

**TOWN OF PATTERSON  
ZONING BOARD OF APPEALS  
March 21, 2012**

**APPROVED**  
5/16/12 SM

**AGENDA & MINUTES**

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1) <b>Patricia Tanzi Case #03-11</b>	1	Application tabled at request of the Applicant
2) <b>Kim &amp; Thomas Herman Case #04-12 – Area Variances</b>	2 – 13	Public hearing closed; Area Variances for 26' x 42' x 28' detached garage granted (Height & bulk area)
3) <b>Thomas &amp; Deborah Douglas Case #05-12 – Area Variance</b>	14 – 19	Public hearing closed; Area Variance for attached garage granted (Front yard setback)
4) <b>Barbara &amp; Richard Murphy Case #06-12 – Area Variances</b>	19 – 32	Public hearing closed; Area Variances for a 26' x 32' x 21' detached garage granted (Height, bulk area & Side and rear yard setback)
5) <b>Pavel Mihok Case #08-12 – Area Variance</b>	32 – 45	Public hearing opened & closed; Area Variance for enclosing porch and adding a 10'11" x 9'8" addition granted (Front yard setback)
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a) <b>Code Violations</b>	45 – 50	Positive recommendation to the Town Board for proposed legislation
b) <b>Minutes</b>	50 – 52	Minutes held over till April Meeting

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**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**ZONING BOARD OF APPEALS**  
Lars Olenius, Chairman  
Howard Buzzutto, Vice Chairman  
Mary Bodor  
Marianne Burdick  
Gerald Herbst

**PLANNING BOARD**  
Shawn Rogan, Chairman  
Thomas E. McNulty, Vice Chairman  
Michael Montesano  
Ron Taylor  
Edward J. Brady, Jr.

**Zoning Board of Appeals  
March 21, 2012 Meeting Minutes**  
Held at the Patterson Town Hall  
1142 Route 311  
Patterson, NY 12563

**APPROVED**

5/14/12 SM

Present were: Board Member Howard Buzzutto (acted as Chairman), Board Member Mary Bodor, Board Member Marianne Burdick, Board Member Gerald Herbst, Joe Charbonneau, Attorney with Town Attorney's Office (arrived late at 7:35 p.m.) and Rich Williams, Town Planner.

Board Member Buzzutto called the meeting to order at 7:08 p.m.

There were approximately 8 members of the audience.

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

Board Member Buzzutto led the salute to the flag.

Roll Call:

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

**1) PATRICIA TANZI CASE #03-11**

Ms. Patricia Tanzi was not present.

Board Member Buzzutto stated okay. First one on the agenda would have been Tanzi, but she will not be here tonight. So we're going to hold this one over again to discuss more detail what has to be done with that piece of property.

**2) KIM & THOMAS HERMAN CASE #04-12**

Mr. Thomas Herman and Mr. Eduardo Faxas, the architect, were both present.

[Cell phone rings]

Board Member Buzzutto stated so we're going to go to Kim and Thomas Herman.

Rich Williams stated hey, what's up [answering his cell phone].

Mr. Eduardo Faxas stated Herman.

Board Member Buzzutto stated Herman.

Mr. Herman stated good evening.

Board Member Buzzutto stated good evening. The area variances that you applied for, are they still the same or have they been modified in any...

Mr. Herman stated nothing's been modified. Everything's the same.

Board Member Buzzutto stated everything is the same as it was before.

Mr. Herman stated that's correct.

Board Member Buzzutto stated alright, let's see what the garage...Let's see. This is to house antique vehicles.

Mr. Herman stated yes. That's correct.

Board Member Buzzutto stated the required variances, what you're asking for, is...That's the minimum that you could ask for. I mean, anything smaller that could be suitable.

Mr. Herman stated honestly, no. I'd be packed to the rafters as it is right now, so...

Board Member Buzzutto stated yeah. These here, these are not to scale, what you say in here [referring to newest set of plans submitted]. Is that right.

Mr. Eduardo Faxas stated they're close.

Board Member Buzzutto stated close.

Mr. Faxas stated but not exactly. They reduced them, but they didn't reduce them exactly in half.

Mr. Herman stated I believe these are to scale [referring to the larger set of plans].

Mr. Faxas stated that's alright. Those are big. The dimensions are there.

Board Member Buzzutto stated I'm sorry.

Mr. Faxas stated the dimensions are shown on the drawings.

Board Member Buzzutto stated how many vehicles will it hold. And dead storage. It will be dead storage in there, I mean...

Mr. Thomas stated that's it.

Board Member Buzzutto stated yes. You're going to be in place there at all times. Or is there a working area or a mechanical area.

Mr. Thomas stated there's no room for working. It's just...

Board Member Buzzutto stated oh, I see. Just...

Mr. Thomas stated just storage only.

Board Member Buzzutto stated just storage only.

Mr. Thomas stated yes.

Board Member Buzzutto stated okay.

Mr. Faxas stated but sometimes you do work.

Board Member Buzzutto stated yes, well, I mean...

Mr. Faxas stated sometimes he works on the car right there.

Board Member Buzzutto stated yeah, okay. It's detached from the house. Cannot exceed 50% the bulk area ration of the principal... You have anything on this, Mary.

Board Member Bodor stated no, I do want to say that we did a site walk.

Board Member Buzzutto stated yeah.

Board Member Bodor stated thank you for making yourself available...

Board Member Buzzutto stated yes, that was nice.

Board Member Bodor stated and showing us around. That was good.

Mr. Thomas stated alright, thank you for coming.

Board Member Bodor stated it was very good.

Mr. Thomas stated I mean, seriously, I'm glad that, you know, the Town is willing to work on behalf of everybody, you know, because I'd be upset if someone called, you know, and built a

Home Depot next door to me. I didn't get a notice about it. You know, so, I'm glad that, you know, you're bound to have everybody...

Board Member Buzzutto stated oh I see here. This was the one way out on Mooney Hill Road, right.

Board Member Bodor stated yes.

Board Member Buzzutto stated up by the railroad.

Board Member Bodor stated and you know...Yes. By the railroad.

Board Member Buzzutto stated okay, fine.

Board Member Bodor stated and you know, we don't always go out to a site, but by doing so, you know, it really clears up what's happening.

Board Member Buzzutto stated yes.

Board Member Bodor stated you get a good lay of the land and we can see where the proposed, whatever it is...

Mr. Faxas stated of course.

Mr. Thomas stated yes.

Mr. Faxas stated of course, yes.

Board Member Bodor stated is going to be. So you had it staked out for us; that was good. And you showed us around. Explained it all which was good. Thank you.

Mr. Thomas stated thank you.

Board Member Buzzutto stated and the way you explained is the way it's going to be. I mean, to us verbally, it sounded pretty good the way that you had set things in there.

Mr. Thomas stated yes.

Board Member Buzzutto stated it was very nice.

Mr. Thomas stated well, thank you.

Board Member Buzzutto stated okay. Do I have any input from the audience on this particular case.

Board Member Bodor stated is the finish on this particular unit, is that going to be like the same as the house, or is it going to be like a different type of finish or...

Mr. Thomas stated well, on the house I have horizontal vinyl siding which I'm not a big fan of.

Board Member Buzzutto stated yes.

Mr. Thomas stated what I'd like to do is put a hardy plank...a hardy board...

Board Member Buzzutto stated oh, a lap stripe you said that you were going to do.

Mr. Thomas stated yeah, a shiplap...Similar to the house but...

Board Member Buzzutto stated right, yes.

Mr. Thomas stated but a different material on the first, you know, on the lower portion and then the top portion...

Board Member Buzzutto stated yes.

Mr. Thomas stated I wanted to put like a cedar shake...

Board Member Buzzutto stated okay. Alright. That's fine...

Mr. Thomas stated to break it up a little. You know, to make it fancy if you will.

Board Member Buzzutto stated yes, okay.

Mr. Faxas stated actually, it's going to look better than the house.

Mr. Thomas stated oh, by far. Trust me.

Board Member Bodor stated you're going to be doing the work yourself.

Mr. Thomas stated 110% of it, yes.

Board Member Bodor stated you're...That's your trade.

Mr. Thomas stated I'm a carpenter by trade and I just couldn't live with myself to hire someone to do work for me like that, you know, because it wouldn't be perfect enough. You know.

Board Member Bodor stated it wouldn't meet your standards.

Mr. Thomas stated never.

The Secretary stated Jerry. Jerry. Jerry. Can you take one and pass it [referring to a draft resolution].

Board Member Buzzutto stated these all the same.

The Secretary stated yes.

Board Member Buzzutto stated this is Douglas. Oh, I see.

Board Member Bodor stated and this structure is to house your antique cars. Where are these cars currently being held.

Mr. Thomas stated well I have, for I guess lack of better words, a Quonset hut. You know, it's a plastic tent, if you will. It's caving in.

Board Member Bodor stated a frame with plastic over the top of it.

Mr. Thomas stated that's correct. Yes. And I have three cars in there and one outside right now that's collecting rust. So, unfortunately my father had passed and, you know, he gave them to me and... You know, some of these cars were in the family prior to my birth in nineteen... You know, they got the car is 1951 and I was born in '59. So these cars have been in the family for quite a while. And, you know, they have a lot of sentimental value. So I don't want to see them, you know, go into the ground. You know, I like to drive them and bring them to car shows and what not. You know, they're not like high-fluting cars in any sense of the word. But, you know, they're just fun to play with, you know. It keeps me out of trouble.

Board Member Bodor stated so you're looking to build a structure that's going to house them...

Mr. Thomas stated yes.

Board Member Bodor stated safely and appropriately.

Mr. Thomas stated yes, Ma'am.

Board Member Bodor stated you're talking... you just mentioned four cars I think; three and one that's sitting outside.

Mr. Thomas stated right.

Board Member Bodor stated is that about the maximum number that you're going to have around there.

Mr. Thomas stated yes.

Board Member Bodor stated okay.

Board Member Burdick stated and the structure that the three cars are in now, the Quonset hut, will that be coming down or will you...

Mr. Thomas stated yes. I'd like to clean up the place...

Board Member Buzzutto stated yes.

Mr. Thomas stated and get rid of all unsightly tents, if you will.

Board Member Buzzutto stated well, it's not to exceed 50% of the principal structure. What is the cubic feet of the principal structure.

Board Member Bodor stated 15,252 [cubic feet] is the principal dwelling.

Board Member Buzzutto stated that's the principal. Oh, yeah.

Board Member Bodor stated and the proposed structure, the garage, will be 25,389 [cubic feet]. So there's a need for a variance there.

Board Member Buzzutto stated so there's a...That's a lot.

Board Member Bodor stated it's a variance request for 17,763 cubic feet.

Board Member Buzzutto stated so that's what he needs, right.

Board Member Bodor stated yes.

Board Member Buzzutto stated okay.

Board Member Bodor stated and also a height...

Board Member Buzzutto stated the height.

Board Member Bodor stated variance.

Board Member Buzzutto stated oh, I see 17'. Applicant now seeking the height of 11' variance. So it's going to be 28'. Yes, 28' garage. Is that in the reso there.

The Secretary stated yes.

Board Member Bodor stated yes.

Board Member Buzzutto stated oh, it is. Okay. Alright, do we have any more on this matter.

Board Member Bodor stated I don't.

Board Member Buzzutto stated make a motion to close the public hearing.

Board Member Bodor stated you want me to do it.

Board Member Buzzutto stated yeah, fine.

Board Member Bodor stated I make a motion to close the public hearing.

Board Member Burdick stated second.

Board Member Buzzutto stated all in favor. Motion carried by a vote of 4 to 0.

Board Member Buzzutto stated so be it. Okay.

Board Member Bodor stated you want me to read it.

Board Member Buzzutto stated yes. If you have one...If you got one there.

Board Member Bodor stated unless Marianne's ready. No. Okay.

Board Member Bodor read the following resolution:

**IN THE MATTER OF THE APPLICATION OF  
*Kim & Thomas Herman, Case #04-12*  
*For Area Variances for a detached 26'x 42'x 28' Garage***

**WHEREAS, *Kim & Thomas Herman*** are the owners of real property located at 511 Mooney Hill Road (R-4 Zoning District), also identified as **Tax Map Parcel #13.-2-39, and**

**WHEREAS, *Kim & Thomas Herman*** have made application to the Patterson Zoning Board of Appeals for area variances pursuant to §154-4 of the Patterson Town Code, Definitions – Private garage, in order to construct a 26'x 42'x 28' detached garage, and

**WHEREAS,** a private garage is defined by the Patterson Town Code as a portion of a principal building or an accessory structure which does not exceed in size a bulk area ratio of 50% of the principal dwelling and does not exceed in height the height of the principal structure, and

**WHEREAS,** the bulk area of the Applicant's principal dwelling is 15,252 cubic feet; Bulk area of the proposed garage will be 25,389 cubic feet; ***Variance requested is for 17,763 cubic feet,*** and

**WHEREAS,** the Applicant's principal dwelling is 17' in height; Proposed garage is 28' in height; ***Variance requested is for 11',*** 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 15, 2012 and March 21, 2012, and a site walk was conducted on March 4, 2012,*** 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 property of which the Herman family owns is quite large; in excess of 5 acres. And there is plenty of space there: it's wooded, screened from the road which runs by. And one line is a railroad that is no longer used. It's quite private there.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***because the reason for the structure is to house antique vehicles safely and securely, and the number being four, and they need a large enough structure that.***

3. the variance requested *is* substantial *because of the measurements involved, the variance requested is 17,763 cubic which is substantial. However, in order to achieve what is necessary, it is a proper request.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because of the screen from the road and neighbors, and the size of the parcel.*
5. the alleged difficulty necessitating the variance *was self-created, however, 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 *Kim & Thomas Herman* for *area variances* pursuant to §154-4 of the Patterson Town Code; Definitions – Private garage, *for a variance of 17,763 cubic feet for bulk area*, and an *area variance of 11' in height*, in order to construct a 26'x 42'x 28' garage.

Board Member Burdick stated second.

Board Member Buzzutto stated I just want to say in regards to the principal...Where is that located in regards to the...Is it in the back of the...

Board Member Burdick stated where we parked...

Board Member Buzzutto stated yes.

Board Member Burdick stated we were standing there before we walked up, that's the principal structure. The house.

Board Member Bodor stated the house.

Board Member Burdick stated where the...

Board Member Buzzutto stated yes. So this is not in the front yard.

Mr. Faxas stated this is on the side.

Board Member Bodor stated it's on the side.

Mr. Faxas stated it's on the side. The house is setback over 200'.

Mr. Thomas stated yes.

Mr. Faxas stated 250'.

Board Member Bodor stated yes.

Board Member Buzzutto stated yes. What I mean this structure is not anywhere in the front

yard. I don't...

Board Member Bodor stated well, it is to the front of this...

Board Member Burdick stated it is to the front of the property.

Board Member Bodor stated front of the property.

Board Member Burdick stated but there's the two separate driveways but it's one parcel. That's a good question.

Board Member Bodor stated right.

Mr. Thomas stated once upon time it used to be two lots...

Board Member Burdick stated they were merged though, right.

Board Member Bodor stated they were merged.

Board Member Buzzutto stated they were merged.

Mr. Thomas stated and I guess the Town just married the two lots together as one. So that technically, if it wasn't married together, that would have been on a separate lot, on its own.

Board Member Bodor stated yes, but that's the frontage. It is to the front. It's here [referring to plans].

Board Member Buzzutto stated that's Mooney Hill Road out there...

Board Member Bodor stated right here.

Board Member Burdick stated or that's the front. I mean, the driveway goes there, but the front of the house is this way.

Board Member Bodor stated yes.

Board Member Buzzutto stated so that is... Would that create a problem.

The Secretary stated it meets...

Mr. Faxas stated may I make a suggestion.

Board Member Buzzutto stated yes.

Board Member Bodor stated it's okay.

Mr. Faxas stated I spoke with the Building Inspector and according to the regulations there's a formula which is shown on the drawings.

Board Member Buzzutto stated there is a formula, yes. It's about...

Mr. Faxas stated that would allow you to put a structure like that...Not a primary structure but a...

The Secretary stated accessory.

Mr. Faxas stated an auxiliary structure.

The Secretary stated do you have your Code book.

Board Member Bodor stated no.

Board Member Burdick stated no.

Board Member Bodor stated no, I don't have one here.

Board Member Buzzutto stated I didn't bring mine.

Board Member Bodor stated but there is that to the...

The Secretary stated if there's an angle...

Board Member Bodor stated yes.

The Secretary stated that he is to meet, 135°...

Board Member Buzzutto stated Rich, could you help us on this. I'm going to ask the Town Planner.

Rich Williams stated actually Mr. Alvarez [\*editor's note: Mr. Williams misspoke and is referring to Mr. Faxas] is one of the few people that submitted a drawing showing the layout the way it's supposed to be and actually got it right first time.

Mr. Faxas stated yes.

Rich Williams stated yes. So, we did look at this. It meets our zoning requirements; we're fine.

Board Member Bodor stated thank you.

Board Member Buzzutto stated I just happened to think of that: where the main structure was in regards to the garage. Alright. So we'll just...

Board Member Bodor stated okay. Thank you, Rich.

Board Member Buzzutto stated thanks, Rich.

Board Member Burdick stated thanks, Rich.

Board Member Buzzutto stated I just wanted to clear that up.

Board Member Bodor stated yes. I'm glad you did.

Board Member Burdick stated it was a good question.

Board Member Buzzutto stated okay. Alright, so you seconded it Marianne.

Board Member Burdick stated yes.

The Secretary stated okay.

Board Member Buzzutto stated roll call.

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

Resolution carried by a vote of 4 to 0.

Board Member Buzzutto stated okay, so now you have to go to the Building Inspector.

Board Member Bodor stated okay.

Mr. Thomas stated thank you.

Board Member Burdick stated good luck.

Board Member Bodor stated a beautiful structure.

Mr. Thomas stated believe me, you won't be disappointed.

Board Member Bodor stated good.

Board Member Burdick stated I'm going to drive by to see it.

Board Member Bodor stated look forward to it.

Mr. Thomas stated this won't be an eyesore.

Board Member Burdick stated absolutely.

Board Member Buzzutto stated from what I've seen and what you're going to put, it's going to be a nice looking.

Mr. Thomas stated this won't be an eye problem.

Board Member Buzzutto stated okay. Good luck to you.

Mr. Thomas stated thank you. Thank you very much.

Mr. Faxas stated Sarah, can I have a copy of whatever papers that the owner is going to have.

The Secretary stated yes. I'm going to type that up...

Mr. Faxas stated send that to me.

The Secretary stated okay, yes. I'll send you a copy.

Mr. Faxas stated or else I'll pick them up. Whichever you want.

The Secretary stated I don't think I have your address. Or is it on your plans.

Mr. Faxas stated yes, it's on the plans.

The Secretary stated alright. I can take it...

Mr. Faxas stated it's on the plans. It's actually, for mailing purposes, P.O. Box 703.

The Secretary stated 703.

Mr. Faxas stated yes. P.O. Box 703.

The Secretary stated alright. Yes, I'll mail you a resolution.

Mr. Faxas stated don't put 123 Bundy Hill Road.

The Secretary stated okay. Yes. Just the P.O. Box.

Mr. Faxas stated yes.

The Secretary stated okay. I'll mail you a resolution.

Mr. Faxas stated the post office is funny. Somebody sent me a check and I found it in the middle of the yard because they sent it to 123 Bundy Hill Road.

Board Member Buzzutto stated okay.

The Secretary stated okay.

Mr. Faxas stated that wasn't nice.

Mr. Thomas stated thank you.

Board Member Buzzutto stated good luck.

Board Member Bodor stated you're welcome. Good night.

Board Member Buzzutto stated take care.

**3) THOMAS & DEBORAH DOUGLAS CASE #05-12**

Mr. James Gagliardo, contractor, was present.

The Secretary stated okay.

Board Member Buzzutto stated will you read the next one.

The Secretary stated yes.

Board Member Buzzutto stated that would be...

The Secretary stated Thomas and Deborah Douglas, Case #05-12. Area Variance. Held over from the February 15, 2012 meeting.

Board Member Buzzutto stated Douglas. Thomas or Deborah.

Board Member Burdick stated are you representing the Douglas'.

Mr. James Gagliardo stated yes, Ma'am. I am.

Board Member Burdick stated oh man.

[Laughter].

Board Member Burdick stated you're in trouble.

[Laughter]

Mr. Gagliardo stated okay. Are you going to throw me out now or you want to wait.

Board Member Burdick stated I'm not (inaudible).

Mr. Gagliardo stated yes, James Gagliardo representing the Douglas'. Yes.

Board Member Buzzutto stated okay.

Board Member Bodor stated again, thank you for meeting us out there and explaining everything to us.

Mr. Gagliardo stated no problem. Anytime.

Board Member Bodor stated it really, really helps.

Mr. Gagliardo stated glad to be of service.

Board Member Buzzutto stated the variance that applied for before, is there any changes or modifications.

Mr. Gagliardo stated no, Sir. Everything's staying the same.

Board Member Buzzutto stated so everything's the same.

Mr. Gagliardo stated 20' x 23' is the garage attached to the existing foundation and to the new building, of course. That will be the only change.

Board Member Burdick stated so the original footprint is staying the same.

Mr. Gagliardo stated yes. It's going to be a little wider on each end, which is within our zoning. It's going to be 2' wider instead 20...The original house was 22'. It's going to be 26'.

Board Member Bodor stated but that meets all the setbacks.

Mr. Gagliardo stated yes. That meets all the setbacks.

Board Member Bodor stated not a problem.

Mr. Gagliardo stated yes. The other side we're staying flush with. Width wise, the house is exactly same. Length. I'm sorry. Length wise, it's the same. Width wise it's going to be...

Board Member Buzzutto stated this is the one that had the fire.

Mr. Gagliardo stated yes.

Board Member Bodor stated yes.

Board Member Buzzutto stated okay. This one will be completely demolished.

Mr. Gagliardo stated that's ready to go. We're just waiting for the ookie dookie.

Board Member Bodor stated oh, really.

Mr. Gagliardo stated yes.

Board Member Bodor stated okay, good.

Mr. Gagliardo stated got the permit here. I'm ready. I'm just waiting for them, insurance wise to get the finalization...

Board Member Buzzutto stated oh, we did a site walk on this particular piece of property.

Mr. Gagliardo stated yes.

Board Member Buzzutto stated it looked pretty good out there when we went. Cold as hell.

Mr. Gagliardo stated it was a little chilly.

Board Member Bodor stated it was cold that day.

[Laughter]

Board Member Buzzutto stated oh my god.

Mr. Gagliardo stated somebody was late, but we won't go there.

Board Member Burdick stated I did get a private tour from the Chairman.

[Laughter]

Board Member Burdick stated so I did make it out there. Thank you for pointing that out.

[Laughter]

Mr. Gagliardo stated that's okay.

Board Member Buzzutto stated well, the basic footprint is going to be the same so...Height and everything. This is going to be what, a modular going back there.

Mr. Gagliardo stated yes. This is going to wind up...It's going to be a modular, yes.

Board Member Buzzutto stated modular, yes.

Mr. Gagliardo stated yes.

Board Member Bodor stated has it been ordered.

Mr. Gagliardo stated we're...The final plans have been ordered, yes. And we're just, like I said, waiting for the bank to...Not the bank but the insurance company to agree with the homeowners. We were hoping to get started by this month because they want to try to be in it by the end of August but we're slowly getting crunch time here. So we're trying to get it...

Board Member Buzzutto stated the footprint under this house, does it have a basement under it.

Mr. Gagliardo stated it's not really a basement. It's all ledge.

Board Member Buzzutto stated oh, I see.

Mr. Gagliardo stated it needs...I don't know if you could see it on the...

Board Member Buzzutto stated no, you can't.

Mr. Gagliardo stated picture there. But there's the existing driveway that has a 7' ceiling. The rest of it...

Board Member Buzzutto stated yes.

Mr. Gagliardo stated it goes up slowly because of the ledge underneath there.

Board Member Buzzutto stated and this is modular. This is set right on...

Mr. Gagliardo stated it will go right...Yes. I have an approval from an engineer, John Kalin, who came out and looked at it, the foundation already. I'm all, like I said, I'm just waiting for the final...I just got the Health Department paperwork the other day from the Health Department saying that they approved the plan and we're ready to go.

Board Member Buzzutto stated so basically all the measurements are going to be practically the same.

Mr. Gagliardo stated I mean, I think the variance was for 5' to keep us in...

Board Member Buzzutto stated five feet, yes.

Mr. Gagliardo stated for the garage for Mr. Douglas because he's has a stroke recently.

Board Member Buzzutto stated do I have any input from the audience on this particular case here. The one that's out there is pretty well fire marred up so...Close the public hearing.

Board Member Bodor stated make a motion to close the public hearing.

Board Member Burdick stated second.

Board Member Buzzutto stated all in favor. Motion carried by a vote of 4 to 0.

Board Member Buzzutto stated so be it. Okay. Who has the...

Board Member Burdick stated would you like me to read the reso.

Board Member Burdick read the following resolution:

**IN THE MATTER OF THE APPLICATION OF  
*Thomas & Deborah Douglas, Case #05-12*  
*For an Area Variance for an Attached Garage***

**WHEREAS, *Thomas & Deborah Douglas are*** the owners of real property located at 435 Haviland Drive (RPL-10 Zoning District), also identified as **Tax Map Parcel #25.32-1-2, and**

**WHEREAS, *Thomas & Deborah Douglas*** have made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations, in order to reconstruct the dwelling that was destroyed by fire on October 31, 2011, and add an attached garage, and

**WHEREAS, §154-7 of the Patterson Town Code** requires a 15' front yard setback; Applicant will have 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 15, 2012 and March 21, 2012, and a site walk was conducted on March 10, 2012*, 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 house already exists and it's basically being replaces due to the fire.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because they want to replace the existing house due to the loss from the fire. And due to the topography and lot lines, the existing location is the best place for it.*
3. the variance requested *is not* substantial.
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because the house already exists in this location.*
5. the alleged difficulty necessitating the variance *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 *Thomas & Deborah Douglas* for *an area variance* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, *for a variance of 5' from the 15' required for a front yard setback.*

Board Member Bodor stated I'll second it.

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

Resolution carried by a vote of 4 to 0.

Board Member Buzzutto stated good luck.

Mr. Gagliardo stated thank you very much.

Board Member Bodor stated okay, move forward.

Mr. Gagliardo stated have a good night. Thank you.

Board Member Burdick stated you're welcome.

Board Member Buzzutto stated okay.

#### 4) BARBARA & RICHARD MURPHY CASE #06-12

Mr. Richard Murphy and Mrs. Barbara Murphy were both present.

The Secretary stated Barbara Murphy Case #06-12 Area Variances held over from the February 15, 2012 meeting.

Board Member Buzzutto stated okay.

Mr. Richard Murphy stated good evening.

Board Member Buzzutto stated Mr. Murphy. Good evening.

Mr. Murphy stated how are you.

Board Member Buzzutto stated okay. The application requesting variances, has anything changed...

Mrs. Barbara Murphy stated yes.

Board Member Buzzutto stated some...

Mrs. Murphy stated when you did come for the site walk...

Board Member Buzzutto stated yes.

Mrs. Murphy stated we told you at that time that we reduced the size of the building...

Board Member Buzzutto stated you did reduce the size, okay.

Mrs. Murphy stated to 32' x 26' rather than 34' x 26'. The side variance, we were looking...we came in 5' closer to our home, off the property line, so we're only looking for a 5' variance on the side. The rear variance we moved also in 5'. We're now looking for a 15' variance. And the height variance is staying the same because the building is 21.5' high. There's no difference. We can't do anything about that.

Board Member Buzzutto stated did you make a sketch of these setbacks and stuff like that.

Mrs. Murphy stated we have...On the original plan...

Mr. Murphy stated on the original.

Mrs. Murphy stated we just had it by 32' by...

Mr. Murphy stated it's going to come in closer now, so...

Board Member Buzzutto stated yes. Well I mean, these figures you gave me today...

Mrs. Murphy stated yes.

Board Member Buzzutto stated did you have a small sketch of the setback on that or...

Mrs. Murphy stated no.

Mr. Murphy stated no.

Mrs. Murphy stated I didn't know we needed to do that. I mean, it's a matter of coming in 5' on the side, 5' on the rear and just reducing the dimension by 2'.

Board Member Bodor stated alright. So you moved it in 5'...

Board Member Buzzutto stated okay.

Board Member Bodor stated from the side. So it's now 15', is that correct.

Mrs. Murphy stated that's correct.

Mr. Murphy stated correct. And that needed a 20 [foot].

Board Member Bodor stated right. And the back you...

Mrs. Murphy stated moved in 5' as well. But that's supposed to have 30'. So that would make a variance... We're looking for a variance of 15'.

Board Member Bodor stated so you're going to be 15' off the back.

Mrs. Murphy stated yes.

Board Member Buzzutto stated as long as we have something to show...

Board Member Bodor stated so 15' off the back and 15' off the side.

Mrs. Murphy stated yes.

Board Member Bodor stated and reduce the size of the garage.

Mrs. Murphy stated correct.

Board Member Bodor stated okay.

Board Member Buzzutto stated what about...you say about the front, you're coming back in on

the front also.

Mr. Murphy stated the front is decreasing...

Board Member Buzzutto stated oh, okay.

Mr. Murphy stated it's going to go 2' towards the back.

Board Member Buzzutto stated you're moving it back.

Mr. Murphy stated no, I didn't move it back. I decreased it.

Board Member Buzzutto stated you're taking it...

Mr. Murphy stated so it's just going 2' back...

Board Member Buzzutto stated okay.

Mr. Murphy stated on the same flags that you've seen when you did the site walk.

Mrs. Murphy stated after the flag. The flags were at the 32' x 26'...

Mr. Murphy stated that's right.

Mrs. Murphy stated structure. It was not...

Mr. Murphy stated I moved them when you came because I seen we had issues and I wanted to try to work with the issues.

Board Member Buzzutto stated okay.

Board Member Bodor stated thank you.

Mr. Murphy stated and the other issues were with the walk was the wetlands.

Board Member Bodor stated yes.

Board Member Buzzutto stated yes.

Mr. Murphy stated it's a hardship. I can't put the building down there.

Board Member Buzzutto stated okay.

Mr. Murphy stated and to put it down there, too, when we have a lot of snow... This year we had a great year. But when the snow is piled up at the end of the road, I'd never be able to have a driveway down there.

Board Member Bodor stated you know, on the site walk, we did discover you are the last house down on that road and beyond your property and seeping into your property is swampy area.

Mr. Murphy stated correct.

Board Member Bodor stated really, wetlands.

Mr. Murphy stated it's the wetlands, yes. It's the beginning of it and if you take the tax map out, it shows the wetlands across the street from my house and on the side of my property.

Board Member Bodor stated they're identified as such on the map.

Mr. Murphy stated yes. And the only other thing I wanted to say is we decreased the size of the building but that would be the limit because I'm using this to store my boat in and the boat ain't going to fit nothing smaller.

Board Member Burdick stated and that's the reason for the height required...requested.

Mr. Murphy stated the height requirement, too, a little is for the boat.

Board Member Buzzutto stated so the actual size of the overall garage is...

Board Member Bodor stated it's going to be 32' x 26'. So it's 32' deep.

Mrs. Murphy stated yes.

Mr. Murphy stated yes. Where it was originally 34' deep...

Board Member Bodor stated 34 [feet]. Yes. It will be 32' deep and still 26' wide.

Mrs. Murphy stated yes.

Board Member Bodor stated what is it going to have, two doors on the front.

Mr. Murphy stated it's going to have two garage doors.

Board Member Bodor stated okay.

Mr. Murphy stated and I showed you the pictures of the building.

Board Member Buzzutto stated yes.

Mr. Murphy stated the reason why I went with that roof was to keep it good looking in the neighborhood, not to take away.

Mrs. Murphy stated we have also talked about issues that were brought up when we were here the last time concerning water. And that's why we decided...we talked about when we do put a driveway in, we wouldn't have a paved driveway all the way to the garage doors. We'd want them to be whether it's the item 4...Of course the initial part coming in would have to be paved off the road.

Board Member Buzzutto stated well, this is the one you're [referring to a picture of the proposed garage].

Mr. Murphy stated correct.

Board Member Buzzutto stated what do you call that roof.

**Audience member stated** gabriel.

Board Member Buzzutto stated what is it called.

**Audience member stated** gabriel.

Board Member Buzzutto stated gabriel. Okay. [Editor's note: roof is actually called a gambrel roof].

**Audience member stated** it's like a barn type.

Mr. Murphy stated it's actually going to look just like that one you see there [referring to the picture Board Member Buzzutto stated had].

Mr. Murphy stated and the siding is going to consist of the same that's on the house.

Board Member Buzzutto stated good deal.

Mr. Murphy stated same color shutters.

**Audience member stated** same color roof.

Mr. Murphy stated and the roof will be the same, too.

Board Member Buzzutto stated yes. Is any space up above the...

Mr. Murphy stated it's a one and half garage. It will be storage.

Board Member Buzzutto stated yes.

Board Member Bodor stated dead storage.

Board Member Buzzutto stated just storage.

Mr. Murphy stated yes. That's why they call it a one and a half. It's not a true two-story. So it's not, you know, you can't use it to live in or nothing.

Board Member Buzzutto stated okay. Do I have any input from the audience on this particular piece of property. You want to come up, Sir, and give your name. You heard the input, stuff like that...

**David Strong stated** I did. David Strong. 18 Danby Lane. My wife and I own the property adjacent to the Murphy's. I appreciate the mitigation that they've offered. I mean, I still have a concern knocking off 50 or so square feet regarding the character of the neighborhood. I think the largest house on the street in our garage. Admittedly, it's 560 something square feet; it

would still would be 300 feet larger than that. But as far as the water goes, as long as they can pitch the driveway or if they're...if it is going to be granted, they can make sure the water runs that way, whatever they have to do. You know, like I said, I appreciate the effort that they made...

Board Member Buzzutto stated yes.

**David Strong stated** in mitigating. You know, if the water's controlled then that's great.

Board Member Buzzutto stated is this property downhill from you or uphill from you.

**David Strong stated** there's a slight depression in between the two properties.

Board Member Buzzutto stated yes.

**David Strong stated** the house are bermed up, slightly, so in between there is a slight depression. And that's where the established tree line is with the cedars and spruce.

Board Member Buzzutto stated well, I think Mr. Murphy will kind of control that with everything going in there so...I think it will be alright.

**David Strong stated** and to the Board, I did...Regarding the percentage requested for the variance, I had submitted a calculation. It was requested for 62%, and at least what I calculated was 84%. And I just wanted to make sure that that was taken into consideration.

Board Member Buzzutto stated you come up with 84%.

**David Strong stated** that's correct.

The Secretary stated the calculation, also, that was submitted was for square footage not volume for bulk area. So that's why the percentage was different that he came up with.

Board Member Buzzutto stated so is that going to be a problem. No. I don't think so.

Board Member Bodor stated we appreciated your concern and your input and hopefully it will all work out okay.

**David Strong stated** great. And...

Board Member Bodor stated no matter what...

**David Strong stated** again, like I said, I appreciate the site walk and the mitigating efforts.

Board Member Buzzutto stated okay, fine.

Board Member Bodor stated thank you. Thank you for that.

Board Member Buzzutto stated thank you for your input. Okay, is there any more input from the...Rich Williams.

Rich Williams stated I have just two comments, real quick. Barbara, the numbers that you provided the Board tonight, the changes in the numbers you provided previously to my office.

Mrs. Murphy stated yes.

Rich Williams stated and so they've all been factored in to where you are tonight. You all have those numbers.

Board Member Buzzutto stated yes. We got that. Yes.

Board Member Bodor stated yes we do.

Rich Williams stated the other thing I just didn't want to mention, I heard before you were looking to not pave a portion of the driveway. Patterson's Code requires that you pave the whole length of the driveway unless you come into the Planning Board, the Planning Board grants you...

Mrs. Murphy stated waiver.

Rich Williams stated a waiver.

Mr. Murphy stated right.

Rich Williams stated okay.

Board Member Buzzutto stated alright.

Mrs. Murphy stated we talked about that.

Rich Williams stated yes, we did.

Board Member Buzzutto stated okay, fine. So you're aware of that particular...

Mrs. Murphy stated yes.

Mr. Murphy stated yes.

Board Member Buzzutto stated obstacle. Alright. Any other input. Hearing none.

Board Member Herbst stated what are you looking for.

Board Member Buzzutto stated what.

Board Member Herbst stated what are you looking for.

Board Member Buzzutto stated I'd like to read the reso before somebody else does it.

Mr. Murphy stated excuse me. I just wanted to comment a little further. When you guys did the walk out there, there was concerns about water. His concerns.

Board Member Buzzutto stated yes.

Mr. Murphy stated that's why I'm trying to get... Try to get the permit to not have a blacktop driveway. At the beginning of the driveway to have blacktop, when it comes off the road.

Board Member Buzzutto stated yes.

Mr. Murphy stated now further up, it will just be a nice item 4; a dark item 4 that comes from up [Route] 22, not the white item 4.

Board Member Buzzutto stated it should be, yes.

Mr. Murphy stated right. And as far as any water problems, I don't really see any water problems coming from me. You people were at the house and I showed you all the water problems I've had and how much damage that has done to my driveway, which is his water problem which he tends it's the Town's. But his leaders go right into the gravel out in the Town road and his pump out goes right into the gravel and that's why it's made it better for him because the Town helped him. Because what was on our road constantly for summers was green algae. The whole length of my road and the water would run all the time. And in the wintertime, I have pictures of my cars frozen in the driveway up above the wheels because he pumps water all winter long. And before the Town put some gravel in there, the water ran all year long. So when water travels on 70 degrees out of a house and it travels so far and it becomes 0 [degrees], it freezes, and it would happen to be right in my driveway. And that... So, I don't think I have a water problem.

Board Member Buzzutto stated alright.

Mr. Murphy stated he's worried about his water problem.

Board Member Buzzutto stated well, we've got...

Mr. Murphy stated I just wanted to make sure.

Board Member Buzzutto stated I don't want you to get into it like a...

Mr. Murphy stated alright. I'm sorry. I just want to...

Board Member Buzzutto stated did you bring that up to the Town...

Mr. Murphy stated I brought this up...

Board Member Buzzutto stated the Highway Department.

Mr. Murphy stated well, they've tried...

Board Member Buzzutto stated did you show them.

Mr. Murphy stated they're tried to remedy it. It's not all of his fault.

Board Member Buzzutto stated no.

Mr. Murphy stated the fault is is the water table has risen around here because of the beaver. And because...Right. And because we had someone who let something go a long time ago when the beavers were there and it filled in the hole...

Board Member Buzzutto stated yes.

Mr. Murphy stated and of a defined waterway. But I just wanted to touch on that. Just so...

Board Member Buzzutto stated well, you're two good neighbors and I'm sure you'll iron any problems out you got.

Mr. Murphy stated whatever.

Board Member Buzzutto stated yous will take care of it. Okay. Thank you.

Board Member Bodor stated make a motion to close the public hearing.

Board Member Burdick stated second.

Board Member Buzzutto stated all in favor. Motion carried by a vote of 4 to 0.

Board Member Buzzutto stated so be it. Public hearing is closed. Okay.

Board Member Bodor read the following resolution:

**IN THE MATTER OF THE APPLICATION OF  
*Richard & Barbara Murphy, Case #06-12*  
*For Area Variances for a Detached 26'x 32'x 21' Garage***

**WHEREAS, *Richard & Barbara Murphy* are the owners of real property located at 24 Danby Lane (C-1 Zoning District), also identified as **Tax Map Parcel #4.-1-46, and****

**WHEREAS, *Richard & Barbara Murphy* have made application to the Patterson Zoning Board of Appeals for area variances pursuant to §154-4 of the Patterson Town Code, Definitions – Private garage, in order to construct a 26'x 32'x 21 detached garage, and**

**WHEREAS, a private garage is defined by the Patterson Town Code as a portion of a principal building or an accessory structure which does not exceed in size a bulk area ratio of 50% of the principal dwelling and does not exceed in height the height of the principal structure, and**

**WHEREAS, the bulk area of the Applicant's principal dwelling is 13,056 cubic feet; Bulk area of the proposed garage will be 12,384 cubic feet; *Variance requested is for 5,856 cubic feet,* and**

**WHEREAS, the Applicant's principal dwelling is 17' in height; Proposed garage is 21' in height; *Variance requested is for 4',* 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 15, 2012 and March 21, 2012, and a site walk was conducted on March 4, 2012*, 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 many of the other homes on the street, which is a short street, do already have detached garages.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because where he wants to put it and the purpose that he needs it for requires the size that is requested.*
3. the variance requested *is not* substantial.
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because the plans are for the exterior of the structure to be very similar to the existing residence, therefore, a good match.*
5. the alleged difficulty necessitating the variance *not self-created nor 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 *Richard & Barbara Murphy* for *area variances* pursuant to §154-4 of the Patterson Town Code; Definitions – Private garage, *for a variance of 5,856 cubic feet for bulk*, and an *area variance of 4' in height*, in order to construct a 26'x 32'x 21' garage.

Mrs. Murphy stated excuse me.

Board Member Burdick stated second.

Mrs. Murphy stated the only thing I need to say about that is the height is 21.5 [feet] and I think on the original thing it says it's a 6' variance, not 4 [feet]. I don't want to get into any kind of problems with it.

Mr. Murphy stated right.

Mrs. Murphy stated but it is 21.5' high.

Mr. Murphy stated I think the Building Inspector put that down.

The Secretary stated the Building Inspector, I spoke with him, and he said it was 21 [feet]. He

spoke with the people that are...

Mrs. Murphy stated oh, okay.

Mr. Murphy stated okay.

The Secretary stated going to be doing the garage.

Mrs. Murphy stated as long as...

Mr. Murphy stated as long as he knows.

The Secretary stated and he spoke with somebody from there and then he told me those numbers and changed the numbers...

Mrs. Murphy stated okay.

Board Member Bodor stated okay.

The Secretary stated to this.

Mrs. Murphy stated as long as...

Board Member Bodor stated we alright then.

Mrs. Murphy stated he's okay with it...

Board Member Buzzutto stated is it alright.

Mrs. Murphy stated alright.

Board Member Buzzutto stated is it. Okay.

Board Member Burdick stated second.

Board Member Buzzutto stated second.

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

Resolution carried by a vote of 4 to 0.

Board Member Buzzutto stated so be it.

Board Member Bodor stated we have one more.

Mr. Murphy stated thank you.

Board Member Bodor stated no, we have one more.

Board Member Buzzutto stated no, we have one. Thank you very much.

Mr. Murphy stated thank you very much.

Board Member Bodor stated no.

Board Member Burdick stated no, we have one more.

Joe Charbonneau stated one more.

Board Member Burdick stated we have one more to do.

Board Member Buzzutto stated oh, okay. You got one more thing on it, okay. Go ahead.

Board Member Burdick stated okay.

Board Member Bodor stated we have one more reso for you.

Board Member Buzzutto stated okay.

Board Member Burdick stated you ready.

Board Member Bodor stated we're ready.

Board Member Buzzutto stated go ahead.

Board Member Burdick read the following resolution:

**IN THE MATTER OF THE APPLICATION OF  
*Richard & Barbara Murphy, Case #06-12*  
*For Area Variances for a Detached 26' x 32' x 21' Garage***

**WHEREAS, *Richard & Barbara Murphy* are the owners of real property located at 24 Danby Lane (C-1 Zoning District), also identified as **Tax Map Parcel #4.-1-46, and****

**WHEREAS, *Richard & Barbara Murphy* have made application to the Patterson Zoning Board of Appeals for area variances pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations, in order to construct a detached 26' x 32' x 21' garage, and**

**WHEREAS, §154-7 of the Patterson Town Code requires a 20' side yard setback; Applicant will have 15'; *Variance requested is for 5'*, and**

**WHEREAS, §154-7 of the Patterson Town Code requires a 30' rear yard setback; Applicant will have 15'; *Variance requested is for 15'*, 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 15, 2012 and March 21, 2012, and a site walk was conducted on March 4, 2012*, 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 other homes along the street have detached garages and currently vehicles are stored out in the yard and will now be stored in a structure.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because of the topography and the wetlands this is the only location for the structure and the size is needed for the intended purpose of housing the vehicles and the boat.*
3. the variance requested *is* substantial *but is the only thing they can do for the intended purpose and to the house the vehicles that they want to put into this structure.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because the structure will match the house and be aesthetic to the character of the neighborhood.*
5. the alleged difficulty necessitating the variance *was self-created but is not sufficient* so as to cause a denial of the requested variance.

**NOW, THEREFORE BE IT RESOLVED**, that the Patterson Zoning Board of Appeals hereby *grants* the application of *Richard & Barbara Murphy* for *area variances* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, *for a variance of 5' from the 20' required for a side yard setback, and a 15' variance from the 30' required for a rear yard setback*, in order to construct a detached 26'x 32'x 21' garage.

Board Member Bodor stated second.

Board Member Bodor - yes

Board Member Bodor stated I would also like to say thank you for working with us and making those changes.

Mrs. Murphy stated you're welcome.

Mr. Murphy stated thank you for coming out.

Board Member Burdick stated we still have to do the rest of the vote.

Mr. Murphy stated oh. You guys are blowing me away.

[Laughter]

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

Resolution carried by a vote of 4 to 0.

Board Member Buzzutto stated now good luck.

Board Member Burdick stated now.

Joe Charbonneau stated you can go now.

[Laughter]

Mr. Murphy stated thank you. Thank you very much.

Board Member Burdick stated good luck.

Board Member Buzzutto stated good luck to you.

#### 5) PAVEL MIHOK CASE #08-12

Mr. Pavel Mihok was present.

Board Member Buzzutto stated how do you pronounce the name.

Mr. Pavel Mihok stated Mi-hok.

The Secretary read the following legal notice:

#### **Pavel Mihok Case #08-12 – Area Variance**

Applicant is requesting an area variance pursuant to §154-7 of the Patterson Town Code, Schedule of regulations. Applicant wishes to enclose an existing porch and add a 10'1" x 9'8" addition to that. The Code requires a front yard setback of 65'; Applicant will have 54'; Variance requested is for 11'. This property is located at 2371 Route 22 (C-1 Zoning District).

Board Member Buzzutto stated okay, you want to raise your right hand, Sir. You swear the testimony you provide tonight will be the truth, the whole truth.

Mr. Mihok stated yes.

Board Member Buzzutto stated alright. You heard the reading of the...Is there any changes in that.

Mr. Mihok stated no.

Board Member Buzzutto stated maybe you weren't listening to it. I don't know. Okay.

Mr. Mihok stated no. Yes, it's...

Board Member Buzzutto stated it's the same.

Mr. Mihok stated it's the same.

Board Member Buzzutto stated nothing's changed. Okay.

Board Member Bodor stated can we have your name, please, for the record.

Mr. Mihok stated Pavel Mihok.

Board Member Buzzutto stated address.

Mr. Mihok stated 2371 Route 22. That's the address of the business. You need my home address.

Board Member Buzzutto stated well, that's what...No. The application has the 2371.

Board Member Bodor stated it's Brook Farm Veterinary.

Board Member Burdick stated yes.

Board Member Buzzutto stated oh, yes. Brook Farm.

Board Member Bodor stated now you're not the owner of the property or structure...

Mr. Mihok stated no.

Board Member Bodor stated or the business, actually.

Mr. Mihok stated no. This is...I have a house call business. I do house calls in New York. And I have an agreement with Dr. Kanouse to do x-rays at his place and refer to him for surgeries or other procedures that needs to be done in the hospital. I do acupuncture and alternative medicine. And the need is to have a separate exam room where it's a little more quiet. Like his practice is busy in there. And when you put acupuncture needles in a dog it's good if he could relax and stay calm. And, you know, there was an existing porch there which I got a building permit to enclose that and make an exam room. And as I was working on the project, I framed it

to have the walkway in. I was thinking it would be nice to have like a waiting room for the patients to wait before they get into the exam room. And I took pictures if that would help.

Board Member Bodor stated we like pictures.

Board Member Buzzutto stated well yes.

Mr. Mihok stated okay.

Board Member Buzzutto stated yes.

Board Member Burdick stated I'm trying to envision it.

Board Member Bodor stated I'm trying to place where this porch is that...

Board Member Burdick stated see this...Is this the entrance down there in the kennel. That's the kennel right there [referring to a picture].

Mr. Mihok stated yes. That's the kennel.

Board Member Burdick stated and the entrance to them.

Mr. Mihok stated the entrance is right down there.

Board Member Burdick stated okay.

Mr. Mihok stated this one was an existing porch...

Board Member Burdick stated okay.

Mr. Mihok stated which I got a building permit to enclose.

Board Member Burdick stated so this faces Old 22.

Board Member Bodor stated that's...

Mr. Mihok stated yes.

Board Member Bodor stated yes.

Board Member Burdick stated right.

Board Member Bodor stated alright.

Board Member Burdick stated okay.

Board Member Bodor stated so the backside of the building actually.

Mr. Mihok stated yes.

Board Member Burdick stated yes.

Mr. Mihok stated it's right here.

Board Member Burdick stated to the right if you're facing the entrance. I'm very familiar with the property but I couldn't...

Mr. Mihok stated so that's the kennel.

Board Member Burdick stated yes.

Mr. Mihok stated and this is on the other side.

Board Member Bodor stated okay.

Board Member Burdick stated up on the other side those trees.

Mr. Mihok stated yes.

Board Member Burdick stated alright.

Board Member Bodor stated this is the backend.

Mr. Mihok stated on the map it's right...

Board Member Bodor stated it faces Old 22. When you go...

Board Member Buzzutto stated oh, okay. Old 22 it goes up and around. Okay. I know where we are.

Board Member Bodor stated yes. This is the back of the building here. And the kennels...

Mr. Mihok stated and that's from the parking lot [referring to a picture].

Board Member Bodor stated are out front.

Board Member Buzzutto stated yes.

Board Member Bodor stated but that was the porch right there that some...

Mr. Mihok stated yes. It was an existing porch. I got a building permit to enclose that.

Board Member Buzzutto stated the work has been started on this already.

Mr. Mihok stated you know, the variance is for a different part of this. I asked for a building permit. I received a building permit. I started to do that work.

Board Member Buzzutto stated yes.

Mr. Mihok stated then as I did the work, I felt like, you know, I could try to ask for an extension

of this project to make like an exam...I have this would be an exam room, to make a waiting room.

Board Member Buzzutto stated is that where this little footprint is here.

Mr. Mihok stated yes. It will be a little bit different because that was like a walkway into the exam.

Board Member Buzzutto stated yes. Okay.

Mr. Mihok stated and when I framed it up I said, you know, I'm going to pour that much concrete in it. I'm going to see if I can get that and put a roof over it and then make it a waiting room there.

Board Member Bodor stated okay. So we're enclosing the existing porch and putting a small addition...

Mr. Mihok stated yes.

Board Member Bodor stated to that area. Okay.

Mr. Mihok stated and then...Where the sink is that's already existing, on the drawing. And then that's the existing part. And that to be added.

Board Member Buzzutto stated this is...

Board Member Herbst stated is this it right here.

Board Member Buzzutto stated no. This is the front of it. This is the back of it.

Board Member Herbst stated this is the property.

Board Member Buzzutto stated yes. It's on Route 22.

Board Member Herbst stated well, it's Brook Farm.

Board Member Bodor stated Brook Farm.

Board Member Burdick stated yes.

Board Member Bodor stated yes.

Board Member Herbst stated okay. Well that I know.

Board Member Burdick stated yes. If you're facing the entrance it's on the upper right side.

Board Member Buzzutto stated yes.

Board Member Herbst stated okay.

Board Member Buzzutto stated this is this. And this here I guess would be over here [referring to the pictures and the plans].

Board Member Herbst stated right.

Board Member Buzzutto stated is this affiliated with Brook Farm or is it just a separate entity.

Board Member Burdick stated can you pass this down [referring to the pictures].

Mr. Mihok stated you know, it's a separate entity in a sense. A have a house call business.

Board Member Buzzutto stated oh, I see.

Mr. Mihok stated and I have an agreement with Dr. Kanouse where I...

Board Member Buzzutto stated oh, okay. Fine.

Mr. Mihok stated bring pets in, you know, you need to do x-rays sometime. Or surgeries or....That's...I bring them into his facility. And then there are sometimes I need to see patients in the office.

Board Member Buzzutto stated yes.

Mr. Mihok stated and then I come and see them there but there was a need for an extra space and that porch was existing there and I asked him if I could, you know, finish that and he allowed me to do that. And as I was working on this project, you know, I got the building permit. I put up the walls, the windows, the door. Then I felt like, you know, it would be nice to have the patients, you know, if it's raining or snowing, you know, sometimes you cannot be directly in the exam room.

Board Member Buzzutto stated yes.

Mr. Mihok stated you know, you could...you have like an entrance there where you could have a...

Board Member Bodor stated little seated...

Mr. Mihok stated seats. Yes.

Board Member Bodor stated area.

Mr. Mihok stated yes.

Board Member Bodor stated yes.

Mr. Mihok stated because the entrance to the building it's...to the practice, it's, you know, away from there.

Board Member Buzzutto stated are you picking it up [referring to the conversation making the minutes].

The Secretary stated as long as he talks in the microphone it should be okay.

Board Member Buzzutto stated okay. Sorry.

Board Member Bodor stated okay, here's lots of pictures to look at. We like pictures. It looks good because I haven't been there in awhile. I send my husband all the time.

Board Member Buzzutto stated is this 24 hour a day service you give or...

Mr. Mihok stated umm...

Board Member Buzzutto stated emergency.

Mr. Mihok stated you know, if, you know, not 24 hours. But sometimes I... You know, I don't have too many clients so what I have is like I may see two or three patients a day. Other than that, I go out to the houses and I see them. But I... There was potential that I could come in there and I see somebody...

Board Member Buzzutto stated yes.

Mr. Mihok stated the time and take them in that exam room. Right now I see them in Dr. Kanouse's exam rooms.

Board Member Bodor stated do you do the house calls in this area or are you in another area.

Mr. Mihok stated I do... I have a wide area. I do it in this area, too. I go down to Westchester, White Plains, Harrison and Rye. Sometimes I go to Manhattan, Long Island.

Board Member Bodor stated you cover a large...

Mr. Mihok stated it's a large area.

Board Member Bodor stated space.

Board Member Buzzutto stated yes. It look like you're going to put it around like a fire place, chimney here.

Mr. Mihok stated yes.

Board Member Buzzutto stated is that going to interfere with anything like cleanouts and stuff like that.

Mr. Mihok stated no.

Board Member Buzzutto stated no.

Mr. Mihok stated there is not... It's a closed area. It's...

Board Member Burdick stated other than acupuncture, what other types of alternative therapies

do you offer.

Mr. Mihok stated nutritional counseling, homeopathy, Chinese herbs.

Board Member Buzzutto stated the one where you got the forms there, it sticks out about what: three feet more than the screened in porch [referring to the pictures]. This one here. It's not in line...

Mr. Mihok stated you know, there was a pretty steep grade there.

Board Member Buzzutto stated yes.

Mr. Mihok stated and to resolve that I put in steps.

Board Member Buzzutto stated yes.

Mr. Mihok stated like three steps and then that's the level of what it came, you know...Initially...

Board Member Buzzutto stated this is just going to be the footprint there like where it's going to go. The building's not going to come out that far.

Mr. Mihok stated no. No.

Board Member Buzzutto stated it's going to come out...

Mr. Mihok stated it's going to be...The existing is going to be flush with the existing porch and then flush on the other side with the building.

Board Member Buzzutto stated okay. That's just a slab there.

Mr. Mihok stated that would be a slab for the walkway.

Board Member Buzzutto stated okay, fine.

Mr. Mihok stated and there is already, you know, a variance. One corner of the building it's a 40' from the border, the road. Forty-three [feet]. Right now, the next corner there at 63' and would like to bring it out to 54' or whatever the number is there.

Board Member Buzzutto stated alright. You asking for any kind of a variance from the front of that to the back part of the property there.

Mr. Mihok stated no. There is one variance for one corner of the building. Which right now the existing building is at 63'.

Board Member Buzzutto stated yes.

Mr. Mihok stated and then I would bring it down to 54'. You know, the numbers. I don't have them in mind.

Board Member Buzzutto stated yes.

Mr. Mihok stated but roughly around 54' or 53'. Right now the closest corner, it's at forty some feet. So it still would be under though it's the closest to the...

Board Member Burdick stated Buzz, it's a front yard...

Mr. Mihok stated edge of the property.

Board Member Burdick stated setback variance of 11'.

Board Member Buzzutto stated yes. But don't the slab count as part of the structure. I mean, that's not going to make a difference in the variance.

Board Member Burdick stated the walkway you mean.

Board Member Buzzutto stated yes.

Mr. Mihok stated there's an existing walkway there.

Board Member Buzzutto stated yes.

Mr. Mihok stated it's paved. It's just we'll be changing it somewhat to concrete.

Board Member Burdick stated it's not like it's a stoop, it's just a walkway. I think you're thinking of the stoops or a porch...

Board Member Buzzutto stated right. Yes.

Board Member Burdick stated that would be...It's not that. It's just a walkway going to the entrance so it would just be the structure that's a setback. Am I correct, Joe.

Joe Charbonneau stated yes. It's just a walkway. It's not...

Board Member Burdick stated it's not a porch or a stoop or a...

Mr. Mihok stated no.

Joe Charbonneau stated no, it would be measured from the house, I mean...

Board Member Buzzutto stated Rich, could you enlighten me on that, the sidewalk.

Rich Williams stated what she said.

Joe Charbonneau stated yes.

Board Member Buzzutto stated yes.

Rich Williams stated just...Marianne's got it right on. You know.

Board Member Buzzutto stated okay. I just wanted...

Rich Williams stated a walkway is exempt from meeting the zoning setbacks.

Board Member Buzzutto stated yes.

Rich Williams stated if it was a porch or a deck or a, you know, some sort of patio or play area it would be different.

Joe Charbonneau stated or steps.

Rich Williams stated but it's not steps.

Board Member Buzzutto stated okay. I just wanted to make sure. Okay. Do we have any other input from the audience. No, I don't see any.

Board Member Herbst stated there is no audience.

Board Member Buzzutto stated no, I know. But I...

Board Member Bodor stated Jerry, do you have anything to contribute.

Board Member Herbst stated not yet. I'd like to go over and see it but you know.

Board Member Bodor stated but I...

Board Member Buzzutto stated I...it's pretty cut and...no.

Board Member Bodor stated I'm not interested in seeing it. No.

Board Member Burdick stated no.

Board Member Bodor stated I think it's pretty cut and dry and those photographs are fantastic.

Board Member Burdick stated no. I'm familiar enough with the property.

Board Member Herbst stated no, I mean I don't have a problem with it. I just would like to see it because it's a little confusing. I go there all the time, you know, with my dog. But...

Board Member Bodor stated right. Well, this is on the back part of the building. The back if you ...I'm relating it to the back.

Board Member Herbst stated well, I don't have any problem if you want to...

Board Member Bodor stated it's the side of the building that faces Old 22.

Board Member Burdick stated when you come into it, do you come in off of [Route 22] or do come in off of [Route]164 and Old...

Board Member Herbst stated no, I come off of [Route] 164.

Board Member Bodor stated right.

Board Member Burdick stated okay. So when you come in that driveway, it's right there to the right before you make the left into the parking area.

Board Member Herbst stated oh, okay.

Board Member Burdick stated it's right there.

Board Member Herbst stated alright.

Board Member Buzzutto stated it's pretty cut and dry.

Board Member Herbst stated go ahead if you want. It's okay.

Board Member Burdick stated well, only if you feel comfortable. Did you look at the pictures. Did that...

Board Member Buzzutto stated yes.

Board Member Herbst stated yes.

Board Member Burdick stated did that help at all.

Board Member Herbst stated yes. Here. Here's the other picture.

Board Member Bodor stated here's the other loose one here.

Board Member Buzzutto stated I'd like to hear a motion to close the public hearing.

Board Member Bodor stated I'll make a motion to close the public hearing.

Board Member Burdick stated second.

Board Member Herbst stated second.

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

Board Member Buzzutto stated okay. Now...

Board Member Bodor stated I will offer a reso.

Board Member Buzzutto stated oh, you're such a sweetheart.

Board Member Bodor read the following resolution:

**IN THE MATTER OF THE APPLICATION OF  
*Pavel Mihok, Case #08-12***

***For an Area Variance for an Enclosure and 10'1" x 9'8" Addition***

WHEREAS, *Dr. Evan Kanouse (2371 Route 22 Realty, LLC)* is the owner of real property located at 2371 Route 22 (C-1 Zoning District), also identified as **Tax Map Parcel #24.-1-76, and**

WHEREAS, *Pavel Mihok* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations, in order to enclose an existing porch and add a 10'1" x 9'8" addition to that, and

WHEREAS, §154-7 of the Patterson Town Code requires a 65' front yard setback; Applicant will have 54'; ***Variance requested is for 11'***, 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 **March 21, 2012** 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 Applicant is simply enclosing an existing porch and making a small addition to that.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***due to the fact the porch is there and it's an enclosure, using that porch as a basis.***
3. the variance requested ***is not*** substantial.
4. the proposed variance ***will not*** have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district ***because it simply adding very small addition to and enclosing an existing part of the structure.***
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 *Pavel Mihok* for ***an area variance*** pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, ***for a variance of 11' from the 65' required for a front yard setback in order to enclose an existing porch and add a 10'1" x 9'8" addition to that.***

Board Member Burdick stated second.

Board Member Bodor	-	yes
Board Member Burdick	-	yes
Board Member Buzzutto	-	yes

Board Member Herbst	-	yes
Chairman Olenius	-	Absent

Resolution carried by a vote of 4 to 0.

Board Member Bodor stated you may do it.

Board Member Burdick stated good luck.

Board Member Buzzutto stated good luck.

Mr. Mihok stated thank you.

Board Member Herbst stated does he have his pictures.

The Secretary stated yes.

Joe Charbonneau stated those things are all for the dog.

The Secretary stated everything.

Joe Charbonneau stated no people. The dogs.

The Secretary stated people bring the dog.

Joe Charbonneau stated this stuff is not for...

The Secretary stated the waiting room might be for the people.

Board Member Herbst stated that must have been pretty fast work.

Board Member Bodor stated what.

Board Member Herbst stated I was there last month, they weren't doing a damn thing as far as any work at the place at all.

Board Member Buzzutto stated that's in the back. You wouldn't have probably seen it. Well, I don't know.

Board Member Bodor stated well, the porch was there so...

Board Member Burdick stated yes.

Board Member Buzzutto stated yes.

Board Member Bodor stated it's not going to stick out like a sore thumb if there's already something there.

Board Member Burdick stated I can see where there's a need for that. I've been there when

they've had other vets trying to do the acupuncture and it's just crazy.

Board Member Herbst stated no. I go when Evan's there.

Board Member Burdick stated oh, me too. But he has... There's been other times where he's had alternative therapy physicians there. I mean...

**6) OTHER BUSINESS**

**a) Code Violations**

Board Member Bodor stated what's the next... Other Business. Code Violations now.

Board Member Buzzutto stated what was the...

Board Member Bodor stated there it is. Code Violations. Does everyone have this in their hand.

Board Member Burdick stated yes.

Board Member Buzzutto stated what do you go there.

Board Member Bodor stated alright. To the Planning Board and Zoning Board from the Town Planner regarding Code Violations.

“On March 2, 2012, I released a memo concerning the treatment of applications for properties that have violations of the Town Zoning Code which propose certain Zoning amendments. At the March 15, 2012 meeting, the Town Board requested that the Planning Board and Zoning Board of Appeals review the Town Planner's memo and provide to the Town Board such opinion as may be appropriate on the proposed changes to the Patterson Town Code.”

Board Member Bodor stated and behind that I have that memo. I skimmed it. I did not read it completely well, I will admit that. But the gist of it is, in speaking with you, right.

Rich Williams stated correct.

Board Member Bodor stated do... does the Planning Board entertain applications that have existing violations. Question. That's what needs to be clarified.

Rich Williams stated this is an issue that has come up time and time again between, you know, both the Planning Board and the Zoning...

Board Member Bodor stated yes.

Rich Williams stated Zoning Board of Appeals. And that is how do you treat property owners who submit an application to get approval for some action and have other violations on their property. Currently there is nothing in our Code that prohibits you from reviewing those applications or prevents you. It came up again recently with the Planning Board and the Town Board, at least one Town Board member encouraged me to prepare a memo addressing the issue, which I did. And I proposed a Code change which essentially upon the submission of an application, the Building Department and or myself would review the applications, submit a letter back to the Planning Board and or Zoning Board, identifying if there were any issues other than the application that had been submitted that any Board needed to be concerned with.

Board Member Bodor stated okay. And we have historically when we see something like a violation on it, on the map, we tell the people, you know, we can't make a decision on this piece because you've got violations over here; you've got to clean them up. We've done that, this Board has through the years.

Rich Williams stated you have.

Board Member Bodor stated yes.

Board Member Buzzutto stated yes.

Rich Williams stated the problem is you have non legislation which allows you to do that.

Board Member Bodor stated but this we've done.

Rich Williams stated yes.

Joe Charbonneau stated and it's...There's a difference between the Planning Board consideration and the Zoning Board consideration. A lot of times the violation will...

Rich Williams stated yes.

Joe Charbonneau require you to come before the Zoning Board whereas it won't necessarily require you to be before the Planning Board. So it's really a policy decision. Some Towns won't allow you before any of the municipal boards while there's a pending violation. So what happens is you end up in justice court, you plead guilty to the violation, it resolves it, and then you appear back before the board to legalize it.

Board Member Buzzutto stated right. If we don't act on a violation, will they have to go back to the Building Department and get permits and stuff to get that with new permits and...

Board Member Bodor stated it depends on what it is.

Board Member Buzzutto stated fees and stuff like that.

Rich Williams stated it depends what it is.

Board Member Bodor stated it's got to be cleaned up...

Board Member Buzzutto stated it has to be cleaned up, yes.

Board Member Bodor stated however that is.

Joe Charbonneau stated usually, you're trying to remedy it. I don't if there's any Town Code violations currently pending before the Justice Court. I don't know whether...

Rich Williams stated there were last night. I don't know about today.

Joe Charbonneau stated I don't know whether... And those are handled by Hogan & Rossi or those are handled by Laura Roberts.

Rich Williams stated Laura Roberts.

Joe Charbonneau stated okay. So there needs to be a coordinated effort there because as Counsel for the Boards, we should know what she's handling with respect to Zoning Code violations. But, essentially, you want a coordinated effort and you want to make sure through the violation process that there's mitigation to the violation. So in other words, I don't want somebody coming in, pleading guilty, getting assessed a \$250.00 fine or whatever the maximum is in the Code, and then they walk out the door and they just continue to have that violation there. There should... You either need to have the mitigated before the plea is taken or have that as part of a conditional discharge in taking the plea that you have 30 days to mitigate it.

Board Member Buzzutto stated alright. What would be the procedure of this Board if that happens; they come before us and there is a Code violation.

Rich Williams stated well again, right now if there is a code violation out there and the application or part of the application presented to the Board cure that violation, you would be barred from reviewing it.

Board Member Buzzutto stated alright. Fine. So you wouldn't even review it then. No. Alright. So we can't do anything, on this Board, to make them clean it up after we grant certain variances, stuff like that.

Board Member Bodor stated it's going to be cleaned up before they get to us.

Board Member Buzzutto stated before we even do that it would have to be cleaned up.

Board Member Burdick stated unless in order to clean it up we had to grant a variance.

Board Member Buzzutto stated yes.

Board Member Burdick stated so then it would come before us. But other than that, we're going to get some kind of documentation from Rich or the Building Department that says this property has no violations so you can move forward with your review.

Board Member Buzzutto stated okay.

Board Member Burdick stated or we're going to get, I assume, a letter that says you can go forward with this or we wouldn't even get the application, but...

Board Member Buzzutto stated okay.

Board Member Burdick stated we have to vote on it in order to correct the problem.

Board Member Buzzutto stated so that will be available to us on all applications then.

Rich Williams stated correct.

Board Member Burdick stated it's going to be a policy. It will be law.

Board Member Buzzutto stated I thought so.

Rich Williams stated if the Town Board changes the Code...

Board Member Buzzutto stated yes, well that good. I think.

Board Member Burdick stated I think it's great.

Board Member Bodor stated it is good because it gives us the authority then to do what we've been doing right along.

Board Member Burdick stated I mean, we've always wanted something like that, that's why we've kind of said you have to clean it up before...

Board Member Bodor stated right.

Board Member Burdick stated we'll move forward. So, now...

Board Member Bodor stated right.

Board Member Buzzutto stated yes. Well, we did that...

Board Member Burdick stated it's being done for us.

Board Member Buzzutto stated so the people could go forward with what they were doing. We wouldn't hold up the application for that permit...

Board Member Burdick stated we would until they cleaned it up or stippled [stipulation] the permit or the reso that it had to be done in a certain time period.

Board Member Bodor stated right.

Board Member Buzzutto stated yes.

Board Member Burdick stated there were plenty of times that we waited to get letters from the Building Department telling us that the violation had been corrected before we moved forward. So now that's all being done for us.

Board Member Buzzutto stated you're talking about that specific violation or...

Board Member Burdick stated any other violation. Not the application that's before us. But other violations on the property.

Board Member Buzzutto stated yes. I mean, we get an application with what we want to do but then Mary will find something wrong with something. The shed's too close or...

Board Member Burdick stated but we shouldn't be getting that any longer because...

Board Member Buzzutto stated well, that's what I'm saying.

Board Member Burdick stated they're going to reviewing it.

Board Member Buzzutto stated okay. Fine.

Board Member Bodor stated sounds good.

Board Member Buzzutto stated sounds good to me anyway.

Rich Williams stated so you're going to make a recommendation to the Town Board to move forward.

Board Member Bodor stated yes.

Board Member Buzzutto stated yes, I would. Yes.

Board Member Bodor stated you can prepare that for us, Sarah.

The Secretary stated yes.

Board Member Bodor stated in writing.

Board Member Burdick stated do we have to make a motion on that...

Board Member Buzzutto stated it lets us off the hook, basically.

Joe Charbonneau stated I don't know what they were... Were they looking for an affirmative motion from the Board or are they just looking for direction.

Rich Williams stated they were looking for affirmative... Well, they were looking for direction.

Board Member Buzzutto stated yes.

Rich Williams stated if they've got some sort of change, certainly propose some sort of change. But otherwise just...

Joe Charbonneau stated it's up to you whether you want a proper resolution. I mean...

Board Member Buzzutto stated yes. It will let us off the hook, really. Basically it's what it's doing.

Joe Charbonneau stated oh, yes.

Board Member Buzzutto stated which I think is good. Yes.

Joe Charbonneau stated it's a comprehensive coordinated effort on behalf of multiple Town agencies to clean up the offending property owner.

Board Member Buzzutto stated okay.

Rich Williams stated really, and rather than doing a formal motion if you just wanted to, by motion, direct Sarah to send a memo to the Town Board acknowledging your approval of the proposed legislation. That would be fine.

Board Member Burdick stated I'll do it based on what Rich said.

Board Member Buzzutto stated yes.

Rich Williams stated unless you want it (inaudible – too distant).

Board Member Buzzutto stated no, I think that's...

Board Member Bodor stated no, that's just fine.

Board Member Buzzutto stated I think that's great, really.

Board Member Bodor stated okay.

Board Member Buzzutto stated anything else on here.

Rich Williams stated you should vote on that.

Board Member Bodor stated all in favor. Motion carried by a vote of 4 to 0.

Board Member Bodor stated we voted.

Joe Charbonneau stated you're off and running.

Board Member Bodor stated any other Other Business. Sarah, is there anything we're missing.

**b) Minutes**

The Secretary stated you're holding over the minutes.

Board Member Bodor stated I have not read the minutes.

The Secretary stated okay.

Board Member Burdick stated and I can't vote on them because I wasn't here.

The Secretary stated okay. Then...

Board Member Bodor stated so there's only two of them here.

Board Member Buzzutto stated yes.

Board Member Bodor stated did you read the minutes.

Board Member Buzzutto stated well, that was the small... Yes, I read them.

The Secretary stated like 52 pages.

Board Member Buzzutto stated yes.

Board Member Bodor stated from the last meeting.

The Secretary stated the February 15<sup>th</sup> meeting.

Board Member Buzzutto stated oh.

Board Member Bodor stated it's on the internet. I have a printed copy because I don't read the internet.

Board Member Buzzutto stated no, I didn't. No.

Board Member Bodor stated then we need to hold off.

The Secretary stated other than that, I think we're good.

Board Member Buzzutto stated I told him I couldn't print off of the internet.

Board Member Bodor stated the letter.

Board Member Buzzutto stated yes, the...

Board Member Bodor stated we have...I just got a copy [referring to the Town appointed RF Engineer for the Verizon Wireless Case #07-12 letter].

Board Member Buzzutto stated yes that one I...Is there any reason why I couldn't print that off the internet.

Board Member Bodor stated this is a letter from our engineer.

The Secretary stated I'll give you a copy in the office.

Board Member Burdick stated oh, yes.

Board Member Buzzutto stated why couldn't I print it.

Board Member Bodor stated regarding the cell tower.

The Secretary stated I don't know.

Board Member Burdick stated I liked that. It was interesting.

Board Member Buzzutto stated it wouldn't. I don't know.

Board Member Bodor stated this [referring to the letter]. Did you print that out.

Board Member Buzzutto stated I couldn't. It wouldn't. My...

Board Member Bodor stated alright, if you ask Sarah nicely, maybe she'll print you one.

Board Member Buzzutto stated Sarah, please honey.

The Secretary stated maybe.

[Laughter].

Board Member Bodor stated is there any other business guys...

The Secretary stated of course.

Board Member Bodor stated and girls. I make a motion to adjourn the meeting.

Board Member Burdick stated second. All in favor.

Board Member Herbst stated Sarah.

Board Member Buzzutto stated all in favor. Motion carried by a vote of 4 to 0.

Meeting was adjourned at 8:35 p.m.