Tobin stated no, it's on cinder block.

Chairman Buzzutto stated yeah. And of course not knowing you needed a permit doesn't buy the situation...

Mr. Tobin stated no. I just thought that as long as my neighbor doesn't object, which was Cliff Mahar, he didn't object so I...And they were in the woods so they really weren't even visible...

Chairman Buzzutto stated yeah.

Mr. Tobin stated at the time. So I...

Chairman Buzzutto stated so which neighbor is that that...

Mr. Tobin stated the letter that was written is the...

Chairman Buzzutto stated which side is...

Board Member Bodor stated the one with the big shed on his property.

Chairman Buzzutto stated the one with the big shed on his property there.

Board Member Bodor stated yeah.

Mr. Tobin stated he wrote a letter and he has no objections; the new owner.

Chairman Buzzutto stated yeah. Well, do we have any input from the audience on this particular...Dan you want to come up to the...Dan state your name please.

Dan Kuctha stated Dan Kuctha. 63 Sunset Drive.

Chairman Buzzutto stated okay.

Dan Kuctha stated I was a little surprised when this variance came up because I live in the neighborhood and I wasn't even aware that Mike had the shed. Since this has come up, when I drive up Panorama [Drive] there's only sort of one small angle which you could see the shed. I think...I don't know where you're picturing moving them, but I think if you do move them, they'll be more visible when you're driving by. The other thing I noticed is a couple of shed variances have been granted in the same neighborhood; Hellwig and Ferraro recently. And there's other...There appears to be other neighbors that have their sheds right on the property line also on Panorama [Drive]. Those are my comments.

Chairman Buzzutto stated well, I don't know which one...

Dan Kuctha stated I mean, if you were concerned about like, you know the sudden, you know, (inaudible) of people, you know, putting up illegal sheds, I think the neighborhood has it sort of share of sheds like that.

Chairman Buzzutto stated well, the situation is probably unique with the property. If they don't have any place they could put them...

Dan Kuctha stated it could be. I mean in (inaudible – too many talking) I think that was the case.

Chairman Buzzutto stated we will allow variances when there's rock ledges and stuff like that.

Dan Kuctha stated yeah.

Chairman Buzzutto stated but this piece of property is...

Dan Kuctha stated I hear what you're saying. I think they're pretty well hidden, which was my first remark. He's got some small trees which are going to grow, but unless...I mean, I've lived there for 10 years now and I didn't know that the sheds were there. They're so well tucked in and I think if you...I don't know where you're picturing them, but he's got a big view spot. As you're driving up you can see most of his backyard. I think if you moved them, you'd see a lot more of the sheds. I'd like the idea they're hidden.

Chairman Buzzutto stated well...

Board Member Bodor stated I'd just like to reiterate though that we are charged with upholding the Code as it stands, if that can happen. And with this piece of property it can happen.

Dan Kuctha stated I understand.

Chairman Buzzutto stated and I think just by seeing the sheds...Now these sheds are not eyesores. These are nice looking sheds.

Dan Kuctha stated and the same thing with Ferraro's. Ferraro's shed's a very nice looking shed. Very visible from the (inaudible – too many talking).

Chairman Buzzutto stated I don't know...

Dan Kuctha stated right on the property line as well.

Chairman Buzzutto stated I don't know what Ferraro you're talking about. Where he lives.

Dan Kuctha stated Don and Judy on Sunset Drive. They were here last year. I think you guys remember.

Chairman Buzzutto stated I don't even remember that name.

Board Member Bodor stated each piece of property is unique. And thank you for your comments, but this family has a very flat piece of property which is cleared in the back. Two sheds are sitting 5 feet off the sideline. He can move them. You can come in 15 [feet] from, here 15 [feet] from here, put your two sheds inside those bounds and have the separation between the sheds too, which is required. Which is not happening now either.

Chairman Buzzutto stated and they're what...Fifteen feet is required between them.

Board Member Bodor stated between accessory buildings.

Chairman Buzzutto stated and you don't even have that. So do we have any more input from the audience on this. No. I see none. I would like to close the public hearing.

Board Member Bodor stated I'll make a motion to close it.

Chairman Buzzutto stated unless you want to say something.

Mr. Tobin stated yeah. Twenty years ago up on...a couple of houses down from Hellwig, this was granted; because I went to the meeting [referring to a picture that he brought in]. It was a raised ranch, they wanted to close off the two garages. This was granted, which to me is quite visible. They have level property, you know. If you granted this...I mean mine was built...When it was built it was all woods. You couldn't see the sheds at all. As Dan was saying, when you go up Panorama [Drive] there's that one spot that you could see it as you're driving by. That was all woods. And when I had to remove dead trees...Again, I didn't realize I had to have a variance for this. We took the trouble...I showed you I built another shed to identically match the next one. I painted them to match the house. We landscaped all around it. If you move the sheds now, you're going to have dirt there instead of lawn. You're going to have...All that shrubbery is going to have to be dug up. And you know that I no longer live there; I sold the house. The new owner would like to keep them where they are. He likes the way it's landscaped. It's not like the property was like that when I put them up; that's a different story. I'd just plead ignorance.

Chairman Buzzutto stated well the codes, and what they read is that we have to abide what the Code says. If you have ample room, there's no big deal in moving them and stuff like that.

Mr. Tobin stated there are trees on the...

Chairman Buzzutto stated I don't know whose property that is there. That's more than 20 years ago. That's probably before our time.

Mr. Tobin stated no that was (inaudible) there. So that was probably in the late '80's. But as you can see, these sheds...the shed here on the left, there are trees around it. This cannot be moved back; there's about 35, 40 feet from the back of the property line to here [referring to pictures]. Trying to keep them off...to bring them closer to the house. This one's going to be tough to bring out and same with this one. And then you're going to have to spread them out. You're going to have basically one over here. It's going to look worse. It's going to be an...I would think it's going to be an eyesore.

Board Member Bodor stated no matter what...

Mr. Tobin stated the way it's, you know...

Board Member Bodor stated no matter where you put them, they're not an eyesore because they are nice structures.

Mr. Tobin stated but now we can't align them because this shed cannot move back. Moving them forward you got two trees here. So this is probably going to have to be completely moved around somehow, away from the other one.

Board Member Bodor stated yes.

Mr. Tobin stated like I said, that's why we took the trouble to...

Chairman Buzzutto stated yeah, but couldn't you...

Mr. Tobin stated paint them and...

Chairman Buzzutto stated move them forward, just turn them to face the house.

Board Member Burdick stated in the leafy area.

Mr. Tobin stated there's trees here too. I mean as I said, what happens...the lawn gets dug up. I mean...

Chairman Buzzutto stated well, the lawn can be replanted you know.

Mr. Tobin stated I said this...being that they were existing I paid \$550.00 application fee. They're withholding \$3,000.00 in escrow for my closing. How much...If I have to move these over here, how much do you think...and if they end up digging up the lawn, I have to pay for everything. If I had known this ahead of time, I would have taken a sledgehammer; I had a dumpster in my driveway when I was cleaning my house out. I would have taken the sheds down, but the new owner wants them. This could end up costing me four or \$5,000.00 to have this done. I mean, it's tucked in the back. They're attractive. I could see if they're an eyesore. We took the time, my wife did, to landscape. You know, you're talking...You know. I'm not saying...the property was like that originally when I put them up. I could plead ignorance, yeah. You have to move them. The yard did not look...There was a reason they were put there. Because the way the trees were situated.

Chairman Buzzutto stated well, there was a reason you put them there, but you did not have a permit to put them there.

Mr. Tobin stated I understand. That I plead ignorance. I did not know.

Chairman Buzzutto stated alright. And if you would have went for a permit at that time, it would not have been allowed to put them there.

Mr. Tobin stated again, I didn't know. I asked...

Chairman Buzzutto stated well.

Mr. Tobin stated I talked to Cliff Mahar, who was my neighbor at the time, and he said as long as it's not 15 feet...I'm from Yonkers. A 15 foot variance is basically the middle of the yard. It's a small property.

Chairman Buzzutto stated well.

Mr. Tobin stated I'm just saying, I'm not use to the variances. I come from the city. I asked my neighbor if he didn't have a problem. I thought and it was in the woods; I thought that's all I had to do. This is going...

Chairman Buzzutto stated well...

Mr. Tobin stated I can't knock the sheds down now, because it was part of the deal to sell the house.

Chairman Buzzutto stated yeah, but does the owner does not object to moving them.

Mr. Tobin stated no. It's just that so far it's been an expense. This could end up being...Because the yard will get dug up.

Chairman Buzzutto stated well...

Mr. Tobin stated I am going to end up spending probably four or \$5,000.00 on to have this done.

Chairman Buzzutto stated you know...

Mr. Tobin stated and you're only talking a few feet.

Chairman Buzzutto stated I think every month, just about every month, we get applications for variances for sheds.

Mr. Tobin stated yes.

Chairman Buzzutto stated they're in the wrong place. Like you did not have a permit for it. They come up all the time on that, because these sheds have been built all over the place without permits or without variances. So we have to set the codes to follow them the way they are listed for.

Mr. Tobin stated yeah. I guess I have no choice. I mean, I...

Chairman Buzzutto stated I did close the public hearing didn't I.

Board Member Bodor stated you made a motion. I'll second...

Chairman Buzzutto stated I made a motion.

Board Member Bodor stated I'll second it.

Chairman Buzzutto stated okay.

Board Member Bodor stated all in favor.

Motion carried by a vote of 4 to 0.

Mr. Tobin stated can I just ask one question. Dan mentioned two other...the Hellwig and the other house.

Dan Kuchta stated Ferraro.

Mr. Tobin stated did you see their properties. Do you know are those properties...Is that like the only spot that they could have put the shed or...

Dan Kuchta stated no. Ferraro had the opportunity...Ferraro had other places where the shed could have gone, except it would have been right in the middle of his yard to satisfy...You guys remember, right. It's a blue house.

Board Member Burdick stated we go on so many site walks I don't recall which one it is.

Dan Kuchta stated and he did have another location where he could put it. You granted him the variance because, essentially, it would have like blocked his rather...his small yard. I think his yard is probably smaller than Mike's but...So this was a situation, you know every property is different, situation where he did have another spot where it could have been put to satisfy Code, and you granted him the variance just because it would have been (inaudible – too distant).

Chairman Buzzutto stated well...

Dan Kuchta stated you can review the notes on your...

Board Member Bodor stated alright, the public hearing has been closed, okay.

Dan Kuchta stated no. A motion has been made. I don't think...

Board Member Bodor stated it was all in favor; we voted on it.

Dan Kuchta stated okay.

Board Member Bodor stated the public hearing has been closed so we can't discuss this any further. What we're looking at is a resolution now.

Chairman Buzzutto stated okay, do...

Board Member Bodor stated Lars, do you have one prepared.

Board Member Olenius stated sure.

Board Member Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Michael Tobin, Case #01-08
For an Area Variance for an existing 8' x 8' Shed

WHEREAS, *Michael Tobin* was the owner of real property located at 79 Panorama Drive, also identified as **Tax Map Parcel # 4.18-1-16**, and

WHEREAS, *Michael Tobin* has made application to the Patterson Zoning Board of Appeals for a variance pursuant to §154-7 of the Patterson Town Code for an existing 8' x 8' shed [marked as "1" on the survey provided by the Applicant] on the property...

Board Member Bodor stated well excuse me Lars. There's one...We're talking about the two sheds. There's one here for two sheds. Or you want to read two separate ones; one for each shed.

Board Member Olenius stated that's how it was presented to me.

Board Member Bodor stated no. Look at the next one.

Board Member Olenius stated that's for the spacing between the two. There's one for each one off the sideline, and the spacing in between also.

Board Member Bodor stated alright. Okay. Sorry.

Board Member Olenius stated that's okay.

Board Member Olenius continued to read the following resolution:

WHEREAS, §154-7 of the Patterson Town Code requires a 15' side yard setback in an R-1 Zoning District; Applicant has 10'; *Variance requested is for 5'*; 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 February 20, 2008 and March 19, 2008 and a site walk conducted on March 10, 2008, 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* produce an undesirable change in the character of the neighborhood *because there are other areas within the property so as the sheds would within current codes*;
2. the benefit sought by the applicant *can* be achieved by any other feasible means *because as previously stated, there is cleared property which meets code requirements*;
3. the variance requested *is not* substantial *however again as previously stated, it's not necessary*;
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because said shed has been in place for a considerable amount of time*;
5. the alleged difficulty necessitating the variance *was self-created and is sufficient* so as to cause a denial of the requested variance.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby *denies* the application of *Michael Tobin* for an *area variance of 5'* from the side yard setback of 15' as required in the R-1 Zoning District as set forth by §154-7 of the Patterson Town Code and the Schedule of Dimensional Requirements, in order to permit a 10' side yard setback between the existing 8' x 8' shed [marked as "1" on the survey provided by the Applicant] and the side property line.

Chairman Buzzutto stated this is write to take care of both sheds, right.

Board Member Burdick stated no, just one.

Chairman Buzzutto stated just the one.

Board Member Bodor stated no. They're going individually.

Chairman Buzzutto stated oh. They're going...okay.

Board Member Bodor stated yeah.

Chairman Buzzutto stated okay, fine.

Board Member Bodor stated I'll second it.

UPON ROLL CALL VOTE:

Board Member Bodor	-	yes
Board Member Burdick	-	yes
Board Member Olenius	-	yes
Board Member Posner	-	absent
Chairman Buzzutto	-	yes

Resolution carried by a vote of 4 to 0.

Board Member Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Michael Tobin, Case #01-08
For an Area Variance for an existing 8' x 8' Shed

WHEREAS, *Michael Tobin* was the owner of real property located at 79 Panorama Drive, also identified as **Tax Map Parcel # 4.18-1-16**, and

WHEREAS, *Michael Tobin* has made application to the Patterson Zoning Board of Appeals for a variance pursuant to §154-7 of the Patterson Town Code for an existing 8' x 8' shed [marked as "2" on the survey provided by the Applicant] on the property, and

WHEREAS, §154-7 of the Patterson Town Code requires a 15' side yard setback in an R-1 Zoning District; Applicant has 10'; ***Variance requested is for 5'***; 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 February 20, 2008 and March 19, 2008 and a site walk conducted on March 10, 2008, 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*** produce an undesirable change in the character of the neighborhood ***because there are other locations within the property where the sheds could be housed;***
2. the benefit sought by the applicant ***can*** be achieved by any other feasible means ***that will meet current Town Zoning Codes;***
3. the variance requested ***is not*** substantial ***however as previously stated, there are other areas that meet current zoning code requirements;***

4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because said shed has been in place for considerable time;*
5. the alleged difficulty necessitating the variance *was self-created and is sufficient* so as to cause a denial of the requested variance.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby *denies* the application of *Michael Tobin* for an *area variance of 5'* from the side yard setback of 15' as required in the R-1 Zoning District as set forth by §154-7 of the Patterson Town Code and the Schedule of Dimensional Requirements, in order to permit a 10' side yard setback between the existing 8' x 8' shed [marked as "2" on the survey provided by the Applicant] and the side property line.

Board Member Burdick stated second.

UPON ROLL CALL VOTE:

Board Member Bodor	-	yes
Board Member Burdick	-	yes
Board Member Olenius	-	yes
Board Member Posner	-	absent
Chairman Buzzutto	-	yes

Resolution carried by a vote of 4 to 0.

Chairman Buzzutto stated well, they both have been denied.

Board Member Bodor stated well, there's a third one. We have a third one.

Chairman Buzzutto stated yeah. There's one more.

Board Member Bodor stated yeah.

Chairman Buzzutto stated the 15 feet.

Board Member Bodor stated you want me to pick it up, or you want to do it. You want to read some more.

Board Member Olenius stated I'll do it. I don't care.

Board Member Bodor stated okay.

Board Member Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Michael Tobin, Case #01-08
For an Area Variance for an existing 8' x 8' Shed

WHEREAS, Michael Tobin was the owner of real property located at 79 Panorama Drive, also identified as **Tax Map Parcel # 4.18-1-16**, and

WHEREAS, Michael Tobin has made application to the Patterson Zoning Board of Appeals for a variance pursuant to §154-27(12)(b) of the Patterson Town Code for two existing 8' x 8' sheds on the property, and

WHEREAS, §154-27(12)(b) of the Patterson Town Code requires that an accessory structure shall not be closer than 15' to other accessory structures; Applicant has 5 ½' between the accessory structures; *Variance requested is for 9 ½'*; 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 February 20, 2008 and March 19, 2008 and a site walk conducted on March 10, 2008, 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* produce an undesirable change in the character of the neighborhood *because there is sufficient property to meet current zoning requirements;*
2. the benefit sought by the applicant *can* be achieved by any other feasible means *because as previously stated, the property is now cleared and provides adequate room to meet current setbacks;*
3. the variance requested *is* substantial *because with relocation, the code required 15' can easily be attained;*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because with regards to impervious coverage, said sheds have been in place for some time;*
5. the alleged difficulty necessitating the variance *was self- created and is sufficient* so as to cause a denial of the requested variance.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby *denies* the application of *Michael Tobin* for an *area variance of 9 ½'* in order to allow the two existing 8' x 8' sheds on the property to remain 5 ½' from each other.

Board Member Bodor stated I'll second.

UPON ROLL CALL VOTE:

Board Member Bodor	-	yes
Board Member Burdick	-	yes
Board Member Olenius	-	yes
Board Member Posner	-	absent
Chairman Buzzutto	-	yes

Resolution carried by a vote of 4 to 0.

Chairman Buzzutto stated okay. Okay so they have to be removed. Sorry.

3) MICHAEL BURDICK CASE #02-08

Mr. Michael Burdick was present.

Board Member Bodor stated number five. This one.

Chairman Buzzutto stated okay. You want to read the...

The Secretary read the following notice:

Michael Burdick Case #02-08 – Area variance

Applicant is requesting a variance pursuant to §280-a(3) of the Town Law. Applicant wishes to construct a single-family dwelling on lot that does not have frontage on an improved road. This property is located at 105 McManus Road South (R-4 Zoning District).

Chairman Buzzutto stated Michael Tobin.

Board Member Bodor stated no.

Chairman Buzzutto stated Michael Burdick.

Board Member Burdick stated Chairman Buzzutto and Board Members, I'm going to recuse myself because I'm related to the Applicants.

Chairman Buzzutto stated okay, thank you. Alright, do you want to raise your right hand. Do you solemnly swear the testimony you provide tonight will be the truth, the whole truth.

Mr. Michael Burdick stated yes.

Chairman Buzzutto stated okay. You want to describe in your own words what you want to do.

Mr. Burdick stated we want to build a single-family house on 12 acres that has been in the family for probably over 50 years. We need a variance because we're off...Not on a Town road, it's a private drive.

Chairman Buzzutto stated this is a single-family.

Mr. Burdick stated yes.

Board Member Bodor stated the road is in existence only it's not improved.

Mr. Burdick stated right.

Board Member Bodor stated it's a dirt road.

Mr. Burdick stated yes.

Chairman Buzzutto stated oh, McManus Road. That don't go all the way through from [Route] 311 though, does it.

Mr. Burdick stated no.

Board Member Bodor stated no. It breaks in the middle. But they're coming from the south end.

Chairman Buzzutto stated okay.

Mr. Burdick stated off Bullet Hole Road.

Chairman Buzzutto stated off Bullet Hole Road. Okay.

Mr. Burdick stated yes.

Chairman Buzzutto stated okay.

Board Member Bodor stated are there other residences that have been built along this road.

Mr. Burdick stated yes.

Board Member Bodor stated and the road is well enough based so that you can travel on it.

Mr. Burdick stated oh yes.

Board Member stated yeah.

Mr. Burdick stated yes.

Board Member Bodor stated okay. Excuse me Rich, you have...

Rich Williams stated if I just might clarify something for the record.

Board Member Bodor stated yes.

Rich Williams stated this is a former roadbed. There was an abandonment proceeding done by the Town, so at this point, it really is considered a driveway. It certainly is constructed adequately to driveway standards.

Board Member Bodor stated okay. Thank you. I just don't want them having to go over stones and rocks and hill and hail to get there.

Chairman Buzzutto stated how many houses are on this particular...

Mr. Burdick stated two right now.

Chairman Buzzutto stated two right now.

Mr. Burdick stated yes.

Chairman Buzzutto stated does that road have to be brought up to Town standards.

Rich Williams stated it's a driveway.

Chairman Buzzutto stated it's a driveway. Oh.

Board Member Bodor stated it's a driveway, and in our packet here, there's an easement for traversing that driveway...

Chairman Buzzutto stated well that's what I was reading...

Board Member Bodor stated yes.

Board Member Olenius stated is there currently a maintenance agreement for the driveway, to maintain it.

Mr. Burdick stated no. We just maintain it as useable. It's family.

Chairman Buzzutto stated this easement is a lifetime easement on the (inaudible).

Mr. Burdick stated excuse me.

Chairman Buzzutto stated it's a lifetime easement with this here.

Mr. Burdick stated yes.

Chairman Buzzutto stated Dave, did you have...

Dave Raines stated I just wanted to (inaudible – too distant). I did go out to the site...

Chairman Buzzutto stated this is Dave Raines...

Dave Raines stated I'm sorry. Dave Raines the acting Code Enforcement Officer. I did go out to the site after receiving the application to verify that it was...that it did meet standards for a driveway and adequate access from the building code for residence, and it does. I'm sure you are going to do some work...

Mr. Burdick stated yes, absolutely.

Dave Raines a little bit off maintenance to open it up a little bit before the new driveway for the end of the driveway which would be for the house. I didn't see any problems. Accessibility from a fire access, accessibility for them existing as a single-family residence.

Chairman Buzzutto stated it's wide enough for fire trucks to get in there.

Dave Raines stated yes.

Chairman Buzzutto stated what is the percentage of grade on that. Did you...

Dave Raines stated Rich is better at that than me.

Chairman Buzzutto stated does it meet those standards.

Rich Williams stated oh yeah.

Dave Raines stated oh yeah.

Rich Williams stated the grade is...

Dave Raines stated well under the maximum.

Chairman Buzzutto stated oh, okay. That is 15%.

Dave Raines stated yeah, it's well under that.

Chairman Buzzutto stated okay.

Board Member Bodor stated we were up in that area in the past.

Chairman Buzzutto stated yes.

Board Member Bodor stated the reason that Marianne recused herself, her house is off that driveway too.

Chairman Buzzutto stated way down at the end. Way down at the end. That's a pretty long driveway there.

Mr. Burdick stated yes.

Board Member Bodor stated are you going in further than Marianne, or...

Mr. Burdick stated no.

Board Member Bodor stated before you even get to her, yeah. Okay.

Chairman Buzzutto stated alright.

Board Member Bodor stated so we were there before, if you think back.

Dave Raines stated and I sent it to the Board because it's kind of an anomaly where there was an easement created which allowed the building lot, but the easement doesn't really provide frontage on a true road as we define it for the lot. So that's why I really sent it to you folks for interpretation or for a variance because we do have several of these situations where we have an easement that is not going to be a dedicated road at any point; there's no plans, so... These are situations we are going to have to deal with this. That's (inaudible – too distant) and send it to you folks to look at before we reissue the permits. Even though it is an approved building lot.

Chairman Buzzutto stated did you want to see this or you want to... I don't think so because...

Board Member Bodor stated no.

Chairman Buzzutto stated we've been up there before.

Board Member Bodor stated I'm familiar with... We've been up there, so we know what's there. It certainly has enough acreage up in there. What did you say, 12 acres.

Mr. Burdick stated yes.

Board Member Bodor stated a single-family residence.

Chairman Buzzutto stated alright. As long as you've got yours (inaudible) [referring to a set of plans].

Board Member Bodor stated yes. Here. This is the driveway.

Chairman Buzzutto stated this is the driveway here. And these would be from...

Board Member Bodor stated this is from the north, so coming in from this end. It backs up to Herlich. Parcel C is not occupied, there's no one on that. Facing your property to the left is called Parcel C. There's nothing on there is there.

Mr. Burdick stated no.

Shawn Rogan stated Parcel C has a single-family existing home.

Board Member Bodor stated oh, it does. Okay.

Mr. Burdick stated oh, that is C.

Board Member Bodor stated okay.

Shawn Rogan stated that's Bill Burdick's house.

Board Member Bodor stated oh, alright.

Shawn Rogan stated you're saying as you're looking at...

Board Member Bodor stated yes. Looking at it and to the left.

Board Member Bodor stated don't ruin the record.

Shawn Rogan stated Shawn Rogan. I'm a neighbor to this parcel to the right on our plan. And there are existing homes to either side of the (inaudible).

Board Member Bodor stated okay. Thank you.

Chairman Buzzutto stated you say...

Board Member Bodor stated it's the same road.

Chairman Buzzutto stated back in here.

Board Member Bodor stated Shawn, are you A then. You're adjoining. Okay, so...okay. Got you. I didn't realize that.

Shawn Rogan stated they're all about 12 acre parcels.

Board Member Bodor stated okay.

Shawn Rogan stated give or take.

Chairman Buzzutto stated and none of these houses have frontage.

Board Member Bodor stated on an improved road.

Chairman Buzzutto stated on an improved road, right.

Shawn Rogan stated the first house does. The second, this lot and our lot does not.

Board Member Bodor stated this one because it's out on Bullet Hole [Road], isn't it.

Chairman Buzzutto stated yeah. Okay.

Board Member Olenius stated for the record too, Applicant has submitted a declaration of easement filed with the Putnam County Clerk dated February 2007, for all parcels.

Board Member Bodor stated is there anyone in the audience that has anything to contribute, that they would like to say regarding this one way or the other. Encouragement, some...

Shawn Rogan stated they'll be good neighbors.

Board Member Bodor stated on the record Mr. Rogan is saying that they will be good neighbors.

Shawn Rogan stated I believe so.

Chairman Buzzutto stated there is power lines already going out there to your...

Mr. Burdick stated yes.

Chairman Buzzutto stated that would be to feed Mr. Rogan's house. Okay.

Dave Raines stated Mr. Chairman, just to clarify. Everything that would be needed for a building permit application has been met.

Chairman Buzzutto stated it has been met.

Dave Raines stated as far as the Code, with the exception of the determination of frontage because it is not a town road. But whenever we looked at all the other pieces of the approval process and they're all in place with the exception of this interpretation of frontage to an easement versus frontage to a town road.

Chairman Buzzutto stated okay. Is there any other parcels that are up there that's buildable that's for sale.

Mr. Burdick stated no.

Chairman Buzzutto stated this would be the final. Okay. So, do I make a motion to close the public hearing.

Board Member Bodor stated if there's no one else.

Chairman Buzzutto stated yeah. Is there anybody else in the audience that has any input. Alright. I'd like to close the public hearing.

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

Motion carried by a vote of 3 to 0.

Chairman Buzzutto stated okay, public hearing is closed.

Board Member Bodor stated Lars, are you going to offer the resolution for us.

Board Member Olenius stated I believe I can.

Board Member Bodor stated very good. Thank you.

Board Member Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Michael Burdick, Case #02-08
For an Area Variance for Construction of a Single-family Dwelling

WHEREAS, *Michael Burdick* is the owner of real property located at 105 McManus Road South (R-4 Zoning District), also identified as **Tax Map Parcel # 23.-2-24, and**

WHEREAS, *Michael Burdick* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §280-a(3) of the Town Law for a construction of a single-family dwelling on a lot that does not have frontage on an improved road, and

WHEREAS, §280-a(3) of the Town Law states where the enforcement of the provisions of this section would entail practical difficulty or unnecessary hardship, or where the circumstances of the case do

not require the structure to be related to existing or proposed streets or highways, the applicant for such a permit may appeal from the decision of the administrative officer having charge of the issue of permits established to the board of appeals or other similar board, in any town which has established a board having power to make variances or exceptions in zoning regulations, and the same provisions are hereby applied to such appeals and to such board as are provided in cases of appeals on zoning regulations. The board may in passing on such appeal make any reasonable exception and issue the permit subject to conditions that will protect any future street or highway layout. Any such decision shall be subject to review by certiorari order issued out of a special term of the supreme court in the manner and pursuant to the same provisions as in appeals from the decisions of such board upon zoning regulations; and

WHEREAS, the proposed action constitutes an unlisted action under 6 NYCRR Part 617, for which the Board has determined a negative declaration of significance 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 March 19, 2008 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 *because the current access is from an active, common driveway;*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because said property is landlocked from any other access point;*
3. the variance requested *is not* substantial *because as previously stated, an existing driveway is in use;*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because as stated, the driveway is in existence;*
5. the alleged difficulty necessitating the variance *was not self-created and 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 *Michael Burdick* for *an area variance to permit the construction of a single-family dwelling on a lot that does not have frontage on an improved road*

Rich Williams stated to allow access by an easement where there is no frontage.

Board Member Bodor stated tax map parcel #23.-2-24. That identifies that parcel.

Chairman Buzzutto stated yeah, but the frontage requirement would be 225' is it.

Shawn Rogan stated he's got 750 [feet].

Chairman Buzzutto stated I'm sorry.

Shawn Rogan stated he's got 750 [feet].

Rich Williams stated but they don't actually have any frontage...

Chairman Buzzutto stated yeah.

Rich Williams stated because it's a...

Chairman Buzzutto stated but we're granting the variance for the frontage. You don't have any.

Rich Williams stated you're actually...no. You're granting...

Jennifer Herodes stated but they don't have frontage....You're granting a variance for the fact that they don't have frontage on an improved road.

Chairman Buzzutto stated we don't have to list it. That's all I wanted to make sure.

Jennifer Herodes stated right. Yeah, right.

Rich Williams stated this isn't a variance under our Town Law...

Chairman Buzzutto stated yeah.

Rich Williams stated this is a variance under the State Town Law.

Chairman Buzzutto stated right. Okay, I just wanted to clarify that. Okay, so did...

Board Member Bodor stated I seconded it.

Chairman Buzzutto stated you seconded it.

Board Member Bodor stated yes.

UPON ROLL CALL VOTE:

Board Member Bodor	-	yes
Board Member Burdick	-	recused
Board Member Olenius	-	yes
Board Member Posner	-	absent
Chairman Buzzutto	-	yes

Resolution carried by a vote of 3 to 0.

Chairman Buzzutto stated okay.

Board Member Olenius stated good luck.

Board Member Bodor stated good luck.

Mr. Burdick stated have a good night.

Board Member Bodor stated good night.

Chairman Buzzutto stated okay. Good luck to you. I just wanted to make sure that...

Jennifer Herodes stated yeah.

Board Member Bodor stated it is because it isn't there.

4) **CHRISTIAN OLSEN CASE #03-08**

Mr. Christian Olsen was present.

Chairman Buzzutto stated the next one would be this (inaudible).

Board Member Bodor stated it's Olsen. Christian Olsen.

Chairman Buzzutto stated what was on Olsen...

Board Member Bodor stated well, let's read the thing first, yes.

The Secretary read the following notice:

Christian Olsen Case #03-08

Applicant is requesting area variances pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations. Applicant wishes to construct a new single-family dwelling on the nonconforming lot, and live in the existing (pre-existing) dwelling until the new dwelling is constructed and a C of O is issued. Applicant has 103' of road frontage; Code requires 225'; Variance requested is for 122'. Applicant can provide 37' and 26' for his side yard setbacks; Code requires 40'; Variances requested are for 3' and 14' respectively. This property is located at 4 Cann Lane (R-4 Zoning District).

Chairman Buzzutto stated okay. Christian Olsen. Do you want to raise your right hand sir. Do you solemnly swear the testimony you provide tonight will be the truth, the whole truth, so help you god.

Mr. Christian Olsen stated I do.

Chairman Buzzutto stated okay. You are asking for a special use permit and area variances.

Jennifer Herodes stated no.

Board Member Bodor stated no. Just for area variance, right.

Jennifer Herodes stated just area variance.

Chairman Buzzutto stated just the...

Jennifer Herodes stated it's our recommendation...

Chairman Buzzutto stated okay.

Jennifer Herodes stated that he amend to also seek an area...seek a special use permit in addition to the variances.

Board Member Bodor stated Mr. Olsen, the Town Attorney is recommending...has spoken briefly regarding a recommendation that the attorney has regarding this application. And I'd like to call on the attorney to explain it further in the microphone.

Jennifer Herodes stated it's our recommendation that you amend your application to also seek a special use permit and any other variances that would go along with that, in addition to the variance that is before us here today.

Mr. Olsen stated okay.

Chairman Buzzutto stated so your recommendation would be to...

Board Member Bodor stated amend.

Chairman Buzzutto stated amend the application for the smaller house. Is that right.

Board Member Bodor stated to amend this current application to include a special use permit request.

Chairman Buzzutto stated okay.

Jennifer Herodes stated and any variances that would go along with that, which I think there's at least two, maybe three. I didn't...

Board Member Bodor stated three.

Rich Williams stated Dave would have to take a look at it.

Chairman Buzzutto stated yeah. So that we would table this tonight.

Jennifer Herodes stated table it tonight, even though I am hearing that there are some time constraints and so I think that's a request on what could be done about that.

Chairman Buzzutto stated do you want to look at this.

Board Member Bodor stated I would...

Chairman Buzzutto stated we should, yes.

Board Member Bodor stated regardless of, you know, whether it's amended or not, I think we need to go out there and walk the property to see it. So that's going to take some time. You need to amend this application if you do agree to do that.

Mr. Olsen stated okay.

Board Member Bodor stated what are your... We understand you have some timeframes...

Mr. Olsen stated yeah.

Board Member Bodor stated that are essential. Could you share that so we know what we're dealing with.

Mr. Olsen stated it's a combination of the bank and the building. Like I'm getting a modular, and if I don't get it in within a certain amount of time, it's going to take X amount of time more.

Board Member Bodor stated okay. Have you ordered it already, is it being...

Mr. Olsen stated no, no. I haven't signed the final build yet, so...

Board Member Bodor stated okay.

Mr. Olsen stated I want to get this all squared away before I do anything.

Board Member Bodor stated okay.

Mr. Olsen stated including the bank.

Chairman Buzzutto stated alright. Dave, you've got...

Dave Raines stated I just want... I amended the application because I did not want to issue another special use permit and allow someone to occupy two residences on a parcel like this. So I specifically changed the application before it came back to you...

Board Member Bodor stated the one we have is an amended application.

Dave Raines stated no, no. I changed on the denial. I initially reviewed it with Mr. Olsen and then changed it to remove the special use permit piece to it...

Board Member Bodor stated oh, okay.

Dave Raines stated and wanted it to go... Because I'm not allowing him to occupy both houses, nor will I let both structures coexist. And that only goes back to some of the history here where now I'm stuck owning, as a zoning enforcement officer, special use permits that were given by previous boards, where now I have people living in structures that are 6 feet apart or I have 12 people living on a one acre or less

parcel because we were giving out special use permits with conditions that were not adhered to either by previous code enforcement officers or by the applicants or whatnot. Properties were sold and we have several in the hamlet where we have two structures on a postage sized lot. And I have spoken to Mr. Olsen and the builder indicating that you are not going to get a C of O on the new structure until you can vacate the existing structure, so I am not going to allow you to cohabit, you know, to live in both parcels. So I felt that there was no need for a special use permit because I'm not going to allow both structures to coexist. He'd have to initiate demolition once the C of O is issued. We understand that Town's council's recommendation, and I'm not going against it, but that was my doing. That's why Mr. Olsen is up in this position because again...I don't know how the enforcement of these...When I looked through the Code, the intent of the special use permit in this application would be to allow two structures to exist. The intention was not to allow two structures to exist. So I'm saying you don't need a special use permit. But I'm looking at it from a different perspective than the town attorney is. I think that intent of that section of the Town Code is so that we can allow multiple structures to exist in a nonconformance by giving him a variance. He's not asking for that. He's asking to...

Chairman Buzzutto stated he's asking for a place to live while the new structure's being built.

Dave Raines stated correct.

Chairman Buzzutto stated yeah.

Dave Raines stated what I'm saying is I'm not going to allow him to have two structures on there and have two C of O's.

Jennifer Herodes stated the problem is whether there's, an I don't mean to interrupt you...

Dave Raines stated no, I...

Jennifer Herodes stated I mean, with due respect, the problem is from our interpretation of the Town Code, cohabitating in the two structures, or the issuance of two CO's being out there, does not equate to there not being two structures on the property. There will be two structures on the property, whether they have CO's, whether Mr. Olsen is cohabitating in both or one, is an interpretation. Our interpretation is that if two structures do exist on the same parcel, whether on has a CO or doesn't have a CO, they're in violation of your Code, and therefore special use permit...We're going around in a little bit of a circle, because I understand absolutely where Dave is coming from, and he is going to do everything from his side that only one house is, you know, is inhabited by Mr. Olsen at any given time, and he would never issue the CO without there being constraints on taking down the other house. Our feeling is that...As the Town Attorney, our interpretation of the Code is that if do have...to allow two structures to exist on that property, than you're in violation of the Code. And the only way to prevent that is to issue a special use permit so that you have two structures, whether they're, you know, whether he's living in one or both or not, at one time, and then you would have to condition that special use permit so that the structure...

Chairman Buzzutto stated well, does he have to issue a CO when the new structure is built.

Jennifer Herodes stated yes. He'll have to issue a CO on that and then...

Chairman Buzzutto stated yeah, but then he'll hold the CO until the other one is torn down.

Jennifer Herodes stated well, I think we'd want him to give the CO so Mr. Olsen had some place to live before we tore down the other house.

Chairman Buzzutto stated yeah. After the new one's built, the...

Jennifer Herodes stated when the new one's built and the CO is issued, it will be our recommendation that your special use permit is conditioned upon the fact that when that CO is issued, Mr. Olsen has X amount of days, whatever's a reasonable amount of time, to take down the other...

Dave Raines stated and I totally agree with you. I mean, I just don't understand the whole intent of going through the issuance of a special use permit. If this was the only issue, and he didn't need side and front variances, I certainly wouldn't send him to the ZBA. Through my interpretation, there was...

Jennifer Herodes stated but Dave, and I don't want to...

Dave Raines stated because there's not a second septic system, there's not going to be a separate service allowed by NYSEG; they'll only run one service. So they're going to move the service...

Jennifer Herodes stated right.

Dave Raines stated so...

Jennifer Herodes stated I hear what you're saying...

Dave Raines stated that's my...

Jennifer Herodes stated but if a special use permit is there for this particular...not this situation, for the situation for when you want to put more than one structure on a property...

Dave Raines stated and have it remain.

Jennifer Herodes stated isn't that...

Dave Raines stated and have it remain.

Jennifer Herodes stated well, it doesn't say that.

Dave Raines stated I understand that, and that's why, as I said to you...

Jennifer Herodes stated yeah.

Dave Raines stated I don't want to argue this, I...

Jennifer Herodes stated yeah.

Dave Raines stated just so you know, I put him in this position...

Chairman Buzzutto stated alright.

Dave Raines stated because my interpretation was that he wasn't asking to build a garage with a residence on it and needed a special use permit to do that. He was asking to move his house, and it wasn't cost affective to move it. So he came back to me and said you know what, can you look at this set of plans; I'd

like to put a modular in and I'd like to orient it so I can better use my property, because the way that this existing property is, is not a good use of the property. It's almost close to an unsafe use from the way it's oriented.

Chairman Buzzutto stated you live in the existing structure.

Mr. Olsen stated right.

Chairman Buzzutto stated so that's your residence now.

Dave Raines stated so I support what direction they're giving, and I just hope that the Board can expeditiously look at this so he can move forward with this. Because I do feel responsible, for the one who, you know, amended the variances that were required.

Chairman Buzzutto stated I think there has to be time limits on how soon the new structure could be built.

Dave Raines stated right.

Chairman Buzzutto stated how soon the other one has to be taken out.

Mr. Olsen stated just so everybody understands, with a modular house, they can actually have it up in like 30 days. I mean from the time I sign off, they'll build it in two weeks, have the foundation put in, and have it craned on, and I could, with the same general contractor, I could have the house down the same day. For real. With an excavator.

Dave Raines stated and that's what we had discussed, so I said even if it were as extreme as the same day that, you know, with a modular once it's... You know, and he's having it where he's not doing the button-up. They're doing everything.

Mr. Olsen stated yeah.

Dave Raines stated so I said, you know what, I don't think you need a special use permit. I totally agree with council that this is probably a bad precedent to set by not doing this, but... And as we look at the Code moving forward, we may have to clarify, you know, when you need a special use permit, where you don't. Maybe there will be some exception when you're demoeing one structure and, you know... Because we've done that before, where someone has got a cottage on a parcel, and they're building a 3,000 square foot home, we have, in some cases, required them to get a special use permit. And others, it was condition of a building permit that once this house was built, the other would have to be demolished or relocated because of a setback issue. So again, I apologize to the Board. It' my...

Chairman Buzzutto stated that's alright.

Dave Raines stated interpretation of the Code...

Chairman Buzzutto stated you're doing your job. That's...

Dave Raines stated and I would recommend that he does amend the application.

Chairman Buzzutto stated right.

Dave Raines stated and that, you know, if we could do the site walk...

Chairman Buzzutto stated Mr. Olsen, are you willing to amend the application to what the council is saying.

Mr. Olsen stated I mean, sure. I mean, whatever works.

Chairman Buzzutto stated yeah.

Mr. Olsen stated that's not a big deal. It's just that I am in a bit of a time constraint. With the market fluctuating wildly...

Board Member Burdick stated I respect Dave, thank you for your comments, and I respect everybody acknowledging their part in this, but I think as a board, we would have wanted to go out to the site anyway. So the fact that, you know, we're deciding that the application has to be amended, I don't think should add any time extensions on to this, because I think that we would have gone out to the site anyway. We would probably not have voted on this this evening.

Chairman Buzzutto stated yeah.

Board Member Burdick stated because we would have wanted to do a site walk.

Mr. Olsen stated okay.

Board Member Burdick stated okay.

Chairman Buzzutto stated do we have any input. I think I would like to get more advice from the attorney on to what we should really do on this.

Board Member Bodor stated well, we're going to...no. It's going to be an amended application.

Chairman Buzzutto stated yeah.

Board Member Bodor stated that's what I'm hearing.

Chairman Buzzutto stated yeah.

Board Member Bodor stated the application as it stands plus an amendment requesting a special use permit.

Chairman Buzzutto stated right.

Board Member Bodor stated that's what I'm hearing that's going to happen. The April meeting now is going to be near the end of April. Is that going to really hang you up, or...

Mr. Olsen stated it is, just...

Board Member Bodor stated we can have a special meeting. You would have to pay for it though.

Mr. Olsen stated I can do that.

Board Member Bodor stated and we need time to...

Chairman Buzzutto stated we could do the site walk...

Board Member Bodor stated we need time to publish, so there are timeframes that the office requires too, because this would have to be noticed in the paper within so many days of the meeting. There's a whole timeframe that Sarah knows. So we can't say that we'll go out there tomorrow and have a special meeting next week. That's too close, okay.

Mr. Olsen stated okay.

Board Member Bodor stated but we would like to help you.

Mr. Olsen stated sure.

Board Member Bodor stated a special meeting costs...

Rich Williams stated well let me ask you a question. Is the meeting being called by the Applicant or the ZBA.

Board Member Bodor stated no, we're not calling it. I'm asking him if he would like to have it, then it costs money. So, you know...

Rich Williams stated \$500.00 fee.

Board Member Bodor stated \$500.00 fee, alright.

Mr. Olsen stated alright. Then I (inaudible).

Board Member Bodor stated do you want to have a special meeting.

Mr. Olsen stated I'll save ten times that in interest. So...

Dave Raines stated Chris, is the couple of weeks really going to save you anything in this process. I mean, we're only talking, because it has to still be warned and everything, so it's not going to change drastically. They still have to go out and do a site walk.

Board Member Bodor stated yeah.

Mr. Olsen stated yeah.

Dave Raines stated it has to be warned. You know, it may be in the middle of April versus the end of April. Is that really going to...It's not like they're going to do it next week, because it doesn't allow...

Mr. Olsen stated alright, alright.

Dave Raines stated so I mean...

Mr. Olsen stated I could push it to the end of April.

Board Member Bodor stated alright.

Chairman Buzzutto stated because a special meeting requires the same procedures as a regular meeting.

Board Member Bodor stated yes. Except that we could get it in maybe...You're right. It may only be a week.

Dave Raines stated I don't think that's (inaudible – too distant).

Chairman Buzzutto stated it requires the same notices and everything.

Mr. Olsen stated right, right.

Board Member Bodor stated so if you're alright until waiting to the next meeting, which would be the end of April. It's suppose to be April 16th, but we can't have it then so we've got to move it around a little bit. It's going to be in that same timeframe.

Mr. Olsen stated okay.

Board Member Bodor stated but when the Board can get another free evening...We're running...we have a special meeting going for the cell tower too. That's being thrown into our schedule. So, alright. If you could then amend the application. Sarah can help you do that.

Mr. Olsen stated okay.

Board Member Bodor stated okay.

TAPE ENDED

Dave Raines stated Mr. Chairman, I would ask one thing from my end. If you could formally ask council to outline the conditions so that there is no possible way that two structures could end up long term on this property. Because that's really my...

Board Member Bodor stated it is a concern, right.

Mr. Olsen stated yeah. And that's no problem at all. So...

Dave Raines stated and again, it has nothing to do with you, but...

Mr. Olsen stated no, it's fine.

Dave Raines stated from a legal perspective I want to make sure that the special use permit has conditions where...

Jennifer Herodes stated absolutely.

Chairman Buzzutto stated you will be handling the case for Mr. Olsen.

Jennifer Herodes stated no. I think what Dave is saying is when we return for your April meeting, if you are in fact ready to move on his application for a special use permit, that we will be happy to guide you on what conditions we think should be there...

Chairman Buzzutto stated right. Okay, fine.

Jennifer Herodes stated when you go about it. We'll be prepared at that time.

Chairman Buzzutto stated okay, that sounds good.

Board Member Bodor stated yes, definitely.

Chairman Buzzutto stated definitely, yeah.

Jennifer Herodes stated okay.

Chairman Buzzutto stated okay, so...

Board Member Bodor stated okay, so what we'll do is determine when we're going to come out and see it. Is there a time that is really bad for you.

Mr. Olsen stated no. Anytime.

Board Member Bodor stated you're there all the time.

Mr. Olsen stated well, you know, Monday through Friday I work.

Chairman Buzzutto stated I don't have to be a weekend. You know we can do it...

Board Member Bodor stated we can do it after 5:30 p.m. At 5:30 p.m. What time do you get home from work.

Mr. Olsen stated about 7:00 p.m.

Board Member Bodor stated about 7:00 p.m.

Chairman Buzzutto stated that...It gets dark.

Board Member Bodor stated we'd like to have you there because we need, you know, guidance.

Mr. Olsen stated yeah, that's fine. That's fine.

Board Member Bodor stated is the weekend better for you.

Mr. Olsen stated no, I mean, if you want to do it during the weekday go right ahead. Just give me a heads up and I'll swing in.

Board Member Bodor stated okay. Alright. We'll have to see what's good for our schedules. Okay. But you need to amend the application and...

Mr. Olsen stated okay.

Board Member Bodor stated and Sarah will let you know when the site walk will be because we will determine that tonight.

Mr. Olsen stated okay. Let me know.

Board Member Bodor stated we'll get out our calendars.

Mr. Olsen stated fair enough.

Board Member Bodor stated and then she'll know, okay.

Mr. Olsen stated alright.

Board Member Bodor stated alright.

Chairman Buzzutto stated okay, but that's...

Board Member Bodor stated so keep the...I'm sorry. Did you have something...

Jean-Christophe Santalis stated I just had a quick question about this.

Board Member Bodor stated excuse me. Would you come and...

Chairman Buzzutto stated would you come up to the mic please.

Board Member Bodor stated use the microphone and identify yourself.

Jean-Christophe Santalis stated my name is Jean-Christophe Santalis. I'm the adjacent property. And I just didn't know any...I just wanted to get some more details about was being done. So I didn't know...I guess you weren't talking about the setback tonight or anything like that.

Board Member Bodor stated that's part of the application. The application has to do with setbacks, yeah.

Jean-Christophe Santalis stated yeah.

Board Member Bodor stated okay. Would you like to take this [asking Mr. Olsen to take a survey]...

Mr. Olsen stated yeah.

Board Member Bodor stated and explain it to your neighbor what you're doing there.

Mr. Olsen stated so this is what we're doing. This is my existing house, you know, right off the edge of the property. And we're sliding it backwards right there, and we're spinning it sideways. So you're house is like this, and mine will be like that too. (Inaudible).

Jean-Christophe Santalis stated okay.

Mr. Olsen stated okay.

Jean-Christophe Santalis stated this is right here.

Mr. Olsen stated yeah. Like that is where my little white shed is.

Jean-Christophe Santalis stated okay. So now what about the giant pit here.

Mr. Olsen stated I mean, some of that's going to be...the bottom of it will be filled in with dirt. You know, it's kind of like a lawn.

Jean-Christophe Santalis stated yeah. Just my only issue is that we share a massive pit that used to be a stone quarry.

Board Member Bodor stated it's marked quarry on there.

Jean-Christophe Santalis stated yeah. So, I have no problem with building a house or anything like that, but I just want to make sure that, you know, anything...whatever has to be done, because I'm assuming there would have to be a massive retaining wall or something because you're basically filling in half the pit.

Mr. Olsen stated well, we're not filling the whole thing in. That's the thing. I mean, the house is going to be...Like this is the edge of ravine about right here. And basically what we're going to do is have the property come up to it, and we're just going to have it slope down, and just have basically a flat bottom back here for like a patio. Or you know, whatever, a backyard.

Dave Raines stated what's your concern about the pit...of the depression.

Jean-Christophe Santalis stated well, I mean, I think you've seen the pit.

Dave Raines stated right. Yes.

Jean-Christophe Santalis stated yeah. To put a house there, I just don't know what elevation the house is going to be. Is it going to be right on the stone, on the bottom.

Mr. Olsen stated well, that's the other thing, because it's going to have a full basement, and the house is going to sit on top of the basement.

Jean-Christophe Santalis stated right.

Mr. Olsen stated so it's going to be pretty much level with the existing house.

Jean-Christophe Santalis stated wait. Level with which existing house.

Mr. Olsen stated with the old one right here. You know what I mean.

Jean-Christophe Santalis stated right.

Mr. Olsen stated it's going to meet the property...The house itself will meet the property.

Jean-Christophe Santalis stated yeah.

Mr. Olsen stated and then the basement will be built into the ravine.

Dave Raines stated the grade...From my meeting with builder, the grade's not going to change as far as the...other than now having a basement which will be exposed by 3 feet. And then the house will sit on that.

Jean-Christophe Santalis stated so it's going to sit on the...

Mr. Olsen stated on the bedrock.

Jean-Christophe Santalis stated the current bedrock.

Mr. Olsen stated yeah.

Dave Raines stated right. And if he ends up...

Jean-Christophe Santalis stated is there an elevation for it. Blueprint, elevation.

Mr. Olsen stated I mean it's...Not really. I don't even know what one is.

Jean-Christophe Santalis stated an elevation would be, you know, what the house would basically look like. It's very hard to picture, that's the thing.

Mr. Olsen stated oh, it's a cape cod.

Jean-Christophe Santalis stated no, I mean not the style, but I mean like how it's sitting on the ground.

Board Member Bodor stated maybe you can pickup something from these plans [handing over plans of the house to Jean-Christophe Santalis].

Jennifer Herodes stated they should be on there somewhere.

Dave Raines stated and those are just a set of modular plans.

Jean-Christophe Santalis stated yeah.

Board Member Bodor stated yeah.

Dave Raines stated I mean, I'm not sure...I mean I understand your concern, but I'm not exactly sure what...

Jean-Christophe Santalis stated I guess I'm questioning if any of the pit is going to be filled in.

Dave Raines stated are you concerned from a drainage perspective, or from a...

Jean-Christophe Santalis stated drainage, retaining wall, anything like that. Like how is it...Basically this was the pit that we shared.

Dave Raines stated yes.

Jean-Christophe Santalis stated the house would be here and the rest of the pit would be open. I'm just wondering if the house is sitting on the ground here, or is it elevated.

Mr. Olsen stated well, it's elevated on the foundation. Like on the basement.

Jennifer Herodes stated the property line went through the pit.

Mr. Olsen stated so it's going to be an 8 foot basement, and it's going to sit on top of...

Dave Raines stated it wasn't surveyed. I mean I don't think so (inaudible).

Jennifer Herodes stated he said that they share a pit. I'm just trying to (inaudible).

Jean-Christophe Santalis stated no. I'm just trying to picture how the...I'm not concerned with look or anything like that. I'm just, you know, want to know in advance how it's going to affect the property. If he's going to put a massive retaining wall or anything.

Jennifer Herodes stated when you say you share a pit, what do you mean by that.

Jean-Christophe Santalis stated well...

Jennifer Herodes stated your property line runs through that...the middle of that.

Jean-Christophe Santalis stated yeah. Yeah, the property line runs through...

Jennifer Herodes stated runs through the center of this.

Jean-Christophe Santalis stated right. Right.

Mr. Olsen stated well, the majority of the pit is on my property, and it kind of swings out and...I guess your site walk would be much better, but...

Board Member Bodor stated that's why...

Mr. Olsen stated yeah.

Board Member Bodor stated you know, these are the kinds of things we want to see, you know.

Mr. Olsen stated yeah.

Board Member Bodor stated walk around and see what's there.

Mr. Olsen stated no, so...

Board Member Bodor stated yeah.

Mr. Olsen stated it's kind of like there's just a standing pile of rock sitting off to the side of the quarry, and you know, they're going to take part of the rock and pull it in and kind of just make it part of the edge.

Jean-Christophe Santalis stated see, that could be an issue too, because it has to be defined where the rocks start.

Mr. Olsen stated yeah, sure.

Jean-Christophe Santalis stated the property line. That's, you know...

Board Member Bodor stated where the property line is in fact.

Jean-Christophe Santalis stated it seems like the majority of the rocks are on my side.

Dave Raines stated is your ultimate goal to get rid of that stone. I mean...

Jean-Christophe Santalis stated no.

Dave Raines stated no.

Mr. Olsen stated you want the rock.

Jean-Christophe Santalis stated yes.

Mr. Olsen stated you can have it.

Jean-Christophe Santalis stated you're making assumptions that I don't want the rock.

Mr. Olsen stated no, no. You can have the rock.

Jean-Christophe Santalis stated You know, I just...

Mr. Olsen stated you can have it. We're going to have a large excavator in there, and I can actually have them push right into your property if you want.

Jean-Christophe Santalis stated well, that's something else. We're not going to start talking about moving rocks and things.

Board Member Bodor stated is that where all the large rocks came from, up by the church and...

Jean-Christophe Santalis stated yeah.

Board Member Bodor stated the cemetery.

Mr. Olsen stated yes.

Board Member Bodor stated right there.

Mr. Olsen stated right.

Jean-Christophe Santalis stated yeah.

Board Member Bodor stated oh, okay. Interesting.

Dave Raines stated I mean, do you realize that's...on an offline comment, that that's been a standing code violation for I can't tell you how many years.

Jean-Christophe Santalis stated which, the rocks.

Dave Raines stated you can't stockpile the rock on. That's been brought up year...

Mr. Olsen stated sure.

Dave Raines stated year after year after year. And I'm very surprised that...How long have you lived there.

Jean-Christophe Santalis stated we've owned it since 2004.

Dave Raines stated okay.

Jean-Christophe Santalis stated yeah.

Dave Raines stated it's still in the files. It has nothing to do with the variance, but...

Jennifer Herodes stated sidebar. We're just talking about rocks.

Dave Raines stated it's just you can't stockpile. You know, that's why...I thought...I was under the impression the majority of the pile, not the whole pile, because I didn't see property lines out there. I mean, I can't...

Mr. Olsen stated well, I mean, the survey if you bring them with you, will mark exactly what is what.

Dave Raines stated I think you should really mark out what is what.

Mr. Olsen stated yeah, sure.

Dave Raines stated so we know what. And...

Mr. Olsen stated we can actually string a line.

Dave Raines stated we also need to have some dialogue now...

Board Member Bodor stated and for the house too...

Dave Raines stated yeah.

Board Member Bodor stated so we can see where you want to put the house.

Mr. Olsen stated sure.

Dave Raines stated and we need to talk about how we're going to manage the boundary then, you know, with this old quarry or pit, or whatever you want to call it.

Mr. Olsen stated yes.

Chairman Buzzutto stated so this is all going into the minutes.

The Secretary stated yes.

Board Member Bodor stated yes.

Chairman Buzzutto stated yes, okay.

Board Member Bodor stated hopefully.

Chairman Buzzutto stated hopefully.

Jean-Christophe Santalis stated I just want to point out, I'm not trying to...

Chairman Buzzutto stated no.

Jean-Christophe Santalis stated give him a hard time or anything like that. I just want to know in advance what's actually going to be done because I feel like it's just rushed into. Boom, you know. Because it's a very, very awkward lot for both of us. So, you know, it's hard to visualize what's going to be there, you know.

Chairman Buzzutto stated okay. Well, we're going to schedule another meeting so you'll be able to get more info.

Dave Raines stated and at that point, I'll have also done a...I'll walk with the property lines, and there will probably be some paperwork from my office to everybody involved here on a different level. This is an opportunity that we're going to have to take to address this. To correct any, you know, problems that we have out there.

Board Member Bodor stated okay.

Chairman Buzzutto stated okay.

Mr. Olsen stated okay.

Chairman Buzzutto stated so we're...

Board Member Bodor stated alright, we'll keep the public hearing open.

Chairman Buzzutto stated we'll table this...this hearing open.

Board Member Bodor stated and we'll let you know when we would like to come...

Mr. Olsen stated yeah, sure.

Board Member Bodor stated and the date of the next meeting.

Mr. Olsen stated yeah. I don't know if my work number and cell number are there so you guys can call me.

The Secretary stated I have it.

Mr. Olsen stated you do. Okay.

Chairman Buzzutto stated so we'll be in touch.

Board Member Bodor stated thank you very much for your input.

Chairman Buzzutto stated thank you for...Thank you for your input.

Board Member Burdick stated thank you.

5) OTHER BUSINESS

Chairman Buzzutto stated other business we have. I think we have that.

Board Member Bodor stated (inaudible – too many talking and papers shuffling). The old stagecoach, stage house down here by the town hall. Between town hall and the Baptist church, the house they just renovated down there and out here. And there's the new house here that has been empty for awhile. This is the church property. This is the little white...If you're looking back this road, this drive, a small white house, little house. Really more like a cottage. And that's his current residence. Back here is the barns. There's barns or something back there.

Board Member Olenius stated where is this. I'm sorry I missed it.

Board Member Burdick stated yeah, I'm having...

Board Member Olenius stated on [Route] 311.

Board Member Bodor stated on [Route] 311, almost to [Route] 164. Alright, let's back up from the old town hall.

Board Member Olenius stated okay.

Board Member Bodor stated okay. The old town hall, and then there's that vacant field.

Board Member Olenius stated yes.

Board Member Bodor stated and then there's a road...a driveway that has been sealed off by the stonewall there. But now...

Board Member Burdick stated where Nina and her husband used to live.

Board Member Bodor stated Nina Lopain, yeah.

Board Member Burdick stated okay.

Board Member Bodor stated yeah. It's all Lopain property.

Board Member Olenius stated so it's on the same side as the town hall.

Board Member Bodor stated yeah.

Board Member Olenius stated the same side of [Route] 311.

Board Member Bodor stated yes.

Board Member Olenius stated okay.

Board Member Burdick stated across from Cushman.

Board Member Olenius stated okay.

Board Member Bodor stated the old house right here that they renovated and we gave a variance for this garage back here to be rebuilt.

Board Member Burdick stated yes.

Board Member Olenius stated okay.

Board Member Bodor stated and this is Cann Lane going in.

Board Member Burdick stated okay.

Board Member Bodor stated this newish house here.

Board Member Olenius stated okay.

Board Member Bodor stated it was vacant for a long time.

Board Member Burdick stated yes.

Board Member Bodor stated I think...is that where that other gentleman may live. And this is where...When you look back in there, there's a very small cottage type of house.

Board Member Olenius stated okay.

Board Member Bodor stated that's the current residence. He wants to put...But I've never been on this property back here. And I would...

Chairman Buzzutto stated is that where Dr. (inaudible)...

Board Member Burdick stated it's across the street.

Board Member Bodor stated he lives across the street.

Chairman Buzzutto stated across the street.

Board Member Bodor stated yeah, he's right across the street.

Chairman Buzzutto stated yeah, okay. Now I know where.

Jennifer Herodes stated you will be now.

Board Member Bodor stated what.

Jennifer Herodes stated I said you will be now.

Board Member Bodor stated yeah. But you know, all those rocks by the cemetery and the church, and they're talking quarry, that's why I had asked that question of where they came from. Did you know that.

Chairman Buzzutto stated you're talking boulders.

Board Member Burdick stated I didn't even know there was a quarry in there.

Board Member Bodor stated yeah. I didn't either. They're huge.

Chairman Buzzutto stated they're great, big blocks too. They're cut nice and square and everything.

Board Member Burdick stated it's been there a long time.

Board Member Bodor stated oh yeah.

Board Member Bodor stated it's probably my grandfather's quarry.

Board Member Bodor stated and remember we visited the first house on the right (inaudible – coughing).

Chairman Buzzutto stated did you have any...

Board Member Bodor stated they're all the same. They're rectangular.

Chairman Buzzutto stated (inaudible).

Board Member Bodor stated yeah.

Chairman Buzzutto stated okay. So other business we had. Did we do anything on that. Let's set the site walk. Do you want to do that now.

a) Discussion of April meeting

Board Member Bodor stated yeah. What was the other. We have to do the April meeting. Discuss April's regular meeting. And the next special cell tower meeting has been established for the 29th of April. And the next regular meeting we had chosen a Tuesday, but Anthony can't be there. How come he sent you

tonight. We were told Anthony couldn't be at one of the meetings that we wanted to do. I'm thinking that...

Jennifer Herodes stated Tim Curtiss is in Texas, so we have three things and two of us, and three...

Board Member Bodor stated oh.

Jennifer Herodes stated Anthony drew the short straw, and I'm here.

Board Member Bodor stated okay. April. We had selected as possible alternate the 22nd. Anthony cannot be here for that one.

Jennifer Herodes stated what day of the week is that.

Board Member Bodor stated the 22nd.

Board Member Burdick stated it's a Tuesday.

Jennifer Herodes stated it's a Tuesday.

Board Member Bodor stated it's a Tuesday. I'm sorry.

Jennifer Herodes stated are you talking about for your next...

Board Member Bodor stated for our next regular meeting, yeah.

Jennifer Herodes stated well, you'll just... You can set it, I'll be here, you know. You're going to see me...

Board Member Bodor stated you sure.

Jennifer Herodes stated often. Yes.

Board Member Bodor stated okay.

Jennifer Herodes stated that's fine.

Board Member Bodor stated as long as we have an attorney here.

Jennifer Herodes stated oh yeah. We'll be here. One of us will be here.

Board Member Bodor stated okay.

Chairman Buzzutto stated well the 22nd, that would have been a special meeting.

Board Member Burdick stated no. We were rescheduling because I had a conflict on the 16th.

Chairman Buzzutto stated okay. So this would be the regular meeting held on the 22nd.

Board Member Burdick stated which actually works out not that bad for Mr. Olsen because we're not putting the next week.

Jennifer Herodes stated (inaudible – too many talking) start it off. Right. That's fine.

Board Member Burdick stated yeah.

Board Member Bodor stated for the 22nd, which is a Tuesday.

Jennifer Herodes stated that's fine.

Board Member Bodor stated oh good.

Board Member Burdick stated that works out good.

Board Member Bodor stated then we can go with that one. Thank you.

Chairman Buzzutto stated that the regular meeting.

Board Member Bodor stated that's our regular meeting. That's 4/22. And the cell tower is the 29th.

Jennifer Herodes stated the 29th.

Board Member Bodor stated that's down at the Rec Hall.

Jennifer Herodes stated we

Board Member Olenius stated yes.

Board Member Bodor stated okay.

Chairman Buzzutto stated well that's still in March right.

Board Member Bodor stated yes.

Board Member Burdick stated would it be easier to try to squeeze it in before you go because you have so many unknowns, or does it matter to you.

Board Member Olenius stated that's fine with me. Yeah, I mean, I can. I don't know what your guys availability are.

Board Member Bodor stated we're here right now.

Board Member Burdick stated did you want to try to do Saturday morning.

Board Member Bodor stated how about Saturday morning.

Board Member Olenius stated I'm free.

Chairman Buzzutto stated Saturday morning would be what.

Board Member Burdick stated the 22nd.

Board Member Bodor stated 22nd.

Chairman Buzzutto stated the 22nd. It's alright with me.

Board Member Bodor stated is that okay with you.

Chairman Buzzutto stated yeah.

Board Member Burdick stated 9 o'clock. Is that okay.

Board Member Bodor stated 9 o'clock on the site. Okay.

Board Member Olenius stated yes.

Board Member Bodor stated Sarah, can you please advise Marty of it.

The Secretary stated are you going to pick an alternate date for...Just in case the weather or anything.

Board Member Bodor stated yeah. Well the next day is Easter, so.

Chairman Buzzutto stated I don't know. It's going to be pretty hard to pick an alternate date just for...

Board Member Olenius stated the forecast looked beautiful for the weekend.

Board Member Burdick stated it did. Okay.

Board Member Olenius stated Friday, Saturday and Sunday it looked...

Board Member Bodor stated let's keep our fingers crossed.

Chairman Buzzutto stated yeah, we'll just...On a case like that, just for a site walk.

Board Member Bodor stated because we're running into Easter and...

Chairman Buzzutto stated yeah, we're running out of time. I mean, I have other things in here too.

Board Member Bodor stated you have other things to do too. Okay good. We've got those resolved. That's a good thing.

Chairman Buzzutto stated okay.

c) Minutes

Board Member Bodor stated minutes from January 29th. Did everyone read them.

Chairman Buzzutto stated I browsed over the telecommunications one from January.

Board Member Bodor stated January 29th. We got those last time around.

The Secretary stated right. And you put them off.

Board Member Bodor stated right. I make a motion to accept them.

Board Member Burdick stated second.

Motion carried by a vote of 4 to 0.

Board Member Bodor stated okay. February 20th we just got tonight, or in our packets. And February 26th. So we'll hold those two to look at them.

Chairman Buzzutto stated okay.

Board Member Bodor stated anything else. We've got the site walk set and we've got the next two meetings set. I make a motion to adjourn.

Board Member Burdick stated second.

Meeting was adjourned at 8:21 p.m.