

**TOWN OF PATTERSON  
ZONING BOARD OF APPEALS  
April 15, 2009**

**AGENDA & MINUTES**

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**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**ZONING BOARD OF  
APPEALS**

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

**PLANNING BOARD**

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

**Zoning Board of Appeals  
April 15, 2009 Meeting Minutes**

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

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

Chairman Buzzutto called the meeting to order at 7:00 p.m.

There were approximately 15 members of the audience.

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

Chairman Buzzutto stated Sarah, will you take the roll.

Roll Call:

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

**1) ALAN STEGER CASE #16-08**

Chairman Buzzutto stated okay. There isn't anybody here for Patterson Crossing is there, because that was put over until tomorrow night. So I just didn't want you waiting around and not present it. Thank you. Okay, roll call. I mean the agenda.

The Secretary stated you want me to read Steger.

Chairman Buzzutto stated yeah.

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, April 15, 2009 at 7:00 p.m. at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following application:

**Alan Steger Case #16-08 – Use Variance**

Applicant is requesting a use variance pursuant to §154-30 of the Patterson Town Code; Permitted principal uses, in order to allow a single family residential use of the site. The property is located within a General Business Zoning District, in which residential uses are not permitted by Code. The property is located at 5/19 Center Street/Front Street.

Chairman Buzzutto stated alright, Mary, you have a...

Board Member Bodor stated we have a communication...

Chairman Buzzutto stated a communication.

Board Member Bodor stated in regards to Mr. Steger's case. This is regarding the use variance application for Alan Steger 5 Center Street and 19 Front Street.

Dear Mr. Williams...To the Town of Patterson Zoning Board of Appeals:  
We have been retained by Mr. Steger to represent him in connection with his pending application with his use variance for the above-referred premises.  
We respectfully ask that the Zoning Board put the matter over for one month so that we could prepare a memorandum of law in support of his application.

Thank you vey much.  
Michael T. Liguori  
Of Hogan & Rossi, Attorneys at Law Firm.

Chairman Buzzutto stated this was just received tonight. Wasn't it.

Board Member Bodor stated yeah.

Chairman Buzzutto stated yeah, so...

Board Member Bodor stated so we will honor that request and put the case over to the May meeting, if no one has an objection.

Chairman Buzzutto stated okay, thank you.

Board Member Herbst stated no objection.

Chairman Buzzutto stated we don't have to take any...That's okay. Alright, so we'll go to the second case on that.

2) **MICHAEL PICCIRILLO CASE #04-09**

Mr. Michael Piccirillo (Architect) and Mr. Jamie Waters (Property owner) were both present.

The Secretary read the following legal notice:

**Michael Piccirillo Case #04-09 – Area Variances**

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

Chairman Buzzutto stated okay.

Mr. Michael Piccirillo stated good evening.

Chairman Buzzutto stated please give your name sir.

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

Chairman Buzzutto stated okay, fine. Okay, I see you issued a new site plan.

Mr. Piccirillo stated correct.

Chairman Buzzutto stated and what were the changes that you provided us with that.

Mr. Piccirillo stated we reduced the size of the overall footprint and the overall size of the building has been reduced. The overall size of the building has been reduced by 1,300 square feet. The overall footprint has been reduced by approximately 2,200 square feet.

Chairman Buzzutto stated okay. So the overall size now is...Is it lower, or smaller.

Mr. Piccirillo stated it's smaller. No, it's...

Chairman Buzzutto stated smaller, yeah.

Mr. Piccirillo stated yes. The...In this diagram on the board here, the area in red is the old proposed plan, the area in black is the new proposed...

Chairman Buzzutto stated oh, I see. Okay. Alright, and...

Board Member Bodor stated and the height.

Mr. Piccirillo stated is now over 5 feet lower.

Board Member Bodor stated 5 feet lower.

Mr. Piccirillo stated yes.

Board Member Bodor stated and that would be a variance of what.

Mr. Piccirillo stated it's...The design is for 37'8".

Board Member Olenius stated so it wouldn't require a variance, because he can go to 38'.

Board Member Bodor stated right.

Board Member Olenius stated that's good.

Board Member Bodor stated if it's lowered to that, yeah.

Board Member Olenius stated yeah. It's 37'8" proposing now.

Mr. Piccirillo stated correct. And that was a result of making it narrower to the street side.

Board Member Bodor stated do you have a front elevation with the new...

Mr. Piccirillo stated yes.

Board Member Bodor stated do we have it here in this.

Mr. Piccirillo stated yes. I can put it up for you if you like.

Board Member Bodor stated yes. If you would please.

Board Member Herbst stated this is the old...

Board Member Olenius stated no, it's the...

Board Member Herbst stated and then the new one's going to be...

Board Member Olenius stated that's the new one. This is the new one.

Board Member Bodor stated the record should reflect that the Board did do a site visit on April 2<sup>nd</sup>. Was it April 2<sup>nd</sup>.

Board Member Olenius stated April 1<sup>st</sup>.

Board Member Bodor stated April 1<sup>st</sup>. We walked the property and the structure was staked out so we could see just where it was and based upon our visit, the Applicant has made some changes in the original plan.

Chairman Buzzutto stated and at the time of the site walk, Mary had proposed that the Applicant downsize, and he did, which was great. So thank you very much for complying with that. So...

Board Member Bodor stated is what you've done to it very workable still for you.

Mr. Jamie Waters stated it's a modest compromise with the width. Instead of having two entrance lanes, there's one, really, useable lane.

Board Member Bodor stated Mr. Waters, I'm afraid you're going to have to use the mic.

Chairman Buzzutto stated yeah.

Mr. Waters stated it's a very modest compromise. Instead of being, I believe, a 24 foot isle, the isle is now down to 20 feet. So it just means one vehicle at a time through the center. But since it would just be me, it's no problem.

Chairman Buzzutto stated all working on these vehicles will be done inside.

Mr. Waters stated yes.

Chairman Buzzutto stated well, I guess there will be times outside that you'll be...

Mr. Waters stated right. But nothing major.

Chairman Buzzutto stated nothing major. Yeah.

Mr. Waters stated correct.

Chairman Buzzutto stated this building cannot be seen from Route 64.

Board Member Bodor stated [Route] 164.

Chairman Buzzutto stated or [Route] 164 because I went by, and I couldn't see anything above the rise there. So...

Board Member Bodor stated and there was a concern, one of the neighbors last time, that it would be in their view. But I think they were satisfied. If they're here, I don't know.

Chairman Buzzutto stated yeah.

Board Member Bodor stated oh. I think you were satisfied last time that it was going to be over the hill from you pretty much.

Chairman Buzzutto stated right.

Board Member Bodor stated on the other side of his residence...

Chairman Buzzutto stated yeah.

**Paul Wren stated** I...

Chairman Buzzutto stated do you want to come up to the mic. And let's get...

Board Member Bodor stated right. Can we have your name again, Sir.

**Paul Wren stated** Paul Wren.

Board Member Bodor stated Paul Wren.

Chairman Buzzutto stated okay.

Board Member Bodor stated we swore you in last time. We trust you.

**Paul Wren stated** well, thank you for your site visit and thank you for the modification and compromise. I query, and the subject of my main concern at the last meeting was around visibility from our property...

Board Member Bodor stated right.

**Paul Wren stated** and Country Hill Road. And adjacent neighbors...

Board Member Bodor stated yeah.

**Paul Wren stated** as well. And it was tough to tell from kind of a layout, whether we had satisfied the seclusion that I think we'd all pursue here. I don't know based on a site visit, was that...

Board Member Olenius stated I can tell you, personally, from the site visit, I walked to the highest part of the ridge above where this proposed structure will be, and I was well above an elevation of what the maximum height of this would be. And I did a 360 degree sweep; I couldn't see any other residence from where I was standing. I took several walks along...It was a rainy night, so I ran up there and just ran along the ridge and looked. And I couldn't see anything from where I was. And the Applicant also agreed to leave...There was a large stand of pine trees, somewhat between the proposed garage and your road down there.

**Paul Wren stated** yes.

Board Member Olenius stated that would remain...

**Paul Wren stated** okay.

Board Member Olenius stated after construction. He didn't have any tree work, other than where the footprint of the proposed garage is going.

**Paul Wren stated** okay. But no sight to any residential...

Board Member Olenius stated I couldn't see anything. And I did...I took a 360 degree...and there were no leaves on the trees as you know. There still aren't any, and I couldn't see...From the front of his house, yes. I could see the residences along your roadway down there.

**Paul Wren stated** right.

Board Member Olenius stated but from the proposed site, from several different vantage points, I couldn't see...

Board Member Bodor stated and I...

Board Member Olenius stated the terrain kind of comes up and slopes flat for awhile before you get to it. So that was, I think, enough of a block from your view (inaudible). Looking up the hill, you would actually look right up over the top of it. You would never be able to see the, you know, the spirals or the copulas.

**Paul Wren stated** yeah.

Board Member Bodor stated I did take a drive down your road, too. And I found your house, so I could see where you were situated in relation to all of this. And I don't think you're going to see the new structure at all. You can see his residence up the top oh the hill.

**Paul Wren stated** right.

Board Member Bodor stated but I don't think you're going to see this because it's kind of like over the hill. It's over behind.

**Paul Wren stated** okay.

Chairman Buzzutto stated I took a ride up at Watch Tower. Yeah, up on the hill.

Board Member Bodor stated yeah.

Chairman Buzzutto stated and I couldn't see...I went up there as far as they would let me go. You know, they won't let you in there, but I went as far as I could go, and it was a rise. I could not see it from there. Maybe up on top maybe you can, but from where I could go, I couldn't see it. So it's pretty secured into the hills up there. Okay, do we have any input from the audience on that...

**Paul Wren stated** I have another query. One other thing on behalf of the neighbors, is there any painting that will happen.

Mr. Waters stated the structure, and correct me if I'm wrong...

Mr. Piccirillo stated on the cars.

**Paul Wren stated** on the cars, yeah.

Mr. Waters stated oh.

**Paul Wren stated** any painting.

Mr. Waters stated I'm not a paint and body man. Leave that for the professionals.

**Paul Wren stated** got you.

Chairman Buzzutto stated and there will be none of this building used for any kind of living quarters.

Mr. Waters stated no.

Chairman Buzzutto stated nothing. It's all going to be...

Mr. Waters stated yeah, strictly...

Chairman Buzzutto stated strictly...There's nothing going to be...

Mr. Waters stated storage.

Chairman Buzzutto stated okay, fine. Alright.

**Declan Mcgrath stated** excuse me. If I could...

Chairman Buzzutto stated do you want to come up to the mic, Sir, and give your name.

Board Member Bodor stated you have to swear him in.

Chairman Buzzutto stated what.

Board Member Bodor stated you have to swear him...

Chairman Buzzutto stated yeah. Okay.

**Declan Mcgrath stated** how are you.

Chairman Buzzutto stated do you...alright.

**Declan Mcgrath stated** my name is Declan Mcgrath.

Chairman Buzzutto stated do you want to raise your right hand.

**Declan Mcgrath stated** sure.

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

**Declan Mcgrath stated** yes.

Chairman Buzzutto stated thank you.

**Declan Mcgrath stated** okay, just in reference to noise, will there be any noise. Will the vehicles be running. Obviously they'll be coming in and out. Will anybody be coming to see the vehicles. It sounds to me like...

Chairman Buzzutto stated do you...

**Declan Mcgrath stated** a lot of traffic.

Chairman Buzzutto stated do you want to come up to the mic on that.

Mr. Waters stated yeah. My goal here is, you know, privacy. I'm very particular about people knowing where these cars are and, you know, I'm not in the business of buying or selling. There's no showroom aspect of this. It would strictly be what I can do at any one time. So, you know, never more than one car, and you know, beyond that, I don't know what else I can.

**Declan Mcgrath stated** that's fine. I just didn't know if they were going to be viewed publicly or...

Mr. Waters stated no.

**Declan Mcgrath stated** okay.

Chairman Buzzutto stated where do you live in regards to that.

**Declan Mcgrath stated** I am just down the road from Paul Wren. I'm at 15...

Chairman Buzzutto stated on [Route] 164.

**Declan Mcgrath stated** no. Right on Country Hill Road.

Chairman Buzzutto stated oh, Country Hill Road.

**Declan Mcgrath stated** yes.

Chairman Buzzutto stated I think that there are a lot of trees around that would create a sound barrier also. So...

**Declan Mcgrath stated** right, well... We'll discuss that later.

Board Member Bodor stated what Mr. Waters... You were not in... here last time.

**Declan Mcgrath stated** I was not here last time, no.

Board Member Bodor stated this is a hobby for him. He alone will be tinkering with the vehicles that he has there. He's assured us that this is not a showroom and he's not going to be selling, and there's not going to be people coming and going all of the time. Correct me if I'm wrong, this is what I understood from last time. And no big car carriers coming and going there. I asked that question.

**Declan Mcgrath stated** I'm satisfied with that explanation.

Board Member Bodor stated okay.

**Declan Mcgrath stated** thank you very much.

Chairman Buzzutto stated but you also said that you're going to have motorcycles.

Mr. Waters stated yes.

Chairman Buzzutto stated excuse me [referring to clearing his throat].

Mr. Waters stated yes.

Chairman Buzzutto stated well, they are kind of loud.

Mr. Waters stated I guess for their size, yes.

Chairman Buzzutto stated yeah.

Mr. Waters stated they are, perhaps, louder than a car of that size. But, you know, these are road legal vehicles, and I have no attention on destroying the serenity of the...

Chairman Buzzutto stated no. I don't think that you are going to misuse the property there for dirt bikes and stuff, so...Alright. Do we have any other input from the audience. The Board satisfied with the downsizing and so forth.

Board Member Bodor stated I want to thank the Applicant for working with us and, you now, taking into consideration the suggestions that we did make.

Chairman Buzzutto stated yeah. You followed them nicely.

Mr. Waters stated I'd just like to thank you all for the site visit. It was educational for me and I think job well done.

Chairman Buzzutto stated well, okay. Let's see.

Board Member Bodor stated alright. If there is no more input and no one has anything, I'd like to close...

Board Member Olenius stated I just...I have one more question...

Board Member Bodor stated okay.

Board Member Olenius stated that I just thought of. I know a good percentage of this structure is subterranean, for lack of a better word. Could you give me an approximate percentage of what portion of it is below grade.

Mr. Piccirillo stated I would say probably 1/3.

Board Member Olenius stated 1/3.

Mr. Piccirillo stated approximately.

Board Member Olenius stated approximately.

Mr. Piccirillo stated yeah.

Board Member Olenius stated that's all I'm asking for because I know when you...

Mr. Piccirillo stated in the adjustment, I apologize, I lost some of my calculations. When I downsized it, I failed to recalculate some of those things. But basically, when we took away some of the width, that extra pendance that we also took off. We actually...If you look at your plans, we actually are going to use part of the second...the two bay garage in the back, it actually will have a basement under it now to replace some of the lost storage that he lost. But again, it's...

Board Member Olenius stated it's under there.

Mr. Piccirillo stated 100%...100% subterranean and questionable if we can even do it with the potential ledge that we have out there.

Board Member Olenius stated right.

Mr. Piccirillo stated but again, we tried to put as much as we could under...well under ground.

Board Member Olenius stated thank you.

Board Member Bodor stated does anyone have...Yes. Rich.

Rich Williams stated I just have one quick question about the height of the building at this point. I'm sitting here looking at the lines for the height, and I see it comes only to the...not all the way to the ground. There's a height from the peak of the roof down to the level of the ground less than 38'.

Mr. Piccirillo stated the height is from the average grade to the maximum height of the...

Rich Williams stated is the average across the front of the side of the building which creates the highest height.

Mr. Piccirillo stated it's actually the average grade of the topography.

Rich Williams stated that's not the way we calculate...I'm the Town Planner, Rich Williams. That's not the way we calculate the height of the building. That's not the average grade that we use. We would use the front of the building from the height of the roof all the way down to the ground; that one side of the building, which gives you the greatest height.

Mr. Piccirillo stated it's a lot of site issues and ground issues.

Rich Williams stated okay, so you would still need a height variance then, from the peak of the roof down to the bottom of the ground...

Mr. Piccirillo stated correct.

Rich Williams stated on that one side. Okay. Just so you're all aware of that. And you should let them know what the height is.

Mr. Piccirillo stated absolutely.

Rich Williams stated okay.

Chairman Buzzutto stated alright, so what is that height. Previously it was what.

Mr. Piccirillo stated forty-two...42'9".

Rich Williams stated you need a scale.

Mr. Piccirillo stated yes.

Rich Williams stated architect.

Mr. Piccirillo stated yes. Sorry, I apologize for that.

Chairman Buzzutto stated that's quite alright.

**Paul Wren stated** I (inaudible – too distant) long will it take and is it just normal business hours when construction will happen. Just kind of...

Mr. Piccirillo stated correct. We certainly would comply with the Town regulations as far as building, whatever it may be. 43'6".

Chairman Buzzutto stated forty-three feet.

Mr. Piccirillo stated correct.

Chairman Buzzutto stated so the height variance, you're going to need a variance of what.

Mr. Piccirillo stated well, we can...I can, if you want to return to the 42'9", I can adjust the building back down to 42'9". That was the previous submitted height. That was the previous submitted variance.

Chairman Buzzutto stated right. So how would you do that. Just...

Mr. Piccirillo stated I would just drop the plate height of 3 inches, and then I would comply to that height. I would comply to 42'9" as my maximum height.

Chairman Buzzutto stated okay. Well, what's the height limit. Is it thirty...

Board Member Bodor stated 38'.

Mr. Piccirillo stated that's what I was trying to...

Chairman Buzzutto stated well, you would still need a height variance then.

Board Member Bodor stated yeah.

Chairman Buzzutto stated okay. Alright, so we could put that in on the...amend it tonight.

Board Member Bodor stated that's fine.

Board Member Olenius stated I'm going to change it to the new one.

Board Member Bodor stated are you okay with that.

Board Member Olenius stated yeah. I'm changing it to the new one. I'm just going backwards.

Mr. Piccirillo stated I apologize to the Board for that.

Board Member Bodor stated that's alright. Is there anymore input. And is the Board satisfied.

Chairman Buzzutto stated I'm satisfied with the...

Board Member Bodor stated with the new figure.

Chairman Buzzutto stated yeah.

Board Member Bodor stated okay. I'd like to close the public hearing then.

Board Member Herbst stated second.

Board Member Burdick stated second.

Chairman Buzzutto stated all...

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

Chairman Buzzutto stated okay. The public hearing is now closed.

Board Member Bodor stated I think Lars has a reso he'd like to present.

Chairman Buzzutto stated yeah, Lars will read the reso on that.

Board Member Bodor stated as soon as he finishes writing.

Board Member Olenius stated I just have to change some numbers.

Board Member Bodor stated alright.

Board Member Olenius stated bear with me for one minute.

Board Member Bodor stated they're the same.

Board Member Olenius stated no, because the bulk area shrunk. I had to recalculate those...

Board Member Bodor stated right.

Chairman Buzzutto stated which one is it.

Board Member Bodor stated you don't have one with the new figures. That's why he has to refigure it.

Board Member Olenius stated yeah. Because they just came in tonight.

Board Member Bodor stated right.

Board Member Olenius stated I think I can do it now.

Board Member Herbst stated you made a lot of changes. I didn't make any changes. I'll just get a copy from you when it's over, that's all.

Board Member Olenius stated it will come in the minutes.

Board Member Herbst stated in the minutes.

Board Member Olenius stated yeah.

Board Member Herbst stated right.

Board Member Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF**  
***Michael Piccirillo, Case #04-09***  
***For Area Variances***

**WHEREAS, *Jamie Waters* is the owner of real property located at 469 Route 164 (R-4 Zoning District), also identified as **Tax Map Parcel # 24.-1-12.1, and****

**WHEREAS, *Michael Piccirillo* has made application to the Patterson Zoning Board of Appeals for area variances pursuant to §154-27 A(7) of the Patterson Town Code; Permitted accessory uses, for construction of a private garage, and**

**WHEREAS, §154-27 A(7) of the Patterson Town Code states that the definition of a private garage is a portion of a principal building or an accessory building with a building area greater than 250 square feet but which does not exceed in size a bulk area ratio of 50% of the principal dwelling on the lot as measured from the aboveground exterior walls of each structure, and does not exceed in height the height of the principal structure, and which is used principally for the storage of motor vehicles as an accessory use, and used exclusively by the occupants of the lot upon which the building is erected, and**

**WHEREAS, the height of the principal structure is 25'; the proposed garage will be 42.75'; *variance requested is for 17.75'*, and**

**WHEREAS, the Patterson Town Code requires the garage not to exceed 1,236 square feet; the bulk area of the proposed garage will be 10,391 square feet; *Variance requested is for 9,155 square feet*; 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 18, 2009 and April 15, 2009, and a site walk was conducted on April 1, 2009*, 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 area of the garage is well screened, and as well, a very large percentage of the structure is subterranean.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because of the size of the private collection of Mr. Waters.*
3. the variance requested *is* substantial *because of the size of the existing home on the property, however, the lot on which the property resides is well in excess of 40 acres.*

Board Member Olenius stated it is, isn't it.

Mr. Piccirillo stated it's 65 [acres].

Board Member Olenius stated it's 65 acres. Thank you.

Board Member Olenius continued to read the following resolution:

4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because they are well below impervious coverage due to the size of the existing property.*
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 *Michael Piccirillo* for *an area variance* pursuant to §154-27 A(7) of the Patterson Town Code; Permitted accessory uses, *for 17.75' for the proposed private garage height*, and

**BE IT FURTHER RESOLVED**, that the Patterson Zoning Board of Appeals hereby *grants* the application of *Michael Piccirillo* for *an area variance* pursuant to §154-27 A(7) of the Patterson Town Code; Permitted accessory uses, *for 9,155 square feet for the proposed private garage bulk area.*

Board Member Bodor stated I'll second.

**UPON ROLL CALL:**

Board Member Bodor	-	yes
Board Member Burdick	-	yes
Board Member Herbst	-	yes

Board Member Olenius	-	yes
Chairman Buzzutto	-	yes

Resolution carried by a vote of 5 to 0.

Chairman Buzzutto stated okay.

Mr. Piccirillo stated thank you very much.

Board Member Olenius stated good luck.

**3) JOSEPH DOWNEY CASE #05-09**

Mr. Joseph Downey was present.

Chairman Buzzutto stated okay. Next case.

The Secretary read the following legal notice:

**Joseph Downey Case #05-09 – Area Variances**

Applicant is requesting area variances pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations and §154-58 of the Patterson Town Code; Enlargement of Non-conforming buildings, in order to replace and enlarge an existing rear deck by approximately 2+ feet and by adding a side staircase. The Code requires an 80' rear yard setback; Applicant currently has 8.6'; Applicant will have 6.6'. The Code also requires a 40' side yard setback; Applicant will have 25.4'; Variance requested for is 14.6'. This property is located at 149 Stagecoach Road (R-4 Zoning District).

Mr. Joseph Downey stated hi.

Board Member Olenius stated how are you.

Mr. Downey stated good.

Chairman Buzzutto stated hi. Do you want to give your name.

Mr. Downey stated Joe Downey.

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

Mr. Downey stated I do.

Chairman Buzzutto stated alright. What is your proposed action there.

Mr. Downey stated we want to put a new deck and basically the same size, but on one end of the deck, we just want to go out 2' like a little, so we could put a bigger table on the deck. And then we want to put a set of stairs on the side of the deck, on the north side of the house. Backside of our deck we border State land. On the north side of our deck is the neighbor's garden plot. It's a low use side of the house.

Chairman Buzzutto stated did you have a bigger site plan.

Mr. Downey stated no. I didn't know I was supposed to bring anything else with me. I'm sorry. I had the sketch there showing where we were going to add to the deck. You know, it goes out an extra 2'. And then the stairs you could see there.

Chairman Buzzutto stated and this is on Stagecoach [Road].

Mr. Downey stated yes.

Board Member Bodor stated the garden plot adjoining you, that's...All that it is, is a garden that somebody's growing their things on.

Mr. Downey stated yeah, don't really...They have like a little swing set thing out there. And there's flowers and stuff like that.

Board Member Bodor stated where's the residence that goes with that.

Mr. Downey stated across the street.

Board Member Bodor stated oh. They're across Stagecoach [Road].

Mr. Downey stated that's the Miller's property, yeah.

Chairman Buzzutto stated and they own that property.

Mr. Downey stated yes.

Chairman Buzzutto stated okay.

Board Member Bodor stated and you're backline is State property you say.

Mr. Downey stated yes.

Board Member Bodor stated and on the other side of you.

Mr. Downey stated to the south is my property; that strip down through there, you know, the road across the street.

Chairman Buzzutto stated you mean here.

Board Member Bodor stated yeah. You go down, is there nobody adjoining you on that side.

Chairman Buzzutto stated on the side here.

Mr. Downey stated no. That's my property there.

Board Member Bodor stated forever. I mean...

Mr. Downey stated yeah. Well, no. It goes down about  $\frac{3}{4}$  of an acre.

Board Member Bodor stated okay.

Mr. Downey stated it goes down to like a point.

Board Member Bodor stated oh.

Mr. Downey stated and then all behind me is State land, and continued down the road is State land on the west side of the road.

Board Member Bodor stated you're way down the end somewhere, no.

Mr. Downey stated no. No, I'm  $\frac{3}{4}$  of a mile down from Birch Hill [Road] on the right.

Chairman Buzzutto stated when you go up Stage...When you go up Birch Hill...

Board Member Bodor stated you make a right.

Chairman Buzzutto stated you hit Stage[coach Road], you make a right.

Mr. Downey stated yes.

Chairman Buzzutto stated okay. That's coming back down.

Mr. Downey stated there's a parking lot for State land...

Board Member Bodor stated right behind you.

Mr. Downey stated yeah, right before my house is a parking lot. And right after my house is another parking lot, on the same side.

Board Member Bodor stated it's not the Muller residence, was it.

Mr. Downey stated yes. Yup. Catherine Muller.

Board Member Bodor stated I know which house it is now.

Mr. Downey stated okay. We've been there 10 years now.

Chairman Buzzutto stated I think this one we're going to have to look at. There's a little shed over here. I don't know how far that is.

Board Member Bodor stated yes.

Mr. Downey stated that shed is not there anymore.

Chairman Buzzutto stated oh, it's not.

Board Member Bodor stated which one. The one at the end of the driveway or...

Board Member Herbst stated which one. There are two there.

Mr. Downey stated yeah. That little one that Howard's got his pen over top of there [referring to the survey that the Chairman was pointing at]. It was like...

Board Member Bodor stated that's not there no longer.

Mr. Downey stated that was an outhouse.

Board Member Bodor stated okay. But there is a shed at the end of your...behind the garage.

Mr. Downey stated it's an attachment to the garage. It's part of the garage...

Board Member Bodor stated okay.

Mr. Downey stated like somebody's built onto the garage years ago.

Board Member Bodor stated and it's 1.8 feet from the rear line.

Mr. Downey stated yup.

Board Member Bodor stated okay.

Mr. Downey stated it's a sliver of property. It's a whole acre actually, but it's not very deep unfortunately.

Board Member Bodor stated however, it's too close to the line.

Mr. Downey stated yeah.

Board Member Bodor stated that's why I was picking up.

Mr. Downey stated yeah.

Board Member Burdick stated he said it was built years ago. Was that there when you bought the house.

Mr. Downey stated yes. Yeah.

Board Member Bodor stated it was part of the...It was built onto the garage at that time.

Mr. Downey stated yes.

Chairman Buzzutto stated do we have any input from the audience on this particular application. I thought I had a picture of the house here or something.

Mr. Downey stated the only purpose of the deck, to enlarge it, really is so that we can put like a, you know, a nicer table. A little bigger of a table when we have company.

Chairman Buzzutto stated so...

Board Member Bodor stated here's the picture.

Mr. Downey stated it's still not going to be big enough to put a band out there.

Board Member Bodor stated what was that.

Mr. Downey stated I'm kidding. It's not going to be big enough to put a band out there.

Board Member Bodor stated you don't want to hold a party for the deer in the backyard.

Mr. Downey stated play for the deer, yeah.

Chairman Buzzutto stated this is built when, 1980.

Board Member Bodor stated no. It's before then. This house...I don't know what the original as built date was.

Chairman Buzzutto stated well, year put is...

Board Member Bodor stated 1935.

Board Member Burdick stated nineteen...

Board Member Bodor stated 1930.

Board Member Burdick stated '27.

Mr. Downey stated '29 I think it is.

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

Chairman Buzzutto stated it's a nice looking house. Okay, what's your desire on this one.

Board Member Bodor stated let's go out and take a look at it.

Chairman Buzzutto stated yeah. We're going to have to take a site walk on it and just browse over the property. There is no input from the audience on this. We're not going to close the public hearing, but we'll set up a date to see the property.

Mr. Downey stated okay.

Chairman Buzzutto stated I don't know what the time on that will be. We'll be in touch with you.

Mr. Downey stated will I need to be there or no.

Chairman Buzzutto stated well, it would be nice if somebody was there...

Mr. Downey stated okay.

Chairman Buzzutto stated show us.

Board Member Bodor stated is this where you're planning to put the steps; this penciled in side [referring to a survey].

Mr. Downey stated yup.

Board Member Bodor stated or is that just the...or is that the addition.

Mr. Downey stated let me see that. Yeah, that's the steps. Yes.

Board Member Bodor stated over here where it's penciled in. Or are these [referring to a survey].

Mr. Downey stated the shaded area there. That's...

Board Member Bodor stated that's...

Mr. Downey stated yeah, that's...That's existing steps.

Board Member Bodor stated and you want those to remain too.

Mr. Downey stated yes.

Board Member Bodor stated so you're going to have access from either side.

Mr. Downey stated exactly.

Board Member Bodor stated okay. Alright.

Mr. Downey stated alright.

Board Member Bodor stated got you. We'll make a decision on when we can all be together and get out and do a site visit, and we'll let you know.

Mr. Downey stated okay.

Board Member Bodor stated is there sometime that's really bad for you.

Mr. Downey stated middle of the night.

Board Member Bodor stated we can't see the property in the middle of the night.

Mr. Downey stated I work 6 miles away, so it's pretty easy for me to break away.

Board Member Bodor stated okay. Alright.

Mr. Downey stated well, kind of. Friday afternoons are bad.

Board Member Bodor stated they're bad.

Mr. Downey stated crunch time.

Board Member Bodor stated okay.

Mr. Downey stated get it all done for the weekend. Alright.

Board Member Bodor stated okay.

Board Member Burdick stated thank you.

Mr. Downey stated okay, thank you. Have a good night.

Chairman Buzzutto stated we'll be in touch with you on when that will happen.

Mr. Downey stated very good.

Board Member Herbst stated he's got the auto place, doesn't he.

Board Member Bodor stated hmmm.

Board Member Herbst stated that's Downey Auto.

Board Member Olenius stated yes.

Chairman Buzzutto stated okay. Site walk.

#### **4) GUIDING EYES FOR THE BLIND CASE #06-09**

Mr. Richard O'Rourke, Keane & Beane, Jane Russenberger, Guiding Eyes, Eric , architect, Andrew Leonard were all present.

Chairman Buzzutto stated okay Sarah. Do you want to read the...

The Secretary read the following legal notice:

#### **Guiding Eyes for the Blind Case #06-09 – Area Variances**

Applicant is requesting area variances pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations and §154-58 of the Patterson Town Code; Enlargement of nonconforming buildings, in order to redesign its Canine Development Center. §154-58 states that no nonconforming use may be extended into any other area of a building or lot. The Code allows for a maximum height of a structure in the R-4 Zoning District to be 38'; Applicant will have 48'4"; Variance needed is for 10'4". However, the Applicant is requesting an interpretation that the upper most portion of the building is a purely architectural feature, and not subject to the height requirements of the Code. Therefore, Applicant is requesting a variance of 4'6" for the height. This property is located at 361 Route 164 (R-4 Zoning District).

Chairman Buzzutto stated okay. Alright.

Mr. Richard O'Rourke stated good evening.

Chairman Buzzutto stated hi.

Mr. O'Rourke stated my name is Richard O'Rourke. I am an attorney representing Guiding Eyes for the Blind. I'm with the law firm of Keane & Beane, P.C. We have offices in White Plains and in Fishkill, New York. Here tonight are our architect, we have our engineer, we have a landscape architect, and we have Jane Russenberger from Guiding Eyes for the Blind. And I thought, perhaps, the best way to approach this would be for me to give a brief introduction, and then what we can do is walk through various components of the application. Does that...

Chairman Buzzutto stated okay.

Mr. O'Rourke stated make sense.

Board Member Olenius stated yes.

Chairman Buzzutto stated you can take the mic over to the...

Mr. O'Rourke stated you know what, this is fine from here. Let me just go through the first variance components of this, and what will happen is I'll turn it over to somebody else so that we can better explain the second piece to it. Okay. The straight forward aspect of this is the application for a height variance in connection with the proposed building which is seen on your left of that elevation [referring to plans]. And Erik...Where are you. Our architect could just, as I talk through this, perhaps he could point out what we're referring to by way of the variance. That is the roof line which we are proposing to have be at approximately 42.5', if I'm correct. And this property is located within the R-4 Zoning District, and the height limitation that is permitted is 38.5'. So consequently, what we're seeking is a variance of the 38' requirement, so as to permit a roofline of 42.5'. On top of that, you will note, that there is an architectural protrusion. And what that is, from our perspective, is an architectural amenity, which according to your Zoning Ordinance is, shall I say, exempt from the requirements of a variance, so long as it's not a height greater than 6'. What's being proposed by way of that architectural protrusion, is it would be a height of 5'10". So from our position, we believe that a variance is not necessary because that it specifically exempt from your Zoning Ordinance. I'm mindful of the letter that Rich Williams wrote, your Town Planner, questioning whether in fact, that is indeed an architectural protrusion. And Erik can speak to why we're suggesting that's an architectural protrusion. The HVAC units and everything else, the mechanicals, are not located within that architectural protrusion. They actually rest on the attic joist below that. But we're using the architectural protrusion as a point for the venting for the HVAC unit. So, from the perspective,

it's not just an architectural protrusion, we have a vent there. The alternative is for us, of course, instead of using the architectural protrusion for venting, we could do eyelids, or little lifts, and put the vents someplace else. But we just think from an architectural perspective, this makes the most sense. So depending on how the Board wishes to proceed, our variance is to either permit a variance from the 38' limitation to permit the 42.5' height, thereby meaning that no variance is necessary for the structure above that. Or in the alternative, you may take the position that a variance also is necessary for what we perceive to be the architectural protrusion, but because we have a vent in it, we need to have a variance. I hope that I didn't bollix that up too much for you. I think that pretty much explains where we stand with respect to that component to our application. And that clearly is a height variance application. The second component to this, and as you know, the use of the property was at one time a conforming use. Now it is no longer a permitted use within the R-4 district. So consequently, it would be considered a preexisting nonconforming use. In conjunction with that, what I would like to do is have Andrew Leonard explain to you why we are taking the position that it really is not an expansion. And in a nutshell, what it is, is that what we're doing is not necessarily expanding the area of the property devoted to the preexisting nonconforming use, what we're doing is changing the use within that area so that areas that previously were, shall we say devoted for breeding, might be devoted to something else. Before I do that and turn it over to Andrew, what I'd like is if Jane could come up and just explain to you from the perspective of Guiding Eyes for the Blind, what this is all about and why we're doing what we're doing. Jane.

Ms. Jane Russenberger stated I can bring the mic over or I can bring this over there [referring to plans]. Which is better, bringing the mic over.

Chairman Buzzutto stated you can bring the mic, yeah.

Board Member Herbst stated slide it out. Just slide it out referring to the mic].

Ms. Russenberger stated okay. I'm Jane Russenberger. I'm the director at the center. And I just want to explain what we do there quickly and what we're planning to do so you can see exactly why we need this. We have the dogs come, where our function is to produce the puppies for training school.

Board Member Bodor stated excuse me. Could that be moved back against [referring to the plans]...

Ms. Russenberger stated sure.

Board Member Bodor stated the board more so that the audience can also see it.

Ms. Russenberger stated oh, certainly. Yup. I can point out spots anyways as we go. Can I have that stick, that would be good [referring to the pointer].

Board Member Bodor stated it's right there.

Ms. Russenberger stated alright. I don't want to get in anybody's way. Our propose at this center is to produce the puppies that go over to our training school in Yorktown. And like over the years, we've had 7,000 dogs placed since 1954. And they're all given to the blind people. Then we have a large group of volunteers, who live in 13 states. And mostly all we do is get the mom and dads in. They live in local homes about 1 to 2 hours away from us, come in for the purpose of breeding, come back again to have their puppies for the moms. The puppies stay until they are ready to go in homes, and then they go out to their puppy raiser homes, and then they go to Yorktown. What we've learned over time... Well, first I'll tell you where we do it. The whelping kennel facility, what we're looking to do is make the indoor and outdoor

space all indoor. Because of the weather, we can't use the outdoor space very well, and the puppies are just too cold to go out there. So we're just going to take the same footprint, and change the configurations of the pens to be larger by using the indoor and outdoor space more effectively. This area here [referring to plans] is where we have our breeding kennel. And what we're currently doing in there is we have, throughout the building actually, down under here right now, we have our cryogenics center; that's where we freeze semen and ship it out to other organizations and receive it from other schools throughout the world. We have a veterinary hospital. That's actually going to remain where it is. And we have the staff way over here that work with the puppies. We want to put the staff that work with the puppies right near the puppies, and change the way we...It's not really a...it's not a boarding kennel. We have to keep dogs there, and the building was setup originally and built as a boarding kennel. But what we do with our dogs is actually prepare them to go out in homes. So they're adult dogs that are getting ready to go to volunteer foster homes, or they're puppies that are ready to go out to puppy raisers. So we spend a lot of time training them. And the problem is that the building is setup like a kennel, so we can't live with the dogs. So we want keep the dog living spaces as living spaces; and the square footage is actually the same for the dogs to be staying in a kennel, but what we're doing is we're putting next to living spaces all the staff offices and some like mock-living rooms for different aged dogs. Because of disease control, we have to have the puppies spread out into areas. If they have diarrhea or they have coughing, we can't have them intermix with the other puppies that are also...that are health. But we can't ignore the ones that could be sick for 5 or 6 days, which is devastating to their development. And I say devastating because we did a research project with University of Pennsylvania from 2000 to 2002 with 8 litters, and we gave them more socialization, really extensive. It was done in Minnesota because we don't have a facility to do it. Puppies went from 40% successful to 60% successful. Our own breeding...All they did was go there, get raised until they were 8 weeks old and came back to us, and went through everything the same, and they were all our dogs. So we're convinced it's the right thing to do, but it really makes a difference and our building isn't setup for that. So we're putting the staff basically over here and making it so that we can use this space better. Also, we are doing the same thing as we did for this area, where the puppy or the dogs...the adult dogs have 75% of living space is outdoors. One, it's noisy, but...and they don't really like being cold outside, or hot, so we're going to make it their living space indoors. Same square footage for them, but it's all in one space and indoors. The outdoor spaces we're using are our active parking lot to train people and dogs in, which isn't exactly dodging cars all day, basically. Then we're using this area over here and this area to walk the dogs [referring to plans]. So we're proposing having...We have a dog behavior specialist, world known, named Suzanne Claudio with us. And she...we told her how we saw this difference in 2000 to two thousand...that research I was telling you about, and we've identified that she can actually help us to enhance our space for socialization and training of the puppies. This has got little short fences in it, but they're separated out by the actual function of what we want the dogs to learn in those areas. Currently we're doing much lower level of...Same number of puppies coming through, but we're not doing the sophisticated stuff with them, so...What kind of things: There'll be things to walk on, go over, and training opportunities for them. And then what we're doing for exercise over in here and up and down the driveway and right in this space here [referring to plans]...Here it is. Into three spaces. Mom and babies can go out for walks together in a fenced area that's safe. We do take dogs up in this area now but, you know, it's not fenced, so we have to be careful which ones. So we're basically using these areas more effectively and safer and not using these areas down in here because it's so close to the road. So in a nutshell we're just changing what we're doing to try to have happier dogs, better environment for the volunteers. They'll be able to enjoy walking in the woods. We want to...People like being in nature and being with dogs so it helps us there. But the dogs will get what they need to be prepared for their homes.

Board Member Olenius stated thank you.

Mr. O'Rourke stated if I may Mr. Chairman, for purposes of the hearing, would you like to place all of us under oath so there's no issue in that respect. I'm an attorney. I'll affirm to everything that I'm saying. But in terms of Jane or Andrew, if they speak. Would you like to do that.

Chairman Buzzutto stated well, what if...

Board Member Bodor stated go ahead.

Chairman Buzzutto stated yeah. Go ahead.

Mr. O'Rourke stated sure. Okay. Go ahead. Raise your right hands.

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

Mr. Andrew Leonard stated I do.

Ms. Russenberger stated I do.

Mr. Erik Kaeyer stated I do.

Mr. O'Rourke stated we do. Thank you. What I think might be important to understand why we believe that we're not really expanding this preexisting nonconforming use. Andrew Leonard is with us and Andrew is the landscape architect that works for Guiding Eyes for the Blind, and he has prepared an overlay which will help. But before he does that, I just want to note a couple of things for the record. First of all...And it's important, and Andrew and Jane can go through this is more detail, but there is no expansion of the living area for the dogs. That's number one. Number two: there is no expansion, in the sense that there is no increase in population. We're not...This facility is not being modified, amended or built to increase the number of dogs. There will be no increase in the number of dogs. And the last point, and this is what Andrew will address, is that there is no expansion in the sense that there not being an increase in the area devoted to the nonconforming use. The functions within the nonconforming use will change. But the area devoted to it will not be increased. So therefore, we...and, you know, Rich wrote his letter and we understand and respect his position, but we don't think that what we need is a variance of Section 154-58 because of what Andrew's going to show you.

Mr. Leonard stated just so everyone's...Thank you [referring to receiving the mic]. So everyone's oriented, we have Route 164, we have the pond out front, and then this is the existing tree line that goes around the facility right now [referring to plans]. As Rick was saying, I'll show you a couple of quick simplified diagrams. Can you guys see. Okay. Again, [Route] 164, the pond and then the site. We basically have three functions going on within the site. We have parking and maintenance functions, which is this hatched grey area. We have what we are calling the campus core, which is the buildings Jane was explaining; the breeding kennel and the activities that are constantly going on around the building. And then we have...what in our jargon term, we have where we walk the dogs is the more simple term, but we call it on and off lead socialization and exercise of dogs under supervision. Anything that happens outside, just so everyone knows this, under supervision, which is a key part to moving some of the dog kennel areas from indoor/outdoor to all indoors. Because indoor/outdoor kennels is unsupervised, where dogs can go out there and start yapping away. And if the staff person is doing something else, they can do that for a number of minutes. In this design that we have, if they're outside yapping away, there's a staff person right there to cut it out. This is all outdoor space used for walking on and off lead. Right now there's almost no off lead work unless the dog is super special because of the safety we have, we don't have enough fences,

and cars, etcetera, etcetera. So, these are the main focus areas that we have. And this is the preconditioned, after the project. And I hope this reads through [referring to plans]. Can you guys see the hatching through.

Board Member Olenius stated yes.

Mr. Leonard stated what we will have is a reorganized area for parking and maintenance in the front to accommodate the building. Again, we reworked the area that is the campus core to accommodate the increase to the office spaces and the training spaces and all those things that they can't do right now to improve their success rate, all occur in the same location on the campus. And then we have the on and off lead socialization occurring off those spaces. And again, we thought it was intelligent to move that from the front towards the more protective area in the rear for health of the dogs, safety; we're not near cars, we're not, you know, we're as limited as we can be to abutters with that, and we're within the existing woodland, which is much better for the dogs in terms of visual interaction, where they're not distracted by moving cars or whatever, where they just stop and bark. They'll be much more into each other and into their space in that location. And again, that's reusing, what you can see underneath, the existing activities that are going on up there. So that's a quick summary of the bulk of uses. We've worked very hard to keep those the uses within the same general areas. We've been keeping the kennels the same size, square footage wise, and really only working on improving where we can train and socialize these dogs to get them ready, and really improve the success rate so that more visually impaired people can get help and maybe some other programs that Guiding Eyes would want to do in terms of... There's some discussion of autism and some other programs where these dogs can be helpful to the general population.

Mr. O'Rourke stated Andrew, if I can just...

Mr. Leonard stated sure.

Mr. O'Rourke stated I just want... One thing that Andrew pointed out, and I just want to make sure that the Board sees this, clearly you will see and note that there's areas here that appear to be an increase over the area of the preexisting condition. And it is. It's still obviously on our property, and we own a lot more property back here. But by virtue of this proposal, what is being eliminated is the utilization of this area that is presently being used. So in other words, as I said, and Andrew correct me if I'm wrong, this area here now used for the on and off lead socialization exercise of dogs... It's on lead I guess, but this area will no longer be used and that will eliminate an area that's closer to the road and closer to this residence, and obviously there's Planning Board consideration in terms of additional landscaping that will...

Mr. Leonard stated yeah.

Mr. O'Rourke stated take place in that area, so...

Mr. Leonard stated and that will remain the lawn that you see today when you drive by. Jane did a great summary of the general organization of the project and what we'd be doing. We tried to keep activities around the building to use the building for screening. Use the building for noise protection and obviously with what you saw with Erik's sketch, we're trying to keep the building with a vernacular style. We want this building to look good, to look like it belongs in Patterson and not, you know, some modern structure. We want it to have that historic connected barn feel.

Board Member Bodor stated I have a question for clarification. Don't take that one away, because that's the one I need to refer to [referring to plans].

Mr. Leonard stated sure.

Board Member Bodor stated that dark grey portion, that's an existing building.

Mr. Leonard stated the light grey portion is...

Board Member Bodor stated no, the dark grey.

Mr. Leonard stated yeah. The dark grey is...

Board Member Bodor stated the dark one.

Mr. Leonard stated is a replacement of an existing building. There's an existing kennel that is located right here, which is the old boarding style kennel. And we'll be taking that down and putting this structure, this dark grey structure, in its place. The light grey are existing buildings that are going to remain.

Board Member Bodor stated alright. The light grey are existing buildings; they're going to remain as they are.

Mr. Leonard stated yes.

Board Member Bodor stated you're not touching those. The dark grey...

Mr. Leonard stated there will be interior renovations. But not new buildings.

Board Member Bodor stated alright. I'm totally lost now. What's there now.

Mr. Leonard stated this is easier [referring to plans]. What's there now is this parking lot where...

Board Member Bodor stated no. I want to know about the buildings.

Mr. Leonard stated okay.

Board Member Bodor stated the, you know...

Mr. Leonard stated there's this main building, there's an administration building here, there's a whelping kennel building here.

Board Member Bodor stated alright.

Mr. Leonard stated right here, there's a breeding kennel...

Board Member Bodor stated okay.

Mr. Leonard stated which has the dogs in it, which has indoor and outdoor kennels.

Board Member Bodor stated okay.

Mr. Leonard stated which occurs underneath where this building is.

Board Member Bodor stated that's going to be taken down.

Mr. Leonard stated taken down.

Board Member Bodor stated this whole dark grey building is going to be put up.

Mr. Leonard stated correct.

Board Member Bodor stated well, that's larger than what's going down.

Mr. Leonard stated correct.

Board Member Bodor stated okay. Thank you.

Board Member Herbst stated is that the existing kennel that was owned by the former owner.

Mr. Leonard stated correct.

Board Member Bodor stated yes.

Board Member Herbst stated okay.

Board Member Bodor stated yeah.

Board Member Herbst stated and that's a pretty old kennel as I remember it.

Board Member Bodor stated yes.

Mr. Leonard stated correct. And the square footage of the kennel space in this dark grey building is equivalent to the existing building.

Board Member Bodor stated how can it be. It's so much larger.

Mr. Leonard stated because we're not...The housing of the dogs is in the same spaces. What we're augmenting, with the program, is how we socialize the dogs, how we train the dogs, and how we prepare the dogs for their future job. Essentially we need to raise them from little pups to be ready to do their job for the rest of their lives. It's a very intense program, and a lot of dogs fail because they are not getting the socialization the training they need at this age.

**Declan Mcgrath stated** there's obviously going to be a change in the square footage of the existing building that's there.

Mr. Leonard stated correct.

**Declan Mcgrath stated** that is correct. (Inaudible – too distant).

Mr. Leonard stated yes.

**Declan Mcgrath stated** right.

Chairman Buzzutto stated if you want to talk, you have to come up and put it in on the...

**Declan Mcgrath stated** I just wanted to jump in while...

Chairman Buzzutto stated no, it has to go into the minutes. Into the recording. Okay.

**Declan Mcgrath stated** well then if so, can we find out what the difference of that square footage is.

Mr. O'Rourke stated sure. In fact, I think Rich said sent it to the Board in his letter.

**Declan Mcgrath stated** well, I didn't receive Rich's letter, so I don't know anything about that.

Mr. O'Rourke stated we're just... You want to...

**Audience member stated** go ahead.

Mr. O'Rourke stated when... And I just want for clarification purpose, in response to your question and your point, and this goes to the issue of the area now devoted to the preexisting nonconforming use, but changing within that area the size of the building, which would become larger, and also changing, you know, what that task is within that area. And, so far as the building is concerned, what we have there, presently, is a single kennel building that measures 44' x 80'. That's the building. Then, of course, the area outside of that is an area already devoted to the use. And the building that would replace it... What's the footprint on the building that's replacing it.

Rich Williams stated I thought I put them in there [referring to square footage measurements in his letter to the Board]. I did not.

Mr. O'Rourke stated no. I don't have the footprint, I have the square footage.

## **TAPE ENDED**

Mr. Leonard stated I don't have it off hand.

Mr. O'Rourke stated can we scale... Bill, can you scale it. What I'm trying to figure out is the size of the... We know that the existing single-story kennel building measures 44' x 80'.

Board Member Bodor stated or 3,520 square feet.

Mr. O'Rourke stated that's correct. And what I'm trying to...

Board Member Bodor stated the proposed two story addition will include a first floor with 8,175 square feet, a second floor with 8,175 square feet and a basement with 2,500 square feet, for a total area of 18,850 square feet.

Mr. O'Rourke stated correct.

Mr. Leonard stated so the footprint would be the 8,000 square feet of the first floor.

Mr. O'Rourke stated correct.

Board Member Bodor stated yes.

Mr. O'Rourke stated and I don't know what that is. (Inaudible) the math, but...Is it a rectangle or a square. Well, we don't know. It's just...

Board Member Bodor stated so, the footprint is 8,175 square feet. And the new proposed and the old is 3,520 square feet.

Mr. O'Rourke stated that is correct.

Board Member Bodor stated so this is much larger than what is being taken down.

Mr. O'Rourke stated yes. We...

Board Member Bodor stated okay.

Mr. O'Rourke stated no, no. I think...And we have no disagreement with that, and...

Board Member Bodor stated okay.

Mr. O'Rourke stated and that's...We've shown that on our plans.

Board Member Bodor stated I thought I...That's the way I took it and you were telling me no, so that's why I'm still...

Mr. O'Rourke stated no, no. Then I misspoke.

Board Member Bodor stated it is much larger.

Mr. O'Rourke stated that building...

Board Member Bodor stated okay.

Mr. O'Rourke stated is much larger.

Board Member Bodor stated thank you.

Mr. O'Rourke stated I think the point that we were making is that where the building is being located is in an area that previously has been devoted to this use, which is...

Mr. Leonard stated right.

Mr. O'Rourke stated that for training. So, yes, the building is larger...

Board Member Bodor stated right.

Mr. O'Rourke stated the footprint is larger. But it is in an area that was previously devoted. There's no question that the building is larger.

Board Member Bodor stated okay.

Mr. O'Rourke stated and we're not trying...You know, we've shown it on the footprint, and that's what we're doing.

Board Member Burdick stated but basically this new building, it's larger. But the footprint includes outdoor area that previously being used.

Mr. O'Rourke stated exactly.

Board Member Olenius stated and will no longer be used. There won't be an additional outdoor area in conjunction with this building.

Mr. O'Rourke stated no.

Mr. Leonard stated there will be outdoor areas in conjunction with this building, but they're areas that are already being used as outdoor areas.

Board Member Burdick stated so basically what you're trying to do is all the outdoors areas that are limiting you to use them because of the weather, you're increasing the size of the building to get all of those activities inside.

Board Member Bodor stated and you still will have outdoor areas in addition to that.

Board Member Burdick stated but they're already existing. They're already outdoors.

Board Member Bodor stated no. They're making new outdoor areas. Right.

Mr. O'Rourke stated let me explain that because that's a very good point. Put the map...put the tracing back up. Because...And that was the point that we wanted to make. Andrew, why don't you just take...

Mr. Leonard stated the existing.

Mr. O'Rourke stated yeah. Why don't...I'll hold it [referring to the plans]. You explain.

Mr. Leonard stated okay. What we have is in the grey area, existing. We have parking and maintenance activities going on. In this red area here, we have buildings and grounds that are...This is the campus core, where there is heavy activity going on here. And in the tan we have basically, on lead activities going on to socialize and exercise the dogs. In the proposed...Again, the building footprint changes, but again, it's buildings and grounds within the core that are being reorganized and redone in order to better facilitate the activities of Guiding Eyes. But it's within the same area...

Board Member Bodor stated that core area is the same.

Mr. Leonard stated yes. Yes.

Board Member Bodor stated okay.

Mr. Leonard stated yes.

Board Member Bodor stated okay.

Board Member Olenius stated on that previous transparency...

Mr. Leonard stated yes.

Board Member Olenius stated you had the existing kennel size on there. Is that the 80' x 44' structure there, that rectangle...

Mr. Leonard stated it's actual a slightly larger footprint when you include the outdoor kennel spaces.

Board Member Olenius stated that's what I was going to ask.

Mr. Leonard stated but...

Board Member Olenius stated you did not include those on that.

Mr. Leonard stated no.

Board Member Olenius stated that's just the building.

Mr. Leonard stated yes.

Board Member Olenius stated okay. And the outdoor kennel spaces that are being included within the footprint of the new building, you're not going to require anymore.

Mr. Leonard stated correct.

Board Member Olenius stated the outdoor dog runs.

Mr. Leonard stated correct. All...

Board Member Olenius stated that's the point that I'm trying to get across.

Mr. Leonard stated yes. All...

Board Member Olenius stated you're not going to be...

Mr. Leonard stated essentially all outdoor spaces now fit into the socialization and exercise category, not into a space where the dog would be out by itself...

Board Member Olenius stated right.

Mr. Leonard stated doing whatever it does.

Board Member Bodor stated no more outdoor runs.

Mr. Leonard stated no. Everything outdoors is a supervised activity with a staff person, no longer a run that the dog can just do whatever it wants by itself.

Board Member Olenius stated the current outdoor dog run is, Rich has down 50' x 60' fenced enclosure. Are they concrete or are they...

Mr. Leonard stated that is sand.

Board Member Olenius stated it's sand.

Mr. Leonard stated those are sand runs that are fenced in.

Board Member Olenius stated okay.

Mr. Leonard stated which is actually kind of a problem that we're running into. But it's a technical problem.

Board Member Olenius stated oh, just...

**Declan Mcgrath stated** excuse me. If I may. I just don't know if you received this.

Board Member Bodor stated how...

**Declan Mcgrath stated** this was sent to the neighbors.

Board Member Bodor stated would you like to present...Give your name.

**Declan Mcgrath stated** yeah. My name is Declan Mcgrath. Neighbor of...

Chairman Buzzutto stated and you're a neighbor of the...

**Declan Mcgrath stated** yes I'm a neighbor. I live adjacent to them on Country Hill Road.

Board Member Bodor stated okay.

Chairman Buzzutto stated okay.

Board Member Bodor stated and you're showing us a communication that was sent out to the neighborhood.

**Declan Mcgrath stated** yes. Yes. I mean, I support the Guiding Eyes. Your last transformation, I supported it. You know, there were some major changes; I've seen them. There's been a change in noise pollution. I hear the dogs. The lighting, I see right through my backyard which I never saw before. And I'm worried that, you know, the same thing is going to happen. If there're going to be changes in the

lighting of the parking lot. You know, is there anything we can do to change that. Maybe we can put a row of mature pines or something down the perimeter of the property. I mean, they pick up that dumpster at 4:30 in the morning, and you're thinking that a bomb went off, so...

Mr. Leonard stated there's a lot that they can...

**Declan Mcgrath stated** there's rubber mats you can put down for that. Anything we can do.

Mr. Leonard stated yeah. And actually the...We have to still go through a public hearing process with the Planning Board. A lot of those items are going to be things that we want to address with the Planning Board. And absolutely we want to know them. We want to be good neighbors.

**Declan Mcgrath stated** and like I said, I have dear friends that work there and they share their concerns with us also, but I just want to make sure it gets addressed because I'll tell you, it didn't get addressed in the last transformation.

Mr. Leonard stated we want to hear...

**Declan Mcgrath stated** okay. So...Thank you.

Board Member Bodor stated thank you. May we...Do you have another copy of this [referring to letter received by neighbors from Guiding Eyes].

Chairman Buzzutto stated do you two have any more copies of this.

Mr. O'Rourke stated we probably can give you some.

Ms. Russenberger stated we certainly will.

**Declan Mcgrath stated** the cover letter that came with it also.

Board Member Bodor stated oh.

Chairman Buzzutto stated yeah. If you can send a copy to Sarah. What part of that you said was eliminated. Was that...Well, looking out towards [Route] 164.

Mr. Leonard stated yes. If you're looking out...

Chairman Buzzutto stated towards one-sixty...It was on the left.

Mr. Leonard stated yes.

Chairman Buzzutto stated I see like a dog walk down through there, is that going to be eliminated.

Mr. Leonard stated the dogs will no longer be walking down...Let me just put this back up [referring to a set of plans]. This is the building, this is [Route] 164.

Chairman Buzzutto stated right.

Mr. Leonard stated looking out along the left, all that lawn, the dogs will no longer be walked there.

Chairman Buzzutto stated that's going to be eliminated.

Mr. Leonard stated that's going to be just...it will be the lawn that you see right now will be maintained as lawn.

Chairman Buzzutto stated so there will be no dogs up...

Mr. Leonard stated no.

Chairman Buzzutto stated front there. Okay.

Mr. Leonard stated right.

Chairman Buzzutto stated thank you.

Board Member Bodor stated we do have a couple letters from some of the neighbors which I'd like to read at this time into the record if that's okay.

Chairman Buzzutto stated yeah. Read the...

Board Member Bodor stated this is from Rosemarie Perrin. She's at 383 Route 164.

I would like to express my support for the proposed renovation to the Canine Development Center at the Guiding Eyes. We have been good neighbors for about 30 years and I'm sure that my parents, who were the former owners of the property, would be pleased to see what it has become.

Rosemarie Perrin

Board Member Bodor stated and this is from Paul and Fedora Pecchia.

As neighbors to the Guiding Eyes for the Blind we support the proposed design plans. We feel this would enhance the physical design of the current building as well as afford the staff a greater working environment to support the development of the puppies.

We are involved in the Home Socialization Program. We feel the work of Guiding Eyes for the Blind is needed in the community to help support people to live independent lives. The work they do with the canines is impressive. When you're on the grounds you get the feeling there is something special there. The staff all love and care for the canines as if they were their own. I cannot say enough about the Center and again am in full support of the proposed design.

Sincerely,  
Paul and Fedora Pecchia

Chairman Buzzutto stated okay. Do we have input from the audience on that...On this particular project. Rich, you want to...

Rich Williams stated yeah, I do want to address the Board on this issue. You know, you do have my letter, my opinion, on why I found this...And I appreciate all the Applicant has provided here tonight as far as the

areas that they are currently using. But my real concern with this is the impact that it may have on our Code. I believe that our Zoning Code, you know, very specifically is looking to protect our residents and limiting expansions of preexisting nonconforming uses. If the Board were to find as Mr. O'Rourke is suggesting here within our Code, my concern is it would allow unlimited expansion of preexisting nonconforming buildings throughout the town, simply because somebody has a property that the exterior is used with no significant economic investment in that area, you know, as that use. And I believe that there are court decisions which find different from that, but more importantly I believe the integrity...What our Code says is different from that. I also want to point out that there is an existing site plan for Guiding Eyes for the Blind. And that site plan did not contemplate much of what you're seeing here as being shown as area that is being used by Guiding Eyes for the Blind, for exercising the dogs. And, you know, again, that I believe also supports my position on all of this in that the Planning Board, when they approved the site plan when this was a conforming use, didn't really feel that they were necessary to show on the plan because, you know, they're just walking the dogs. And for all intensive purposes, they also walk their dogs on Couch Road; I don't think anybody would try to make the argument that Couch Road has a preexisting nonconforming use established on Couch Road, simply because they're walking the dogs there. I think the test here is for the preexisting nonconforming use whether there has been substantial economic investment in a specific area to establish that use. And I would also encourage the Board to talk with your attorney about that and, you know, perhaps get his opinion also.

Chairman Buzzutto stated okay. Thank you.

Board Member Bodor stated I would like to go out and walk this.

Board Member Burdick stated yeah, I would too.

Board Member Bodor stated have all of the changes in use and proposed structures...The whole nine yards, shown to us very, very clearly. I need to be there to see it. I'm aware of pretty much what it looks like now. I've been in Town a long time myself, so...But I really need to see what's going on there and how you're planning to change the usage in different areas.

Mr. O'Rourke stated we have no objection. I think, in fact, one of the reasons that we did the overlays was because we understood that it would be somewhat complicated to try to explain, you know, what exactly is going on. And that's why we had the existing conditions, as well as demonstrating the areas that were devoted to the various uses. And we welcome a visit, so...And if it would be of assistance to the Board, if we could arrange a time it might be helpful to have perhaps Andrew and Jane present so that they can better explain what is going on.

Chairman Buzzutto stated that's fine.

Board Member Olenius stated that will be perfect.

Chairman Buzzutto stated alright.

Mr. O'Rourke stated the only other thing that I would ask, obviously we're now going back to the Planning Board. There will be a submission that will be made next week. Obviously you will have a site walk. What I would respectfully request, could we close the public hearing and then, obviously at a later point in time, address the variances.

Board Member Bodor stated I'm not willing to close the public hearing.

Chairman Buzzutto stated no. I don't feel ...

Board Member Bodor stated no.

Chairman Buzzutto stated we should close the public hearing yet.

Mr. O'Rourke stated okay.

Board Member Bodor stated I mean, that's my...

Chairman Buzzutto stated there are a lot of people that maybe couldn't make it tonight that may want to have some input at the next meeting. So we'll just...That's okay. Well, it's our call, so...

Mr. O'Rourke stated right.

Chairman Buzzutto stated yeah. Fine. Alright, so we'll setup a site walk time on that. Sarah will have to let you know. What will be the best times to come out there. It would have to be after, what. What time are you done, 4:30, 5 o'clock. Or do you want to do it on a weekend.

Board Member Burdick stated I could be there by 5:15 in the evening.

Chairman Buzzutto stated alright. It will be...

Board Member Burdick stated or which ever.

Chairman Buzzutto stated around...Well, it don't get dark until around 7:00[p.m.]. So we could make it one night around 5:15. We'll have to let you know when we can all get together.

Ms. Russenberger stated okay.

Chairman Buzzutto stated and one of you people will be there to show us.

Mr. O'Rourke stated yes. We...Certainly if Jane or Andrew...

Chairman Buzzutto stated alright.

Ms. Russenberger stated yeah. I'm going to be away...If we can make it after if I'm not...I'll be away from May 6<sup>th</sup> to the 20<sup>th</sup>. So either before that or after that.

Chairman Buzzutto stated well, it can't be the 20<sup>th</sup> because we have a meeting in May...

Ms. Russenberger stated right.

Chairman Buzzutto stated before that I believe.

Ms. Russenberger stated but up until May...

Board Member Burdick stated isn't the next meeting the 5<sup>th</sup>.

Ms. Russenberger stated May 6<sup>th</sup> I'll be okay.

Chairman Buzzutto stated sorry.

Board Member Bodor stated it wouldn't be the 5<sup>th</sup>, that's too early.

Board Member Burdick stated yeah. May 20<sup>th</sup> is the next meeting.

Board Member Bodor stated have a date...That's the Town Board.

Board Member Olenius stated it's only April 15<sup>th</sup>, I'm sure we can probably get it done before May 6<sup>th</sup>.

Board Member Bodor stated yeah.

Chairman Buzzutto stated yeah.

Board Member Olenius stated you know. We usually...

Ms. Russenberger stated and we can have all the areas kind of in use and...

Chairman Buzzutto stated yeah, right.

Ms. Russenberger stated we have classes on Wednesday nights and...

Board Member Olenius stated we usually do two dates just in case it's raining heavily one date, so there will be a little latitude there.

Chairman Buzzutto stated besides, Sarah...

Mr. O'Rourke stated is there a particular day of the week that's best for you.

Board Member Bodor stated you're dealing with five different people.

Chairman Buzzutto stated with me, it don't make any difference.

Board Member Bodor stated five different walks of life.

Mr. O'Rourke stated okay. We want to be accommodating, it's just that we want to make sure Jane's available.

Board Member Bodor stated understand. I'd like to see it staked also.

Chairman Buzzutto stated yeah. If you can.

Board Member Bodor stated what...You know, where this new...How this new building will sit on the property. The corners of it. I have to see it visually.

Rich Williams stated are stakes going to be a problem.

Ms. Russenberger stated well, some of it's in a drive. We can put some...

Rich Williams stated you want to paint on the ground.

Board Member Bodor stated paint on the ground. Just mark it some how.

Board Member Burdick stated that's fine.

Board Member Bodor stated mark it somehow.

Board Member Olenius stated yeah, you could put a brick on the ground. It's just, you know, so we have an idea of where it's...

Board Member Bodor stated yeah, a rock. Whatever.

Board Member Olenius stated yeah.

Board Member Bodor stated so we have a visual.

Mr. O'Rourke stated obviously it's going to take time for us to get it staked. I'm just curious... What do you think. Any idea. Next week would...

Board Member Bodor stated the next meeting would be the 20<sup>th</sup>.

Mr. O'Rourke stated okay.

Board Member Bodor stated the next Zoning Board meeting.

Mr. Leonard stated the building footprint is currently staked.

Board Member Bodor stated oh good.

Mr. Leonard stated it's not spray painted in between, but...

Board Member Bodor stated that's alright. Just so we can see one stake from the...

Board Member Olenius stated corners are fine.

Mr. O'Rourke stated corners. Okay.

Board Member Olenius stated yeah.

Mr. Leonard stated I believe they're labeled on the stakes...

Board Member Bodor stated okay.

Mr. Leonard stated as to what corner they are.

Chairman Buzzutto stated okay, so when we decide what day we can all get together, Sarah will be in touch with...

Mr. O'Rourke stated what's the best way to do this.

Chairman Buzzutto stated well, who will she get in touch with. Just you Mr. O'Rourke, or...

Mr. O'Rourke stated yes. I guess that will be fine. And what I'll do is make sure that Jane, and I think Andrew should be there.

Chairman Buzzutto stated you have a telephone number sir. Okay. Alright, so that's what we'll do then. Take a site walk on it and get this thing squared away.

Mr. O'Rourke stated any other questions.

Board Member Bodor stated not at this time.

Board Member Burdick stated no. Not right now.

Mr. O'Rourke stated okay.

Board Member Herbst stated do we still have to walk through disinfectant when we go in the buildings.

Ms. Russenberger stated only the puppy area.

Board Member Herbst stated okay.

Mr. O'Rourke stated you know, you want that disinfectant.

Board Member Bodor stated we did that before.

Chairman Buzzutto stated yeah. We did that before, yeah.

Board Member Herbst stated yes. I was on the Zoning Board when you expanded that building the first time.

Chairman Buzzutto stated who owns the pond there. Does that belong to Perrin. Does that belong...

Ms. Russenberger stated no, Guiding Eyes.

Chairman Buzzutto stated it belongs to Guiding Eyes.

Mr. O'Rourke stated right.

Chairman Buzzutto stated thank you.

Mr. O'Rourke stated thank you very much.

Mr. Leonard stated thank you.

Board Member Herbst stated did I say Planning Board, I meant Zoning Board.

Board Member Olenius stated you said zoning.

Board Member Herbst stated I did say Zoning Board.

Board Member Olenius stated yeah.

Board Member Burdick stated do you mind if I run out to my car to get my calendar because I have to make a...

Board Member Bodor stated ask Rich, he would know.

Board Member Olenius stated I don't think it...

Board Member Burdick stated do we have anything to do before we do that. Do you want me to hang out to do anything, or do you want me go now.

Board Member Bodor stated no. Just other business.

Board Member Burdick stated okay. Be right back.

Board Member Bodor stated whatever it is.

Board Member Herbst stated hey Buzz. Do you want copies of these because I can do it in color if you want.

Board Member Bodor stated no. Just one for the record.

Chairman Buzzutto stated just go to the record. That's all...

Board Member Herbst stated oh, well then give her these [referring to letter submitted by Declan Mcgrath].

Board Member Bodor stated yeah. If you are giving them up, yeah.

Chairman Buzzutto stated I don't know if you want them back or not.

Board Member Olenius stated good. Just here to learn.

(Inaudible – too many talking).

Board Member Herbst stated okay, where's my agenda now. Alright, Guiding Eyes site walk. Are we going to do both of them the same night, or two different nights.

Board Member Bodor stated we can't do them the same night.

Chairman Buzzutto stated no.

Board Member Herbst stated I don't think we could either.

Board Member Bodor stated Guiding Eyes is a big deal.

Board Member Olenius stated yeah, I don't think so either.

Board Member Herbst stated it doesn't stay light that long.

Board Member Bodor stated a lot of walking and...

Board Member Olenius stated you have probably about two hours now. It's probably light until about 7:15 [p.m.]...

Chairman Buzzutto stated yeah.

Board Member Olenius stated I would say. But I agree...

Board Member Herbst stated besides that, if you do it...

Board Member Olenius stated you can do...Guiding Eyes is a one night deal.

Board Member Herbst stated if you do it two separate nights, you get paid more.

Board Member Bodor stated no. Well, it depends on which month it is.

Board Member Olenius stated yeah. It's true.

Board Member Herbst stated what you mean which month. I didn't know the month had anything to do with it.

Board Member Bodor stated oh yeah it does.

Chairman Buzzutto stated yeah, yeah, yeah. You haven't been on the Zoning Board in quite awhile.

Board Member Bodor stated it does.

Board Member Herbst stated yeah, well. You know whose fault that whole thing is.

Board Member Bodor stated yours.

Chairman Buzzutto stated Rich. Do you...

Board Member Herbst stated no. No, it wasn't.

Chairman Buzzutto stated want to come with us on that.

Board Member Herbst stated it was the Planning Board...

Board Member Bodor stated yeah.

Board Member Herbst stated that complained.

Rich Williams stated you want me out there on that.

Chairman Buzzutto stated I would like you to be with us on that cause you can, you know, give us more detail, you know. Yeses and no's on that if you...

Rich Williams stated okay.

Chairman Buzzutto stated okay. Fine. It's okay with the Board.

Board Member Bodor stated sure.

Board Member Olenius stated yeah, that's fine.

Chairman Buzzutto stated I mean it would be helpful.

Board Member Bodor stated if Rich wants to join us.

Chairman Buzzutto stated yeah.

Board Member Bodor stated we'll let you come.

Board Member Herbst stated no problem.

Rich Williams stated if that's your pleasure.

Board Member Herbst stated I think it's a good idea if Rich joins us, then he can take us to dinner.

Rich Williams stated it's always a catch with Jerry.

Chairman Buzzutto stated okay, so...

Board Member Bodor stated Marianne is coming back with her calendar.

Chairman Buzzutto stated yeah.

## **5) OTHER BUSINESS**

### **a) Wireless Edge Inquiry**

Board Member Bodor stated alright. We have other business.

Chairman Buzzutto stated where is my sheet here.

**Deb Lawlor stated** that's me.

Board Member Olenius stated are you other business, Mrs. Lawlor.

**Deb Lawlor stated** I thought I would put myself into other business.

Chairman Buzzutto stated okay.

**Deb Lawlor stated** I'd just like to introduce myself. My name is Deb Lawlor, and I have been currently appointed to be the president of the PLCC. So I have a letter here that I would just like to read you. I was going to mail it, but I thought since you're having a meeting tonight, I would just read it myself.

As you are well aware, the Putnam Lake Community Council has agreed to lease a portion of it's property to the Wireless Edge Corporation for the purpose of erecting a monopole cell tower. At this time we'd like to formerly know the status of the request from Wireless Edge to erect this monopole, based on the Zoning Board recommendations.

And basically that's it. We'd just like to know where we are in terms of the Zoning Board recommendations. You know, it's been in the works for quite awhile.

Chairman Buzzutto stated yeah.

**Deb Lawlor stated** quite a few years now. We're going on to almost four years, since...from the originally signing of that lease in 2005. So we would, you know, like to know what the status is.

Chairman Buzzutto stated well, that was brought up at the last meeting, I remember...Sarah, did we get in touch with Wireless. Did you know...

Board Member Olenius stated has Wireless Edge been in touch with us...

The Secretary stated no.

Board Member Olenius stated since...

Chairman Buzzutto stated you never called back...

Board Member Olenius stated over a year ago.

The Secretary stated no I have not.

Board Member Olenius stated basically the ball is in their court, and we have not yet...

**Deb Lawlor stated** and you haven't heard a thing...

Chairman Buzzutto stated yeah. We haven't heard anything.

Rich Williams stated you want me to expand on that a little bit.

Board Member Olenius stated yes, please.

Chairman Buzzutto stated yeah, fine.

Board Member Bodor stated if you would...

Rich Williams stated we've never met.

**Deb Lawlor stated** no Rich, I know. You know my husband well, well, well.

Rich Williams stated well, well, well. Essentially the Board doing their due diligence in reviewing their application, need to justify why they need to go here, and there is no other preferred location that would give better coverage. So, Wireless Edge was sent out to look at other locations...

**Deb Lawlor stated** right.

Rich Williams stated and come back with coverage maps showing that...

**Deb Lawlor stated** right.

Rich Williams stated you know, your site is the best location. And that was a year, a year and a half ago. We have not received a thing...

**Deb Lawlor stated** anything.

Rich Williams stated no communication...

**Deb Lawlor stated** no communication.

Rich Williams stated with us since.

**Deb Lawlor stated** so, at this point, it's...

Chairman Buzzutto stated well...

**Deb Lawlor stated** where. And is there anything that the Zoning Board can do to...

Chairman Buzzutto stated well...

**Deb Lawlor stated** request, you know, the information.

Chairman Buzzutto stated I think we should get in touch with Wireless to find out just where they stand...what they want to do. If not...

Rich Williams stated well, certainly if the Board wants to bring this to some sort of conclusion...

Chairman Buzzutto stated that's...I would...

Rich Williams stated we can send them a letter giving them a time in which to resubmit the information...

Chairman Buzzutto stated right.

Rich Williams stated or...

Chairman Buzzutto stated we're going to close it up.

Rich Williams stated you know, the Board's going to close it out.

Chairman Buzzutto stated close it out. Yeah.

Board Member Herbst stated shouldn't there be...

Rich Williams stated but Mrs. Lawlor, as the property owner, you certainly can contact them also and say...

Board Member Herbst stated I was just going to say shouldn't they be the ones to contact them, since it's their property.

Board Member Olenius stated isn't there a limit on how long we can leave a case open.

Rich Williams stated I don't believe so.

Board Member Olenius stated no.

Chairman Buzzutto stated well, we...

Rich Williams stated there is with subdivisions, site plans, but not with area variances or use variances.

Chairman Buzzutto stated we've been very patient with them to...

**Deb Lawlor stated** we've all been very patient.

Chairman Buzzutto stated give them all the time that they needed to decide.

**Deb Lawlor stated** yeah.

Chairman Buzzutto stated but they never called. They never sent any kind of a letter into us at all, so...

**Deb Lawlor stated** well, I guess we just wanted to confirm that with you; that Wireless hasn't been in touch with you.

Chairman Buzzutto stated well...

Board Member Herbst stated where are they planning this. I know Put[nam] Lake, but where.

**Deb Lawlor stated** that you haven't made any final decisions as to what...

Board Member Bodor stated we were waiting for that information.

**Deb Lawlor stated** whether we can even report back our membership about, you know, what is, you know, going to happen.

Chairman Buzzutto stated well, I think some board of action will be taken within the next meeting or two really.

Rich Williams stated how long do you want us to give notice. A month, two months, three months.

Chairman Buzzutto stated no. I'm not going...

Board Member Bodor stated one month. They've had years.

Chairman Buzzutto stated I'm not going to give them three months.

Board Member Bodor stated they've had at least...almost two years with us, and...

Chairman Buzzutto stated right.

Board Member Bodor stated and apparently longer with the land owner.

Rich Williams stated okay.

Chairman Buzzutto stated yeah.

Board Member Bodor stated so let's give them a month.

Board Member Herbst stated if they've changed their mind, then they... Actually, if you just send them a letter and let them know that we would like a response. That's all. If they've changed their mind, it isn't going to make any difference whether you give them 6 months or...

Chairman Buzzutto stated yeah.

Rich Williams stated well, if that's the case, then we're going to send them a letter basically putting them on the next agenda.

Board Member Bodor stated exactly.

Chairman Buzzutto stated that's fine. And then...

Board Member Bodor stated I think that we need to move them along.

Rich Williams stated alright.

Chairman Buzzutto stated and if they don't do anything, then we'll just...

**Deb Lawlor stated** so the Zoning Board will send a letter to Wireless Edge...

Chairman Buzzutto stated right. Yeah.

**Deb Lawlor stated** saying that they are on the next Board...

Chairman Buzzutto stated and if we get no reply back, then we'll just take action on it, that's all.

**Deb Lawlor stated** okay. Alright. When is your next meeting.

Chairman Buzzutto stated May the 20<sup>th</sup>...

Board Member Burdick stated May 20<sup>th</sup>.

Chairman Buzzutto stated I believe.

**Deb Lawlor stated** May 20<sup>th</sup>.

Board Member Olenius stated May 20<sup>th</sup>.

Board Member Bodor stated I had forgotten. Alright. Could we have a copy of your letter though for the record.

**Deb Lawlor stated** absolutely. Yes.

Board Member Bodor stated give it to Sarah. Thank you.

The Secretary stated thank you.

Chairman Buzzutto stated yeah.

**Deb Lawlor stated** okay.

Chairman Buzzutto stated well thank you for your...

**Deb Lawlor stated** thank you very much.

Chairman Buzzutto stated input on that. It's very helpful because...to move us along.

**Deb Lawlor stated** I'm a lot calmer than my husband Chris may be. Alright.

Board Member Olenius stated just a little.

Chairman Buzzutto stated thank you. Okay. What else we got.

**b) Site walks**

Board Member Bodor stated other business. We have to setup site walks. We have two site walks.

Chairman Buzzutto stated okay.

Board Member Bodor stated when's our next meeting. She's going to be away for that.

Board Member Burdick stated she's going to be away on...from the 6<sup>th</sup> on.

Board Member Bodor stated from the 6<sup>th</sup> on. What's good for everybody. One is up on Stagecoach [Road].

Chairman Buzzutto stated yeah. That was...

Board Member Bodor stated that won't be...

Chairman Buzzutto stated Downey, right.

Board Member Bodor stated that won't take too long.

Chairman Buzzutto stated well, site walk, site walk.

Board Member Bodor stated and the other is Guiding Eyes.

Chairman Buzzutto stated Guiding Eye. Let's see, any day is good for me.

Board Member Bodor stated okay. Something not good for somebody.

Board Member Burdick stated my calendar wasn't in the car, so...

Board Member Bodor stated oh...

Board Member Burdick stated I'll have to wing it.

Board Member Bodor stated okay. Everyday okay with you. Anything...

Board Member Herbst stated as far as I know. Just as long as it's after, you know, 5 o'clock...

Board Member Bodor stated yeah.

Board Member Herbst stated there's no problem because any appointment I have are usually during the day, so I'm okay.

Chairman Buzzutto stated yeah.

Board Member Olenius stated if you picked a date it would probably stick out for me, but typically after 5:15 [p.m.] things are quiet.

Board Member Bodor stated okay. So what day of the week then is good. We want to do Guiding Eyes before she goes away the 6<sup>th</sup> of May. Next week.

Board Member Herbst stated that's 3 weeks away, so...

Board Member Olenius stated I think next week is...

Chairman Buzzutto stated let's do Guiding Eyes first I believe, if we can.

Board Member Bodor stated okay.

Chairman Buzzutto stated let's see, that would be this one here. That would be April...

Board Member Bodor stated alright...

Board Member Burdick stated shouldn't we get the other one out of the way. Are we going to do both of them the same evening.

Board Member Bodor stated no.

Board Member Burdick stated no.

Chairman Buzzutto stated I don't think so.

Board Member Bodor stated I don't think you can.

Board Member Burdick stated okay.

Chairman Buzzutto stated I don't think we can because it's too far apart. Well, I mean...

Board Member Bodor stated alright. Monday the 27<sup>th</sup>, how does that sound for someone for something.

Board Member Herbst stated right now it sounds good to me.

Board Member Bodor stated for Guiding Eyes.

Board Member Herbst stated whatever. Guiding Eyes.

Chairman Buzzutto stated 5:15[p.m.].

Board Member Bodor stated does that sound familiar.

Board Member Burdick stated I don't know. There's something going on the 27<sup>th</sup>, but I don't know what it is. So we can say yes, and then I'll check my calendar and email Sarah.

Board Member Bodor stated we'll kick it off to the 28<sup>th</sup>. Does that sound better.

Board Member Burdick stated no.

Board Member Bodor stated oh. Okay.

Board Member Burdick stated no. Sorry. We'll do the 27<sup>th</sup> and I'll email Sarah tomorrow if it's not good.

Board Member Bodor stated okay.

Board Member Burdick stated and then can we kick it off...

Board Member Herbst stated we have plenty of time to change it.

Board Member Bodor stated the 20<sup>th</sup> for an alternate.

Board Member Olenius stated what day of the week is it.

Board Member Bodor stated that would be a Thursday.

Chairman Buzzutto stated Thursday of the 30<sup>th</sup> would be...

Board Member Bodor stated Guiding Eyes alternate.

Chairman Buzzutto stated question mark on the 27<sup>th</sup>.

Board Member Burdick stated well, if the 27<sup>th</sup> is good, do we want to do the 30<sup>th</sup> for the Stagecoach [Road] one.

Chairman Buzzutto stated yeah we can. It's alright with me.

Board Member Bodor stated well we could, unless it's raining on the 27<sup>th</sup> and we have to kick off till the 30<sup>th</sup> with Guiding Eyes.

Board Member Olenius stated can we do Stagecoach [Road] next week.

Board Member Bodor stated next week.

Board Member Olenius stated any day, because that will be a quickie.

Board Member Bodor stated yeah.

Chairman Buzzutto stated Stagecoach. Alright, well...

Board Member Herbst stated alright, what...

Board Member Bodor stated yes.

Chairman Buzzutto stated that would be Downey, okay.

Board Member Herbst stated alright, so...

Board Member Bodor stated what do you want...

Board Member Herbst stated what...

Board Member Bodor stated what...

Board Member Herbst stated now what's Stagecoach.

Board Member Bodor stated Downey. That's the...

Board Member Herbst stated I know that. I mean what's the date.

Board Member Bodor stated we didn't...

Board Member Burdick stated we're trying to decide.

Board Member Bodor stated the 23<sup>rd</sup>.

Board Member Herbst stated the 23<sup>rd</sup> is okay.

Board Member Bodor stated 23<sup>rd</sup>.

Board Member Herbst stated alright.

Board Member Olenius stated is that a...

Board Member Bodor stated 23<sup>rd</sup>, that's a Thursday.

Board Member Olenius stated Thursday.

Board Member Bodor stated yeah. Alright.

Board Member Olenius stated sounds fine.

Board Member Bodor stated now that's Downey on the 23<sup>rd</sup>.

Chairman Buzzutto stated at 5:15[p.m.].

Board Member Bodor stated 5:15. 5:20, that's further up the hill. 5:20[p.m.]

Chairman Buzzutto stated 5:20.

Board Member Bodor stated 5:20.

Board Member Burdick stated she's giving me five extra minutes to get there.

Chairman Buzzutto stated 5:21.

Board Member Olenius stated I've seen the way you drive. You can make it.

Board Member Burdick stated I can get there by 5:10.

Board Member Bodor stated okay. So we have Downey on the 23<sup>rd</sup>.

Chairman Buzzutto stated Downey is done. Okay.

Board Member Bodor stated and we have Guiding Eyes on the 27<sup>th</sup> or 30<sup>th</sup>.

Chairman Buzzutto stated 27<sup>th</sup> or the 30<sup>th</sup>.

Board Member Bodor stated okay.

Board Member Herbst stated okay.

Board Member Bodor stated okay. Preferably the 27<sup>th</sup>.

Board Member Herbst stated alright. So where will we meet. At these places, or what.

Board Member Bodor stated at the locations.

Board Member Herbst stated at the location, okay.

Chairman Buzzutto stated and then we can...

Board Member Herbst stated Stagecoach [Road] if I remember...

Chairman Buzzutto stated set it up, that's all.

Board Member Herbst stated up by the...

Board Member Burdick stated as soon as I go home, I'll email Sarah.

Board Member Olenius stated go all the way up Birch Hill, to the top.

Chairman Buzzutto stated okay.

Board Member Herbst stated to Birch Hill, yeah.

Board Member Olenius stated make a right.

Board Member Herbst stated right up top.

Board Member Bodor stated make a right...

Board Member Herbst stated yeah, I know where it is, I'm just trying to remember. It's by the gas station, you go up there. Mobil.

Board Member Bodor stated no, no, no, no, no.

Board Member Burdick stated no. Birch Hill.

Board Member Bodor stated Birch Hill.

Board Member Herbst stated Birch Hill.

Chairman Buzzutto stated oh, Birch Hill. Right...

Board Member Bodor stated Thunder Ridge.

Chairman Buzzutto stated by the end.

Board Member Bodor stated Thunder Ridge.

Board Member Burdick stated it's down towards the State park, right.

Board Member Herbst stated okay.

Chairman Buzzutto stated right to the end.

Board Member Bodor stated make a right and go down...Miller is...Well, you may not know it.

Board Member Burdick stated it's on the right.

Board Member Olenius stated you pass Alpine and all of that.

Board Member Bodor stated he's on the right.

Board Member Herbst stated yeah. I know...Once I get on Birch Hill...

Board Member Bodor stated it's an old house, and it's on a real long piece of property. I think there's stone on the front of it.

Board Member Burdick stated and didn't he say on the opposite side, there's a parking lot before and after his property.

Chairman Buzzutto stated that's what he said, yeah.

Board Member Herbst stated yeah.

Board Member Bodor stated State parking on...Yes.

Chairman Buzzutto stated okay.

Board Member Herbst stated okay.

Chairman Buzzutto stated so...

Board Member Herbst stated no problem.

Board Member Burdick stated there's a really cool house up there.

Chairman Buzzutto stated April the 23<sup>rd</sup>, 5:15 at Downey.

Board Member Bodor stated there's some nice big...

Board Member Burdick stated yeah. Big...

Board Member Bodor stated yeah. I'm not sure where they are exactly, but they are...

Board Member Burdick stated yeah.

**c) Minutes**

Board Member Bodor stated okay, we have minutes from the 21<sup>st</sup> of January and the 18<sup>th</sup> of March.

Chairman Buzzutto stated okay, that's the 18<sup>th</sup> of March. Okay. I have the 18<sup>th</sup> of March.

Board Member Bodor stated I make a motion to approve both of them.

Board Member Herbst stated second.

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

Board Member Bodor stated okay. And we're going to get a letter off to Verizon.

The Secretary stated yeah.

Chairman Buzzutto stated not Verizon.

The Secretary stated Wireless Edge.

Rich Williams stated Wireless Edge.

Board Member Bodor stated Wireless. Whoever they are. Those people that want to put that tower on the lake. That...

Chairman Buzzutto stated well, Rich, so Guiding Eye will be...Or we're not sure, the 27<sup>th</sup> or the 29<sup>th</sup>.

Board Member Bodor stated or 30<sup>th</sup>.

Board Member Burdick stated no. The 27<sup>th</sup> or 30<sup>th</sup>.

Chairman Buzzutto stated or the 30<sup>th</sup>. Yeah. Is that okay.

Board Member Olenius stated we'll know for sure tomorrow, when everybody has their calendar.

Rich Williams stated I have to go on vacation, so we're good.

Board Member Bodor stated you take vacation.

Board Member Herbst stated when did you start taking vacation.

Rich Williams stated thank you.

Board Member Bodor stated is there anything else anyone has to offer. Counsel.

Carl Lodes stated no. I'm going to take a look at Richie's memo, and I (inaudible – too distant and papers shuffling) I'll put it together for the Board.

Chairman Buzzutto stated okay.

Board Member Olenius stated we can confirm those dates tomorrow night. We're going to be back here.

Board Member Bodor stated oh, well be back here tomorrow night.

Board Member Burdick stated oh we'll be back. What do you know.

Board Member Olenius stated it just occurred to me.

Chairman Buzzutto stated well, what do you know.

Board Member Burdick stated what do you know. Good thing you said that or I'd be seeing you guys on the 23<sup>rd</sup>.

Chairman Buzzutto stated I was going to say that. (Inaudible) the Board, to come up with something. That's just what I was going to say. Always...

Board Member Burdick stated I'm not kidding. I would have been there on the 23<sup>rd</sup>.

Chairman Buzzutto stated okay. Thank you for being with us.

Board Member Bodor stated I make a motion to adjourn.

Board Member Herbst stated I make a motion to adjourn.

Board Member Bodor stated all in favor.

Board Member Olenius stated second.

Motion carried by a vote of 5 to 0.

Meeting was adjourned at 8:34 p.m.