

**TOWN OF PATTERSON
ZONING BOARD OF APPEALS
May 18, 2011**

AGENDA & MINUTES

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1) Kathleen Pettey Case #01-11	1 – 28	Public hearing continued; Application tabled pending information from Building Inspector
2) Patricia Tanzi Case #03-11	29	Application tabled at request of the Applicant
3) Raymond See Jr. Case #08-11	29 – 38	Public hearing opened; Application tabled pending a site walk
4) Other Business		
a) Site Walk	39 – 43	Site walk scheduled for 6/6/11
b) Minutes	43	April 25, 2011 minutes approved

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

**ZONING BOARD OF
APPEALS**

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

PLANNING BOARD

Shawn Rogan, Chairman
Charles Cook, Vice Chairman
Michael Montesano
Thomas E. McNulty
Ron Taylor

**Zoning Board of Appeals
May 18, 2011 Meeting Minutes**

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

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

Chairman Olenius called the meeting to order at 7:03 p.m.

There were approximately 5 members of the audience.

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

Chairman Olenius led the salute to the flag.

Roll Call:

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

1) KATHLEEN PETTEY CASE #01-11

Ms. Kathleen Pettey and Mrs. Jennifer Herodes, Herodes and Molé, were both present.

Chairman Olenius stated read the first notice.

The Secretary read the following legal notice:

NOTICE IS HEREBY GIVEN BY THE TOWN OF PATTERSON BOARD OF APPEALS of a public hearing to be held on Wednesday, May 18, 2011 at 7:00 p.m. at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following applications:

Kathleen Pettey Case #01-11 – Interpretation – Held over from the January 19, 2011, February 16, 2011, March 16, 2011 and April 25, 2011 meetings.

Applicant is appealing the determination of the Director of Codes that her existing dwelling is limited to two families. This property is located at 35 South Street (R-1 Zoning District).

Chairman Olenius stated Ms. Pettey.

Mrs. Jennifer Herodes stated good evening.

Chairman Olenius stated Good evening.

Mrs. Herodes stated Jennifer Herodes, Herodes and Molé, for the Applicant. As you know, this is my first appearance here, so, I don't have the benefit of knowing exactly what was stated before, so for purposes of the record, I'm just going to run through the facts as I see them at this point because there's been a subsequent letter from the Building Inspector from the last meeting, as you all know, so...The purpose of the application, as everyone knows, is that my client wants a determination that her house is a legal three-family dwelling as it was pre-existing and nonconforming. There are several key facts in the case, which I think are now, undisputed, so stop me if anyone is in disagreement with that. I think we have determined that the addition/apartment, which is in question here, was built in 1961. It's my understanding that the Director of Code Enforcement went to the property to do a site inspection to date the beams and get a determination back to the Board that this addition was in fact built at that time. We have some Zoning Board minutes, not as many as I'm sure we would all like, which would shed some better light, but there is a Zoning Board summary and there is, now, we've been presented with some actual summary of minutes from the actual meeting, which again, are back in 1961. So, having said that, obviously again, I think no one's in dispute that we're talking about the 1960 Patterson Zoning Code being the controlling code here. Under the 1960 Code, Ms. Pettey's property was located in the M-1 Light Industrial District, which permitted all uses unless otherwise prohibited by law. The...I submitted in my memo, as you saw, that all uses includes three-family houses. The Building Inspector in his first letter of determination, which we're actually appealing from, stated that from the time prior to the addition that was made to your home in 1960 and to the present, three-family dwellings were and are not currently authorized in the Town of Patterson. That of course is not the case, as the M-1 District allowed all uses unless prohibited by law, and certainly three-families are not prohibited by law. In his subsequent letter dated April 21st, I take note of the fact that he now states "the M-1 Zoning District did allow for three-family homes." There is a rest of that sentence, I'm not intentionally leaving that off. I'm just going to get to that point. So, I think it's been...or should be clearly established that her home was located in the M-1; The M-1 District did allow three-families. The first (inaudible) of a preexisting nonconforming is that the use must have been legal at the time it was created. So the second issue as I understand it, again, I wasn't here. So I'm not sure exactly what the questions are, but I'm gathering from the letter from the Building Inspector is, was the addition built and was it an apartment and house three families from that time until the present. With regard to that, I know numerous...Numerous evidence has been presented to the Board, and the Board asked the Applicant to get certain things, which, to my understanding, she has obtained. As she has stated in her affidavit, and I believe on the record here, the house was being occupied at the time by Ms. Pettey and her family; she was a child. Her grandparents on her paternal side and the reason for the addition, or third apartment, was to bring her maternal grandparents from the Bronx to live with the family. The first letter by the Building Inspector that we were appealing from simply seemed to state that the reason that he couldn't reach a determination that her family...her house is a legal three-family, nonconforming, was because that use was not permitted under the Code. That seems to be to me the only reason in that letter. In his subsequent

letter, now that he has reversed his position on that, he's bringing up a new issue, which is that she couldn't have been a three-family because she did not meet the lot area requirements to be a three-family under the 1960 Code. So, you know, I'll deal with that issue. The lot area requirements, agreed, were not met under the 1960 Code, but of course, she could have been a legal three-family if, in fact, they applied for a variance to the Zoning Board, which they did apply for the variance for the Zoning Board. Now, what that variance was for raises more questions because we don't have accurate minutes like we do today. Obviously it's not recorded, we just have a blurb. So a lot of inferencing has to be done, but I would submit as I have in my memo, that any, you know, any inferencing and any error has to be on the side of the Applicant because she shouldn't be punished for the fact that the minutes are sketchy. The Building Inspector says in his second letter that she was there...Excuse me. When I say she, I mean Mr. Bubenicek, her father, the applicant at the time, was before the Zoning Board for a sideline variance...a sideline variation. I believe he's misreading those minutes. I'm sorry, just give me a second to find that. I believe he's misreading those minutes. Those minutes as I read them state that the Board was pointing out that there was currently a sideline violation. The house as it sat at the time, before he came, had a sideline variation; the existing house. Mr. Bubenicek, I don't think anybody is stating, came here after the fact, as we often say, seeking forgiveness. He was here before he built the addition asking for his variance, whatever that variance was. So, it wouldn't be logical to be stating there is an existing sideline violation. They would be saying, by doing this there's a sideline violation and therefore you need a variance. The first line of the minutes say the applicant was there for a variance. That's all it says: was there for a variance. If he was increasing the size of the house, which clearly he was by this addition, he would have needed a lot area variance. He was increasing the footprint of the house. So I think it's entirely logical that that is what he was there for. So, should the...And perhaps he needed a sideline, you know, variance as well. So, should it have said he's there...he's here for variances. Should it have been plural. I don't know. Again, the minutes are sketchy. Even if he was there for a sideline violation, and just for a variance on the sideline, he needed an area variance. So the Zoning Board should have or would have address that fact at that time. I think some other compelling evidence is found in the summary of minutes that we have, which seems to be at the end of the year. It appears that a summary was done with small blurbs throughout, you know, the decisions that were made throughout the months. In that summary they refer to having spoken to Mr. Pezzuto [*editor's note: should read Pezzullo], the then sanitary inspector, regarding whether or not the sewage facilities were adequate to accommodate...

Board Member Buzzutto stated I'm Mr. Buzzutto.

Mrs. Herodes stated Pezzuto [*Pezzullo].

Board Member Buzzutto stated oh.

Mrs. Herodes stated with a "P".

Board Member Buzzutto stated okay.

Mrs. Herodes stated I know who you are.

Board Member Buzzutto stated okay.

Mrs. Herodes stated it's with a "P".

Board Member Buzzutto stated I don't remember it...

Mrs. Herodes stated I may be pronouncing it wrong, but I think it says Pezzuto: P-E-Z-Z-U-T-O. It says it in the summary of the minutes, the then sanitary inspector. You weren't the sanitary inspector and that's not a misspelling, right.

Board Member Buzzutto stated no.

Mrs. Herodes stated so it says that they confer with Mr. Pezzuto [*Pezzullo] to determine whether the sanitary systems were adequate to handle the addition. So, what I think I'm hearing from my conversation, and I certainly don't want to misquote the Building Inspector, I did speak to him, I think what I'm hearing is, well, an addition was built, but an apartment wasn't built and another family didn't move in there. Well, I think if someone is building a den and a family room to their house, there isn't a concern about adequate sanitary systems. I think it's entirely logical that Mr. Bubenicek did tell the Board why he was building it, that he was building an apartment to move in additional family members and so therefore the concern, the fact there was going to be a kitchen and a bathroom installed in this new apartment, and would these systems be adequate to handle the additional people and or systems. I did in my phone conversation with Mr. Lamberti ask him if he made a representation to the Board, or a determination, that the kitchen and bathroom also dated back to that period. He said he had not discussed that with the Board. I asked him if he had, you know, an opinion on that, or we would have gone to the expense prior to this meeting of having someone date the plumbing fixtures. He happened to make a comment to my client about the color of the bathtub which no one sees anymore. These colors existed in 1960. He said no, I would not dispute that those were with the original addition. So, again, I don't want to...he's not...I don't think he's here. I don't want to speak for him, but that's what he said to me on the phone conversation. Please feel free to check with that. I didn't go to the expense of having someone, you know, do that because I didn't know if the Board was disputing the fact that the kitchen and the bathroom were put in at the time or not. So, again, the apartment was built in 1960. It's been continuously occupied since that time. Its use was one permitted in the district. And basically that's as much as I'll do right now, because I'm sure you have questions or we'll continue on.

Board Member Buzzutto stated in the time span you're talking about, back in the 1960s, that these were things that he went to the Zoning Board and applied at that time.

Mrs. Herodes stated yes he did.

Board Member Buzzutto stated you are pointing to that era of the time...

Mrs. Herodes stated correct.

Board Member Buzzutto stated the 1960s.

Mrs. Herodes stated he came to the Zoning Board in 1961 seeking a variance.

Board Member Buzzutto stated seeking a variance.

Mrs. Herodes stated to build a, as stated in the minutes, a two room addition. We're submitting that two room addition was the apartment that is there now and has been there and has continuously housed members of Ms. Pettey's family and now rentals, but from that time...

Board Member Buzzutto stated do you have documentation of that, that...Or is that...

Mrs. Herodes stated of which part.

Board Member Buzzutto stated of that he came to the Zoning Board and...

Mrs. Herodes stated oh, he absolutely came to the Zoning Board. You have documentation of that. There is a paragraph summary of the minutes of the evening he was here. And there is a summary report, which appears to be, as I said, an end of the year summary that they must have done on various decisions that were made during the months of the year. So there is a little blurb; it's attached to the papers as well. So he absolutely was here for a variance. Again, the Building Inspector has made a determination in his secondary letter that he was here for, you know, for a sideline variance. I did forget to point something else out. In his second letter, he raises the point that the minutes, the new minutes, refer to the house as being on the R-20 District. I'm not really sure, I don't think he's really sure, what relevance he's making of that because he just kind of says it's note worthy that the minutes refer...that the Zoning Board thought the house was in the R-20 District. First of all, I don't know what the Zoning Board thought. I do know that she was in the M-1 District, and so whether they thought she was in a different district or not, she was permitted to have three families. So the only issue would be, if they were discussing a variance, they would have needed to be discussing the right district so they knew what the requirements were. But, luckily, the R-20 and the M-1 District had the same exact lot requirements under the 1960 Code. So, whatever theory they were operating under and, as we know, it could have just been a typo in the minutes when they were typed, and someone wrote R-20, it was suppose to be M-1. But I don't really see the significance of that point because, again, the lot area requirements for both districts were identical under the 1960 Code. So whatever the considerations were, on whether or not to allow him to build this extension, you know, it should have been the same considerations either district.

Board Member Buzzutto stated well, where does it say it was the M-1 District.

Mrs. Herodes stated I'm sorry.

Board Member Buzzutto stated the M-1 District.

Mrs. Herodes stated he's stating that she's in the M-1 District.

Board Member Buzzutto stated where does it state that that's a three-family...

Mrs. Herodes stated well, the M....Under the Code...

Board Member Buzzutto stated under the Code.

Mrs. Herodes stated the M-1 District permitted all uses unless otherwise prohibited by law. So that's where it states it. It's all uses unless...If you look at the Code, it was a comprehensive code which clearly got more and more expansive as you went down in the districts. If you look at the R-20, it's specifically single-families, you know. If you go to the next district, the C-1 or whatever, you have theaters, banks, churches. You go to the next one, they add a little more; each district got a little more onerous. When we got to the M-1 District, it simply states all uses unless otherwise prohibited by law, meaning, you can't have a casino because that's not legal. So, and again, the Building Inspector appears to have reversed his position on the fact that they were not permitted by his second letter. He does...

Board Member Buzzutto stated but all the uses you mentioned are commercial uses. Theaters, banks, stuff like...so forth.

Mrs. Herodes stated yes. They would all be permitted in the M-1, Light Industrial District.

Board Member Buzzutto stated three apartments, that don't seem like that would be commercial to me.

Mrs. Herodes stated no, no, no. The theaters and banks, that's not even in our district. I was simply stating that the Code seems to...

Board Member Buzzutto stated okay, yeah.

Mrs. Herodes stated the districts seem to build on themselves. So originally, the Building Inspector seemed to say, well, it doesn't say three-families are permitted, so therefore they're not. Well, it doesn't say anything's permitted. So, it doesn't say a church is permitted. It doesn't say anything. It says all uses unless otherwise prohibited by law. That is... That is a fact that's been litigated a million times, and I couldn't even begin to bring in the volumes of case law. If you have a district that permits all uses, it's just that: all uses, unless prohibited by law. If you're going to say that certain uses are excluded, which they do in that subparagraph, they do say but the following are prohibited. And they seem to be ones dealing with noise, etcetera. You can see it in the Code, but they did not prohibit three-families under that same section. So it's all uses unless prohibited by law, and then under subsection B, under the M-1 uses, they do prohibit certain uses, certainly not a three-family. As far as evidence, other than that, as you know, there were three letters submitted by people who were around and residents in the Town of Patterson at that time confirming what the Applicant has stated; that they knew that her family and her grandparents, on both sides, lived in the house as a three-family. The records from the Board of Elections, which someone suggested for my client to get, she did obtain. They do show her grandparents registered voters with the Putnam County Board of Elections, living on South Street. I heard there was some mention made to the fact that it doesn't say 35 South Street, well, that's probably because before 9-1-1, the numbers weren't there or the numbers weren't on the cards, but I don't see any evidence that they lived somewhere else on South Street. I don't know what other assumption could be made by those cards. The Tax Assessor's card clearly shows two-family crossed out, the word three-family. That's also in my exhibits. It appears to be done in 1992. I'm not sure, this is a Rich question, was the Code next changed in 1992 here in Patterson.

Rich Williams stated 1969.

Mrs. Herodes stated when after that.

Rich Williams stated 1974, I believe. '75.

Mrs. Herodes stated '74. Was the garbage district in '92. What's the significance of '92. I'm assuming something...

Melissa Klepack stated it's the garbage district.

Mrs. Herodes stated it was the garbage district.

Melissa Klepack stated they went and counted houses.

Mrs. Herodes stated okay, I'm assuming something happened in '92 that created a look at the records and someone clearly made a change to the description written on my client's tax assessor's card; changed it to three-family. She's been taxed as a three-family. She pays for three garbage units. I've also submitted in

there a municipal search from one of her refinances. She purchased in '86 or in...In '86, purchased as a three-family, financed it with Pawling Savings Bank, refinanced three times. When you refinance a house, as I'm sure many of you know from experience, the title company orders a municipal search from the town building department. The municipal search has to come back clean or the bank isn't going to refinance you. I submitted to you a building inspection search that came back to her title company, in '92 I think it was, showing no violations of record. When that same municipal search was conducted this time for a refinance, which is what generated her knowing there was a problem, she received a letter saying there's a discrepancy in your records and, you know, that that's what brought her here. But again, the Town, you know, can't have her be relying on what they're considering to be a mistake. First of all, I don't think there is a mistake. It was a three-family and there were no violations. So I don't think the prior letters that were issued saying there were no violations were incorrect, and they're correct. But, you know, the facts are that she's relied on that information. She's refinanced three times and has a bank that considers her to be a three-family, which changes the value and changes the scope of her, you know, residence.

Board Member Buzzutto stated did it say anywhere's in that document, or the Code, that three-families was not permitted.

Mrs. Herodes stated no, Sir.

Board Member Buzzutto stated it doesn't say that at all.

Mrs. Herodes stated no.

Board Member Buzzutto stated but it doesn't say that they were permitted either.

Mrs. Herodes stated it doesn't...No, it does not say if they were permitted. So, I would say to you then, under the M-1 District, which this is the definition, all uses unless prohibited by law. Is a church permitted. Is a bank permitted. Is a theater permitted. Is a two-family permitted. You can't answer any of those questions because they're not specifically enumerated as they are in some of your other districts. In some of your other districts, you laid out what the permitted uses were. In that particular district, even its name, Light Industrial District; it's my understanding from my client that there was cigar factory that her grandparents worked on. I hardly think with a cigar factory that it's unreasonable to think that three families existed on South Street and her grandparents, you know, worked there, and said they knew numerous people who resided in the houses who worked at the factories. But that's not really here nor there, I'm just stating that it's not enumerated under that district. So you can't make a determination on anything because it doesn't specifically say any use.

Chairman Olenius stated my biggest problem is all the documentation from 1961, everything states two room extension. It doesn't...Nothing states apartment. Addition or...

Mrs. Herodes stated well, it's a good point. And the reason...

Chairman Olenius stated you know, so I'm just thinking...

Mrs. Herodes stated understood.

Chairman Olenius stated the house is expanding. I'm not seeing three-family yet.

Mrs. Herodes stated okay.

Chairman Olenius stated I don't see three electric meter... You know, electric... I know it's hard to provide. I understand that, from forty years ago.

Mrs. Herodes stated well, here's what...

Chairman Olenius stated you know.

Mrs. Herodes stated I would say to that. First of all, because three-families were permitted in the M-1 District... I'll put it to you this way. If he wasn't expanding the size of the house, he wouldn't have needed to come to the Zoning Board because the use was permitted. If he was staying inside the footprint of the house, and he just decided to put... to change a bedroom into a kitchen and bathroom, he wouldn't have had to ever come to the Zoning Board because the use was permitted. So, the reasons why he were here had more to do with the variances and the expansion of the house on the lot than to do with the three-family. So, I don't find it to be that strange that not much mention was made of the three-family because it was a permitted use in the district.

Board Member Bodor stated the reason for coming was for the expansion out of the footprint...

Mrs. Herodes stated yes.

Board Member Bodor stated for a two room extension.

Mrs. Herodes stated right.

Board Member Bodor stated nothing to do with apartment. Two room extension is not an apartment.

Mrs. Herodes stated well, we don't have the application, correct. I mean, I know my client asked for it, they said it didn't exist. I don't know if that's been turned up, but again, what we have are very sketchy summary of the minutes. Some referring it is to a two room extension versus referring it to a two room apartment, you know, I can't speak to the fact that is doesn't mean that they didn't know it was an apartment. I think there's plenty of evidence to show they did know it was an apartment.

Board Member Bodor stated my thought is if it was indeed an apartment, the application and the wording that was left behind for us to look at would have said a two room apartment, as opposed to a two room extension, which is just knocking out the wall and making the rooms larger.

Mrs. Herodes stated well, we don't have the application from what I understand, so again, a fact that should not be held against the Applicant. If we had the application, that would perhaps shed some light on the fact that... If we had the application, everybody knew what we were talking about, then it's entirely logical that the small summary would have been what we would call sloppy language today because everybody knew what we were talking about. Everybody knew that they were talking about building a, you know, an apartment for the in-laws. So, again, any more information that we can have that would be helpful would have been in the Town records that the Town doesn't have. So, this is a fact that is being held against... So, I guess what I'm hearing is the addition was built, but he illegally put a kitchen and bathroom in there, or the Town didn't know he was doing that. Is that... I'm trying to get what...

Board Member Bodor stated that's what I'm thinking, yes. You know, he applied for a two room extension...

Mrs. Herodes stated okay.

Board Member Bodor stated which was not just a two room extension. In fact, it was an apartment.

Mrs. Herodes stated but he didn't need a...He didn't need the Town's approval to put a three-family. So let's just be clear on that. He didn't need to get approval to be a three-family because the use was permitted. So whether or not it was discussed...

Board Member Bodor stated but he wasn't asking for...Going back...

Mrs. Herodes stated yes...

Board Member Bodor stated he wasn't asking for an apartment, to my way of thinking.

Mrs. Herodes stated okay...

Board Member Bodor stated but I...A room extension is not the same as an apartment, to my way of thinking.

Mrs. Herodes stated understood. But if he got his variance to be able to do the room extension, so the house as it sat on the lot was in compliance, three-family units were permitted in the Town. You didn't need permission to go be a three-family unit. It was permitted. So it's back to my analogy that if he put a third family unit in and do any extension, he wouldn't have had to come to the Zoning Board because it was already permitted. You don't have to come seeking permission for something that is already permitted in your district.

Board Member Buzzutto stated this one little section, this document we received here. It says three-family residences were not...were clearly not, oh, not prohibited in the M-1 zone in the district the Code...Okay. That's something else. That's RPL-5.

Board Member Bodor stated was a building permit obtained for that extension.

Mrs. Herodes stated was any turned up when you went to the records [asking Ms. Pettey]. No body...There was no records. So we don't know. There's no...

Board Member Bodor stated and there was no Certificate of Occupancy.

Mrs. Herodes stated was there...is there a CO in your file.

Ms. Pettey stated no.

Board Member Bodor stated both those things would be very helpful.

Melissa Klepack stated I don't think Certificate of Occupancies were given at that time.

Mrs. Herodes stated weren't given at that...That was prior to the...

Melissa Klepack stated yes, that was prior to the...Yes.

Board Member Bodor stated the building permit, too.

Melissa Klepack stated I'm not sure about a building permit. I'm assuming that you would still need that.

Mrs. Herodes stated it was definitely prior to COs, yes.

Melissa Klepack stated yes.

Board Member Bodor stated okay.

Mrs. Herodes stated so that wouldn't help us. Quite honestly, anything... We can't... I can't possibly think of anything that could help you. I mean, certainly in a case of a preexisting, nonconforming, it's never... It wouldn't be a case if it wasn't... if it was perfectly decided, but she certainly has far more to show that she was preexisting, nonconforming than I've seen in other cases, including people who were alive at that time. Again, I think it's highly relevant that they bothered to... If we're going to pick apart what they did say in the minutes and find relevance in it, if we're going to find relevance in the fact that they said addition and not apartment, it's very relevant that they talk to the sanitary inspector. You don't go talking to the sanitary inspector to put a two room addition on your house. That's not going to put more strain on the sanitary systems. But it is if you're going to put a kitchen and a bathroom, which they did do, which your Building Inspector has, you know, again agreed was built at that time. So there has to be some relevance placed on the fact that they had concerns over the system.

Board Member Burdick stated following that same logic though, it could be that they were... they knew they were putting in a bedroom for the grandparents, not necessarily an apartment, and you would ask the sanitary inspector because there's two more people coming in to live on the house. Whether that is okay, not necessarily building an apartment. So...

Mrs. Herodes stated absolutely.

Board Member Burdick stated there's the other side of it as well.

Mrs. Herodes stated but it gets me one step closer because it's an acknowledgement that there were more people coming to live in the house. I don't have any evidence because, again, I don't have longer minutes to know whether he came here saying I'm building an apartment, you know, for my in-laws. Whether it said on the application, you know, we just have, you know, we have what we have in the minutes. I don't think they're conclusory either way, but I think the lack of what they tell us, that the error needs to be made in favor of the Applicant based on the other evidence that she has; not only her own testimony as someone who lived in the house from a small child, but the letters from the three people that she submitted who had knowledge of the home and who was living there, and that existed in that way since that time.

Board Member Buzzutto stated is there anything shown in the County records.

Mrs. Herodes stated yes, Putnam County records, imaging online, lists her house as a three-family.

Board Member Buzzutto stated yes. The County.

Mrs. Herodes stated yes. If you go online right now, I have a copy of it, Putnam County says three kitchens, three bathrooms, and list her house as a three-family dwelling. Three garbage districts. Here's

the online print out, Putnam County. So of course, they change that information from the Town. I highlighted the relevant parts, Mr. Buzzutto, so if you flip, you'll see the indications where it refers to three kitchens, three families, three bathrooms, three garbage districts. She's been being taxed as a three family and three garbage districts since at least 1992.

Board Member Buzzutto stated and the date on this was...

Mrs. Herodes stated I printed that out a week or two ago.

Board Member Buzzutto stated yes.

Mrs. Herodes stated but I looked at it today.

Board Member Buzzutto stated did anybody want to see this.

Board Member Herbst stated let me see this.

Board Member Buzzutto stated (inaudible) highlighted in yellow. Shouldn't we have a copy of this for the Zoning Board.

Melissa Klepack stated I think it was attached to one of the memos.

Board Member Buzzutto stated I'm sorry.

Melissa Klepack stated what she showed you.

Board Member Buzzutto stated yes.

Melissa Klepack stated I believe it was attached to one of her memos.

Board Member Buzzutto stated oh, fine.

Melissa Klepack stated that's probably tied in...

Mrs. Herodes stated (inaudible – too distant).

Melissa Klepack stated yes. It's probably tied into the taxes and as we stated, the Tax Assessor had it listed as a three-family since 1991 or '92. So that's why that says three-family. But the Building Department never had it listed as a three-family.

Board Member Buzzutto stated where do we go from here, Jerry.

Board Member Herbst stated I don't know.

Mrs. Herodes stated oh, the Building Department had it listed as what. It didn't really have it listed because it was prior to the issuance of COs, so...

Melissa Klepack stated it always had it as a two-family.

Mrs. Herodes stated I didn't see any...

Melissa Klepack stated yes.

Mrs. Herodes stated Building Department records.

Melissa Klepack stated I have.

Board Member Buzzutto stated so many papers on this.

Mrs. Herodes stated you know, but again, you know, I get back to the point that if...Even if he built the addition just as two rooms, and let's say it was never discussed, although I don't think that's the case. I'm just arguing the other side, he built the two rooms. He got the permission to build this house; to increase the size of his house, to deal with whatever variances were required. And he subsequent to that, when he went and built it, put in a kitchen and a bathroom and made his house into a three-family. I'm still not following how that wasn't permitted because three-families were permitted in the M-1 District. So, we're getting hung up on his permission to put in three-families when in fact, the permission existed under the Code.

Chairman Olenius stated I understand your argument, but going back to the summary reports and everything else...

Mrs. Herodes stated yes.

Chairman Olenius stated nothing in that states...It states addition. It doesn't state kitchen. I don't...

Mrs. Herodes stated understood.

Chairman Olenius stated see that written in there, so...

Mrs. Herodes stated understood.

Chairman Olenius stated you're speculating one way and I'm speculating another way that it was just...

Mrs. Herodes stated well, I'm not...

Chairman Olenius stated a family room for all I know.

Mrs. Herodes stated I'm really not speculating. I'm agreeing...I'm saying to you...I'm not agreeing with you, but I'm saying let's say it was a family room that he put on. He got his appropriate variances to increase the size of the house. To deal with whatever...We'll all assume that whatever should have been done at the Zoning Board for that was done. And then when he went to go build it he said, you know what, this is going to be hard using two kitchens, and put in a kitchen and a bathroom. Why wasn't that permitted when...Making it a three-family, three-families were permitted in the district. He wouldn't have had to seek approval to put in a three-family.

Board Member Bodor stated what about the size of the lot.

Mrs. Herodes stated right. That's why...

Board Member Bodor stated is that in conformance...conformity with the zoning that established at that time.

Mrs. Herodes stated the size of the lot, apparently, was not even in conform...not conforming, from how I read the minutes, for the house as it existed at the time he came. Because they say although the house is nonconforming already, it's use is one permitted in the district. You know, there's language to that degree. So, the size of the lot, or therefore the area variance requirement, had to have been wrapped up into what was being done in 1961 because he was expanding the size of the house, clearly. The addition was making the house larger. Should it have needed a lot area variance in addition to possibly sideline variance, I don't know what the, you know, situation was then.

Board Member Buzzutto stated but there's no record that he came to the Zoning Board to get approvals to put the third apartment in, as far as I can see.

Mrs. Herodes stated he came to the Zoning Board in 1961. All we know is he came here to...

Board Member Buzzutto stated but...

Mrs. Herodes stated build an addition, and he received variances for that. So, there is no proof, yes, that he told them it was going to be an apartment because the minutes don't give me that. They just say a two room addition. It doesn't mean it wasn't an apartment. It doesn't mean it wasn't stated. Clearly, a lot more was stated at the Zoning Board meeting than seven lines. There's a lot of information missing on what was discussed.

Board Member Buzzutto stated there's no documentation of any of it, though.

Mrs. Herodes stated that's right. And that's on the Town for not having those records. Not on my client, because if we had better minutes, you know, more accurate minutes and not stating that, you know, many towns didn't have at that time. I'm not... You know, I didn't mean to be blaming the Town in that regard, but I'm saying but the blame can't then or the, you know, the fault of that or the repercussions of that can't be put on the Applicant because the Town doesn't have better records. If you had detailed minutes as we have now, if it was recorded, if, if, if, we'd have our answers to all these. We'd know exactly what was discussed. What he was there for. So all we can do is go on the totality of evidence that we do have and see if you feel that there is enough to determine that he built the apartment in 1961. That it's...that three-family uses were permitted in that district. That the apartment, was in fact, occupied, or the house, by three families from that time until now. And, you know, there have been cases where preexisting nonconforming decision has been made simply on letters of neighbors. She's got more evidence than that, you know. She's go the Putnam County Board records. I mean, if there is something else that you could think of or that I could think of, I would get it. But I don't know what else could possibly exist short of better records. If we even had his application, his actual application, to see what he said on his application, again, that would help. But, I still think it might be remiss in using the word apartment because, again, he was focusing on the variances and the fact that he needed to expand the house and deal with that concept and not...

Board Member Buzzutto stated well, why wasn't there a CO issued.

Mrs. Herodes stated because it was prior to the time that COs were issued.

Board Member Buzzutto stated that was prior...

Melissa Klepack stated yes.

Board Member Buzzutto stated to the time.

Melissa Klepack stated yes it was.

Chairman Olenius stated does anybody else in the audience have any comment on this case.

Audience member stated just let her have the three family.

[Laughter]

Audience member stated come on. It's 1961.

Board Member Buzzutto stated it's not that easy.

Audience member stated make your taxes (inaudible).

Mrs. Herodes stated and that is a separate issue, that she has been paying taxes and being charged for three units since 1992, but that's not the point we're making. Thank you from the peanut gallery back there.

Melissa Klepack stated I misspoke before when I said the Building Department. It was the Planning Board that had it as a two-family. Yes.

Mrs. Herodes stated okay. Thank you. I didn't think so, but...

Melissa Klepack stated yes.

Chairman Olenius stated it's complicated.

Board Member Buzzutto stated it's complicated, yes.

Mrs. Herodes stated if I could get a sense from the Board, just maybe...I don't want to belabor points that maybe aren't an issue any more. Are we in agreement that the M-1, Light Industrial District which she was in, permitted three-families in 1961.

Board Member Buzzutto stated I don't agree with it because it doesn't specify any particular permitted uses. Is three-family a permitted use.

Mrs. Herodes stated okay.

Board Member Buzzutto stated you have to ask to Rich to (inaudible).

Mrs. Herodes stated the way the Code was done at that time, in certain sections, in certain districts, you specified as you're asking. That you specified in the Code what things were specifically permitted. When you list things in a permissive manner like that, yes, those items which are not mentioned are then, by theory, excluded. Okay. So, for instance, in the R-20 districts, one-family houses, churches or similar

places of worship, public schools, customary agricultural operations. So yes, a movie theater would not be permitted in the R-20 in 1961 because it wasn't listed, okay. When you go to your next section, C-1 and C-2, all the uses permitted in the residential district listed above and now we add stores and shops, personal service, banks, theaters, motels, garages, okay. When we go now to my client's district, the M-1 Light Industrial District, all uses permitted unless...all uses unless prohibited by law. So clearly the Code was building on which districts could have what. The least in the R-20, building up to the M-1, where pretty much anything went as long as it wasn't illegal, which is what that says. So, again, I would say to you if you're going to say a three-family wasn't permitted under the M-1, then what was. So if you tell me a church was permitted, you have no authority to say that either; it doesn't list church. Doesn't list bank. Doesn't list movie theater. Doesn't list two-family. Doesn't list one-family for that matter. How do we know what's permitted in there. It doesn't list anything. It says all uses unless prohibited by law. Three-families were not in 1961...When we say the law, we don't mean the law of the Town of Patterson, although your Code doesn't say three-families were not permitted elsewhere in the Code, and even if it did that should say unless otherwise prohibited by this Code. It doesn't say that. Three-families were not prohibited by law. Three-families were permitted in the M-1 district.

Board Member Buzzutto stated well, what do you think. Get some advice.

Chairman Olenius stated it's a very compelling argument. I just wish that it stated somewhere in...something other than extension. So I know for a fact that it was a preexisting, nonconforming in 1960.

Mrs. Herodes stated well, we do know it was built then. We do know it was built then. The Building Inspector, again, only gave that to me verbally. I didn't...I thought he would be here and I was going to have him state it to the Board, but he does acknowledge that it was of similar age and built at the same time that the addition was built. That doesn't answer what you want to see, which is that you want to see that he told the Board that I'm building an apartment. But again, since three-families were permitted, he didn't really need permission for that. He needed permission for expanding his size, going closer to the sideline, whatever was going on there, because we don't have the minutes on that. But we know existed from 1961. We know the apartment's been there. We know people have been living in there. Her family for a long period of time. Rentals, etcetera, it's been there. So, to be preexisting, nonconforming, the use had to be legal when permitted. Had to actually...use had been created and continued. So we know it was legal when it was created. We know it was created; the Building Inspector has verified that for you that this addition has been there since 1961, with a kitchen, with a bathroom. And we know that she's had continued use.

Melissa Klepack stated obtaining the appropriate variance also goes into it being legal as well. It's not just that the use itself is legal, but they obtain the appropriate variance to make it legal. Because at that time, it didn't meet the minimum lot requirement for a three-family.

Board Member Buzzutto stated okay.

Chairman Olenius stated so there would have been an additional variance required.

Melissa Klepack stated well, I think what's going back and forth is whether the variance that was obtained was the variance for apartment.

Mrs. Herodes stated exactly.

Board Member Bodor stated was the variance for the less than allowed lot size.

Mrs. Herodes stated and again, we don't know what the variance was for. The Building Inspector has made the determination that it was for a sideline violation. I think it's clear if you read that, that he's misreading that. They say that there is an existing sideline violation. I believe he's just referring to the fact that the house as it already sat was in violation. Something that we say all the time at zoning board meetings, we point out like, okay, well you're here for this but it should be noted that you're already in violation over here. You know, that I think they were just getting the facts out. Certainly doesn't say he was here for a variance for a sideline violation. So the presumption has to be that he was there and made to get whatever variances he needed to get to expand the size of his house on the lot, including lot area, you know, lot area variance.

Board Member Buzzutto stated did that third apartment meet the requirements of the fire department with fire escapes, stuff like that.

Ms. Pettey stated it's one floor.

Board Member Buzzutto stated it's on the bottom floor.

Mrs. Herodes stated it's on the bottom floor.

Board Member Buzzutto stated okay.

Mrs. Herodes stated it has its own exit to the outside. It's actually its own apartment. It's connected by a hallway to the rest of the house. It is a freestanding apartment, so to speak, on the first floor with its own ingress and egress.

Board Member Buzzutto stated the whole apartment's on the bottom floor.

Ms. Pettey stated yes.

Board Member Buzzutto stated there are no bedrooms upstairs or anything like that. I'm (inaudible) questions. Let me whether that code...When was that.

Mrs. Herodes stated I think also, just to confuse matters more, the Building Inspector states in his first determination letter, he ends by saying your house is at, you know, your house is at most a two-family. I don't remember the exact wording he uses. So, she doesn't meet the minimum lot requirements to be a two-family then. So again, we're making determinations without...So if she didn't even have the lot area to be a two-family, when he came before the Board...when Mr. Bubenicek came before the Zoning Board at that time, again, the presumption has to be that the Board did its job and dealt with...I mean, of course you get houses in front of you where people have already done stuff, but you deal with what's in front of you and you correct what needs to be corrected or you deny the variances and you hold somebody in violation. So, it didn't even meet the lot area requirement to be a two-family. So you can't even make that, so we're determining that she was a two-family...a legal two, but not a legal three. There's no basis to make that determination.

Board Member Buzzutto stated there aren't...There're newer houses on the end of South Street, down by the school that were built in the last...

Mrs. Herodes stated yes, those appear to be newer, I think, aren't they. Yes.

Board Member Buzzutto stated there is, isn't there. A couple of brand new houses way down on the end...

Mrs. Herodes stated yes.

Board Member Buzzutto stated near the school.

Mrs. Herodes stated yes.

Rich Williams stated I'm missing the relevance.

Board Member Buzzutto stated well, I just wonder what the requirements at that time...

Mrs. Herodes stated well, that doesn't...

Board Member Buzzutto stated what they could use and what they couldn't use.

Mrs. Herodes stated well, they would be build under today's Code.

Rich Williams stated not relevant to this.

Board Member Buzzutto stated no, but if, I mean, it was stated in some documents that three-families are not permitted in their applications.

Mrs. Herodes stated well, under your new Code, I believe, under the current Code, three-families are not permitted. Correct. In any of your districts.

Melissa Klepack stated yes. That's correct. Yes.

Mrs. Herodes stated yes. So...

Melissa Klepack stated under the current Code, three-families aren't allowed. So it wouldn't apply.

Board Member Buzzutto stated so basically, you're going on the...

Mrs. Herodes stated the law states...

Board Member Buzzutto stated preexisting.

Melissa Klepack stated yes.

Mrs. Herodes stated that's right. We have to go on the old Code. You can't apply today's Code here. You're excluded from applying today's Code.

Board Member Buzzutto stated okay.

Mrs. Herodes stated that's the exact opposite of what is permitted.

Board Member Buzzutto stated so there is a Code on the books today that three-families are not permitted...

Mrs. Herodes stated correct.

Board Member Buzzutto stated on South Street.

Mrs. Herodes stated that's right. But what controls your decision is what the Code said in 1960. That's why we have preexisting, nonconforming, you know, in...

Board Member Buzzutto stated yes.

Mrs. Herodes stated the law. Because you can't change zoning and affect someone's property backwards. So that's why we have preexisting, nonconforming. So today's Code is not relevant.

Board Member Buzzutto stated okay.

Chairman Olenius stated I just don't see enough evidence that it was a separate dwelling unit. I don't deny the fact that the grandparents came and lived with you, but I can't see anywhere... There's not enough evidence to show that it was a separate dwelling unit. You know, it was an extension. Everything says extension.

Mrs. Herodes stated the fact that...

Chairman Olenius stated it wasn't...it doesn't...Nothing states a separate unit to make it the third dwelling unit within the property.

Mrs. Herodes stated well, there's a lot that it doesn't say. Again, we're picking on the parts that it doesn't say...

Chairman Olenius stated I know. That's what...

Mrs. Herodes stated that you want it to say for my part. But I don't...It doesn't say a lot that I think it should say that it needs to say for my client. Again, it may not say it, but the reality is it was built. You know, Director of Code Enforcement is willing to concede that it was built in 1961. There was a kitchen. There was a bathroom. You're telling me you do possibly agree and believe that her grandparents lived there. There's affidavits, so this was an occupied third apartment which was permitted in that district.

Chairman Olenius stated you know, I can put an extension on my house and my parents could live there.

Mrs. Herodes stated well, if three-families are permitted and you were...

Chairman Olenius stated no, I'm just saying, it doesn't mean that it's a separate dwelling unit just because I put an addition on for them to reside within. It's part of my dwelling. You know, it's not...

Mrs. Herodes stated well, you look at...

Chairman Olenius stated totally separate...

Mrs. Herodes stated if you look at the property, which I don't know if you have, it's clearly a separate...

Chairman Olenius stated I've only seen it from the outside.

Mrs. Herodes stated it's clearly a separate unit. It's the way it's connected to the house. The way it has its own ingress and egress. It's kitchen, bathroom, bedroom. It has a little hallway connecting it with an interior door into the other... You know, it was clearly built as a separate... It's not just, you know, a room off of a room.

Chairman Olenius stated you just stated, it has a door into the main... another dwelling unit.

Mrs. Herodes stated how does the hallway work.

Ms. Pettey stated there's a hallway in between and there's the door to the apartment and there's the door to the other apartment.

Board Member Bodor stated so there are internal doors to that apartment. It's not...

Ms. Pettey stated no. There are not...

Board Member Bodor stated is there a wall there.

Ms. Pettey stated there are not internal doors to that apartment. The door has a front door, and that's the only way you get into that apartment.

Board Member Bodor stated what's this hall you were talking of.

Ms. Pettey stated when you come out of the apartment there's a hallway, just like in the building. When you come out of your apartment there's a hallway to go to the next apartment, and then there's the next door for the next apartment. That's what that is there.

Board Member Bodor stated there are doors off the hall, which is interior.

Ms. Pettey stated yes.

Board Member Bodor stated to two separate... to two different apartments.

Ms. Pettey stated right. There's a door...

Board Member Bodor stated so there is...

Ms. Pettey stated to one apartment here. There's a door to one apartment here.

Board Member Bodor stated there is an internal way to access the apartment.

Ms. Pettey stated not unless you have a key to the front door. I mean...

Board Member Bodor stated there is a door that opens from the hall inside the main part of the residence...

Mrs. Herodes stated yes.

Board Member Bodor stated to the apartment.

Mrs. Herodes stated yes.

Board Member Bodor stated locked or unlocked, it's there.

Mrs. Herodes stated yes.

Board Member Bodor stated there's no wall there.

Mrs. Herodes stated absolutely.

Ms. Pettey stated no.

Mrs. Herodes stated absolutely. Just for the record, I have a legal accessory apartment in my house, and there's no wall. My mother's apartment, and there's a door from my living room, and it's a legal apartment. So I don't...I get where you're getting at, but it doesn't necessarily mean that there had to be a wall to make it a separate legal unit.

Board Member Bodor stated well, especially now that it's a rental, I would think that there should be a solid wall there for privacy...

Mrs. Herodes stated oh yeah, I mean that's why she's talked about the locked door, I think that's what she was getting hung up on your question.

Ms. Pettey stated there's an entryway. You enter into an entryway, just like at the other...at my building here.

Mrs. Herodes stated like an apartment building.

Ms. Pettey stated you go down the hall and there's an apartment here, there's an apartment here, there's an apartment here. Each one has it's separate door. You're in a hall. So that is the same thing. You go in through a back door, there's a hall, and this apartment's over here and this apartment's over here.

Board Member Bodor stated in your residence.

Ms. Pettey stated yes.

Board Member Bodor stated how many apartments. Apartments, apartments.

Ms. Pettey stated in which one.

Mrs. Herodes stated in 35 [South Street].

Board Member Bodor stated where you're living.

Ms. Pettey stated in thirty...I live at Front Street.

Board Member Bodor stated on Front...Oh, you're living on Front Street. Alright.

Ms. Pettey stated yes.

Board Member Bodor stated we're talking 35.

Mrs. Herodes stated 35, there's three.

Board Member Bodor stated there's three apartments.

Ms. Pettey stated there's three.

Board Member Bodor stated you're not in residence.

Ms. Pettey stated no. Not right now I'm not, but I still maintain an apartment there, I just live at Front Street.

Mrs. Herodes stated I think the point Kathy was trying to make, if I understand it, is these are not, you know, like a door that one would have inside their house. These are more of an apartment door that locks, you know, that only the tenants can get into their own apartments. It's not, you know, like everyone's walking around the house together, I take it.

Ms. Pettey stated right.

Chairman Olenius stated I understand that, but the doors and locks can change in 40 years, since this was built.

Mrs. Herodes stated absolutely.

Chairman Olenius stated you know, I don't know...

Mrs. Herodes stated I'm just answering your question that I don't think...

Chairman Olenius stated I just don't see the original...My personal opinion is, from the original...the evidence submitted here, I just don't...I see a two room extension. I don't see a separate dwelling unit, and that's what I'm hung up on.

Mrs. Herodes stated you see a two room extension and you see a, or I think I hear you saying that, even you're conceding that the grandparents were moved in there.

Chairman Olenius stated yes.

Mrs. Herodes stated but that it wasn't an apartment.

Chairman Olenius stated correct.

Mrs. Herodes stated okay. So what makes something an apartment. What makes something an apartment to the bank and to the building department is a kitchen and a bathroom, makes something an apartment.

Really, a kitchen is the really relevant. That's what makes something an apartment. That's what ties up your Building Department when people go and get there municipal searches and they have a basement that they put a kitchen in. So, the kitchen and the bathroom were there. What makes an apartment. You seem to want it to be an apartment because he came in and got permission to make it an apartment. But he didn't need permission to put a third apartment, because three-families were permitted. He needed permission to expand his footprint, to deal with whatever variances he needed to deal with his lot area size. So we know the apartment was there, and the Building Inspector's conceded that kitchen and bathroom were there at 1961. We know he got variances to deal with whatever issues he had with the dwelling unit. And we know that the people lived there. We do have over on the evidence that two sets of grandparents and Ms. Pettey's family lived. The three families occupied that. So what's...I think you're saying that it makes it an apartment if we had it stated on the record that I'm building an apartment. We don't know whether it was stated on the record or not. Again, clearly seven lines was not an entire meeting on this matter, even in 1961, when I'm sure things were a little easier, but I'm sure there's more than 7 lines. We don't have his application. We don't know anything about what was stated. Yes I'm inferring, Ms. Burdick's point is well taken that the inference of why the Building Inspector certainly can be looked at it that way, that they knew that the parents, you know, the grandparents were moving in there. Again, you know...

Board Member Buzzutto stated before it...Was it your parents or your grandparents.

Ms. Pettey stated it's my grandparents.

Board Member Buzzutto stated who lived there. What were they living in. Just a bedroom or stuff like that. It wasn't an apartment. Or...

Ms. Pettey stated it was an apartment.

Board Member Buzzutto stated it was an apartment then, when...

Mrs. Herodes stated I think I hear what you're asking. She said one set of grandparents living in one apartment. Her and her family were living in another apartment.

Board Member Buzzutto stated right.

Mrs. Herodes stated they wanted to bring her other set of grandparents from the Bronx to reside in the house, and thus the addition and that's why her father, Mr. Bubenicek, came to the Zoning Board, to build...

Board Member Buzzutto stated and that's when they built the...

Mrs. Herodes stated right. The third...

Board Member Buzzutto stated addition.

Mrs. Herodes stated unit, which is what we're, you know, discussing.

TAPE ENDED

Mrs. Herodes stated yes. They built the third apartment for her other set of grandparents...

Board Member Buzzutto stated yes.

Mrs. Herodes stated who moved up from the Bronx to live with them.

Board Member Buzzutto stated but the kitchen setup, and everything like that, was...

Mrs. Herodes stated kitchen, bathroom, bedroom. There's three kitchens, there's three bathrooms.

Board Member Buzzutto stated well, I don't know where you go from here.

Mrs. Herodes stated well, the third apartment was, I'm not being facetious by using the word apartment, but the third unit was built. The kitchen and bathroom were built in 1961. So from all that time until 2011, when my client got a municipal search, she never had been violated, the Building Department never came in and said this is illegal, you've got three families here. So, again, you know, you can not exist this way, all this time, under the right of law as far as I'm concerned, with not compelling evidence that he didn't have what he needed, and then turn around fifty something years later, and say oh wait a second, this isn't legal. Why wasn't she violated in years before. In three prior municipal searches, just in her ownership alone, why didn't the Building Inspector send out the same letter that's going out now. Okay, the letter that her title company got, I'm guessing, is a new thing that's being down because I do a fair amount of real estate and I have three clients who got the same letter from the Building Department: There seems to be a discrepancy in your records. The Building... You must immediately make an appointment with the Building Inspector. Okay, maybe this is a new way to be going in and making sure houses are where they need to be. Understood. But again, she has relied on the fact that for fifty years she has existed this way, with no violations placed on her by the Town. She's refinanced the house three times and had three financial institutions rely on the fact that she's a three family. You know, I'm not getting into the financial hardship arguments, which are better saved for appeal which I hope it doesn't come to but, you know, she bought this house as a three-family. She operates it as a three-family. She financed it as a three-family. The whole reason that we're here is because her refinanced has been held up because now the bank needs to know she's a three-family.

Board Member Buzzutto stated well, why did the bank deny the application for the loan.

Mrs. Herodes stated a bank will deny it if they think you're a three...if they thought you were a three-family, and now the Town says you are a two-family. That decreases the value of your property. It decreases the rent that you could collect; she collects rent. That factors into your mortgage. Your mortgage ability. So now, they're going to say, well we're not going to accept that you have three rental units and we're not going to deal with that you have three leases because you're not legal. And again, a bank, and I represent many banks and, you know, on their end of it. A bank wants to know that a house is legal, so the ultimate problem, which is the bank having to foreclose, the bank doesn't want to have a problem. So they have to know that a house is legal in all respects. So they know the house is a three-family, but yet if they get a determination from the Building Department, from the Zoning Board, that the house is a two-family, that changes everything. That's a huge problem for her. Just recently built a garage which is why she refinanced to get the money to pay her contractor for this. And again, I'm not saying that makes it why, but I'm just saying...

Board Member Buzzutto stated right.

Mrs. Herodes stated these are the factors of how she is harmed by a determination that should have been made a long time ago if she's not legal. Violations are placed on properties all the time. It's fifty years. It's very obvious what's...And these houses are not exactly setup into the woods. South Street is pretty visible. You know, there's three doors. There's, you know, if you look at the property, you know, anytime she could have been violated. She wasn't violated. When the Tax Assessor...When the garbage districts came in, the Town was very quick to say you're three garbage districts and start charging her to be three districts. Tax Assessor's been taxing her as a three-family. No connection there, unless...Believe me, obviously you know that I know the disconnect between Building Departments and Tax Assessor's Office. I'm not going to make that argument to you but when we have a situation like this, that failure to connect cannot be placed on the applicant. So if anything, if we determine otherwise, this Town owes her back a lot of money because you're saying she wasn't a legal three-family all that time. So how can you tax somebody and collect garbage for three units and then turn around and make a determination that she's not.

Board Member Buzzutto stated I tell you what though, I'm glad you're sitting there instead of me [referring to Chairman Olenius].

Chairman Olenius stated you make very compelling arguments, and I don't deny that. I just...I wish I had more evidence to the fact.

Mrs. Herodes stated understood.

Chairman Olenius stated I'm just not...I'm not convinced, personally. That's my personal opinion.

Mrs. Herodes stated so the only evidence that would compel you, from what I'm hearing, are more clear minutes. I do want you to say it on the record for me. Because that was the only thing that could convince you, from what you're saying, would be having more clear minutes from the Town's records.

Chairman Olenius stated there may be one...

Mrs. Herodes stated unless there's something else. And you need to tell me what it is.

Chairman Olenius stated there may be one other thing.

Mrs. Herodes stated if I can get it.

Chairman Olenius stated because I agree that the minutes are rather unclear and you have some statements here and everything but from what I'm reading and what's been presented, it's a two room extension. I'm picturing a big empty box. I would have loved to see some prints, some drawings, that showed a kitchen broken up in there instead of just a box. You know, a kitchen and a bathroom, you know, from 1960.

Mrs. Herodes stated there is no plans for the construction. He did it himself. It says it right on your Tax Assessor's card.

Chairman Olenius stated yes, I know.

Mrs. Herodes stated that can't be held against him because he did build it himself.

Board Member Bodor stated I understand.

Mrs. Herodes stated yes.

Board Member Bodor stated but there must have been a drawing or something, I mean, that he went by. You know, this is...

Mrs. Herodes stated well, that would be on the Town. I mean, if this is...The Town would have asked him for that.

Board Member Bodor stated the building permit.

Mrs. Herodes stated well, it was prior to the issuance of COs, so they probably didn't operate...

Board Member Bodor stated no building permits back then either. I don't know that.

Mrs. Herodes stated I don't know. I won't represent that. I know there were no COs. I'd have to check on that and I honestly don't know the answer to that. But again, if there was a building permit, it's for the Town to produce. I wouldn't have the building permit. The Town would have a building permit, which I presume you don't have.

Board Member Bodor stated the land owner usually gets a copy of the building permit and they have to post it in this day and age.

Mrs. Herodes stated absolutely. But if...It was her father. It was fifty years ago. If she didn't have that, certainly the Town should have it. You know, you do have to post that. The contractor has it now. But, I mean, who, you know, who knows what went on then. I don't know what went on then. You know, I'm not suggesting a site inspection, but, you know, there may not have been any plans submitted. But again, the kitchen and bathroom were built then. They do date back to then. You can see they were original. I don't think I'm hearing any argument that this kitchen got put in like in 1980, unless that is what I'm hearing, because then maybe...

Chairman Olenius stated well, I just don't know because I don't have an affidavit from the Building Inspector...

Mrs. Herodes stated okay.

Chairman Olenius stated saying that he...

Mrs. Herodes stated understood.

Chairman Olenius stated went out and dated the stuff. You know, I'm taking your word for it. I'm hearing what you're saying, but...

Mrs. Herodes stated understood. And I asked him...The reason I asked him was because I was going to have that done. But that would be an expense, but it's easily done.

Chairman Olenius stated no, even his own words, you know, if he said he looked at it and stated that it was.

Mrs. Herodes stated well, I thought he would be here to be able to tell you that, but, again, I just wanted to know whether I needed to hire, you know, someone qualified to make that determination for you which is

so easily done, obviously, with the piping and the fixtures. And she's got her turquoise, you know, bathtub which they probably haven't made since 1960. You know, so, you know, I could have easily done that, and that's why I asked him the question, you know, are you conceding the age of these items; the kitchen and bathroom. It's certainly something that you can check with him on in your determination phase.

Board Member Burdick stated I would feel comfortable with a letter from the Building Inspector. I wouldn't need...

Chairman Olenius stated I wouldn't... Yes. I wouldn't need you to hire a third party. You know, I would be comfortable with something like that, but...

Board Member Burdick stated can I ask our counsel a question, too.

Melissa Klepack stated yes.

Board Member Burdick stated do you agree that three-family was allowed in the M-1.

Melissa Klepack stated I do agree with that.

Board Member Burdick stated you do agree with that.

Melissa Klepack stated yes.

Board Member Burdick stated okay.

Board Member Burdick stated I would request...

Audience member stated but you've been paying taxes on a three-family...

Board Member Burdick stated I would...

Audience member stated since 1960.

Board Member Burdick stated I think your case is up next.

Audience member stated oh, I'm sorry. I was just trying...

Board Member Burdick stated unless you have something to add, then you have to come up to the microphone so it can go on the record.

Audience member stated oh, I'm sorry.

Board Member Burdick stated I would request that we get a letter from Nick making that determination, and if counsel agrees that three-families are allowed in the M-1. For me personally, that was the only stumbling block as to whether three-families were allowed.

Chairman Olenius stated right.

Mrs. Herodes stated and by the way, that was the original determination letter that I'm appealing from. This...All these other new arguments came in the second letter. But that's fine. He certainly has a right to raise new information during the proceeding. If in fact he isn't willing to make...I'll be surprised if he doesn't, you know, standby what he said on the phone to me, if in fact he determines otherwise, then I would want time to hire a third party because I have no doubts that that was built at that time and I'll hire someone and, you know...but I don't think it's going to come to that. He told me on the phone, I just said, Nick, do I need to hire somebody or did you get a look at the appliances and would you say they date back to then. He said yes, I would say they were of the same timeframe, built at the time.

Board Member Buzzutto stated let's go that...

Board Member Burdick stated is there anything else that you can think of that we should be asking her.

Chairman Olenius stated on that note there, I'll just make a motion to table it one more month. Request Building Inspector submit some sort of proof. And I'm just going to add, and I don't know, I'm not going to put this burden on you, but if any chance you have photographs from back then.

Mrs. Herodes stated oh, do you have any of that.

Chairman Olenius stated any chance that you find something that goes back then...

Ms. Pettey stated actually, you know what I do have, I have an old...It's an 8 millimeter film that we put on a video tape and there is one little clip of it. It's about two seconds long, but if you freeze it you can see that thing partial built with my mother standing in the doorway.

Chairman Olenius stated even pictures of your grandparents in the house with these fixtures that we're going to get stated were put in in nineteen...I don't know. Some people keep...I don't want to put that burden on you, I just figured maybe, oh yeah, I have grandma's photo album, or...

Mrs. Herodes stated for clarity, am I requesting this letter from the Building Inspector or is the Board making that request.

Chairman Olenius stated I'll just request it.

Mrs. Herodes stated you're going to request it.

Chairman Olenius stated yes.

Mrs. Herodes stated okay. And certainly, again, if, like that was a good example, I...There's nothing else I can think of. It's not that I thought of things and she can't provide it.

Chairman Olenius stated right.

Mrs. Herodes stated it's just, you know, it's fifty years ago. I can't think of what else we could give that would be, you know...

Chairman Olenius stated I was just thinking of a visual comparison, you know.

Mrs. Herodes stated compare it. Absolutely.

Chairman Olenius stated it just came to my mind during the discussions.

Mrs. Herodes stated maybe you could freeze that and print it out. Take it to a video store...

Board Member Buzzutto stated I agree.

Chairman Olenius stated if possible.

Mrs. Herodes stated if they can print it out.

Chairman Olenius stated I'm not going to put the full burden on you.

Ms. Pettey stated that's the outside of it. That's not the inside.

Mrs. Herodes stated you want to see the kitchen.

Ms. Pettey stated you want to see the inside.

Chairman Olenius stated I was hoping to see something, you know, with those fixtures.

Ms. Pettey stated okay.

Chairman Olenius stated I figured it was worth asking.

Mrs. Herodes stated you never know.

Board Member Buzzutto stated okay.

Mrs. Herodes stated thank you for your time.

Board Member Buzzutto stated thank you very much for your arguments and...

Mrs. Herodes stated yes. Okay.

Board Member Buzzutto stated did you make a motion. Yes.

Chairman Olenius stated I had a second.

Board Member Herbst stated I second.

Board Member Buzzutto stated Jerry second it, yes.

Chairman Olenius stated we're all in favor. Motion carried by a vote of 5 to 0.

Chairman Olenius stated I didn't get that far with (inaudible).

Board Member Buzzutto stated okay.

2) PATRICIA TANZI CASE #03-11

Ms. Patricia Tanzi was not present.

Chairman Olenius stated okay Ms. Secretary, I won't make you read agenda item two because I see we received a letter from Ms. Tanzi requesting to put off for one more month. So we'll skip right past that and you can read the legal for number three.

3) RAYMOND SEE JR. CASE #08-11

Mr. Raymond See Jr. was present.

The Secretary read the following legal notice:

Raymond See, Jr. Case #08-11 – Area Variance

Applicant is requesting an area variance pursuant to §154-27 A.(7) of the Patterson Town Code, Permitted accessory uses, in order to construct a 38' x 48' x 26' garage (1824 sq ft). The Code requires a private garage not to exceed in size, a bulk area ratio, of 50% of the principal dwelling. The existing principal residence is 834 sq ft. Proposed garage will be 119% larger than the principal structure; Variance requested is for 169%. This property is located at 501 Farm to Market Road (R-4 Zoning District).

Chairman Olenius stated Mr. See.

Mr. Raymond See Jr. stated how you doing.

Chairman Olenius stated good. How are you.

Mr. See stated good.

Chairman Olenius stated can you raise your right for me. Do you swear the testimony you provide tonight will be the truth, the whole truth.

Mr. See stated yes.

Chairman Olenius stated just state your name and address for the record, please.

Mr. See stated it's 501 Farm to Market Road, Patterson.

Chairman Olenius stated and do you agree with what was read in the legal, what the Secretary just read. Is that what you're looking...

Mr. See stated yes.

Chairman Olenius stated to do. Okay. Maybe you can explain in your own words, you know, what you're...

Mr. See stated I just want to build a garage, start a Christmas tree farm eventually, hope for this year. I have a couple of cars that I would store in there. They're my personal cars and get them (inaudible – papers shuffling).

Chairman Olenius stated the existing home on the property is considerably smaller than what you're requesting.

Mr. See stated yes.

Chairman Olenius stated my first thing that comes to mind is do you have any thoughts of enlarging that home at some point...

Mr. See stated yes.

Chairman Olenius stated where it wouldn't be such a drastic...

Mr. See stated yes.

Chairman Olenius stated you do. The garage is your first...

Mr. See stated yes.

Chairman Olenius stated step one in your...

Mr. See stated yes.

Chairman Olenius stated these photos you submitted are just... You kind of started to clear the land...

Mr. See stated yes.

Chairman Olenius stated in the area you hope to start this.

Mr. See stated yes.

Board Member Buzzutto stated two-car garage with storage space.

Mr. See stated yes. It's a little bigger than that.

Board Member Buzzutto stated a little bigger.

Mr. See stated I have two older cars that I would like to keep out of the weather and then my two personal cars that I drive everyday.

Board Member Bodor stated you're talking about housing four vehicles, is that what I'm hearing.

Mr. See stated yes, and there will be tractors...

Board Member Bodor stated and equipment of some sort.

Mr. See stated tractors, yes. It used to be a farm when my grandfather had it.

Board Member Bodor stated it was a farm there.

Mr. See stated yes.

Board Member Bodor stated I believe I know where this is located; the cottage is sitting right up close to the road...

Mr. See stated yes.

Board Member Bodor stated and you've recently redone the whole outside...

Mr. See stated yes.

Board Member Bodor stated and put a beautiful deck up.

Mr. See stated yes.

Board Member Bodor stated yes. Alright, and you're accessing this land, this area now, down the slope.

Mr. See stated yes.

Board Member Bodor stated okay.

Mr. See stated yes. Right past the shed.

Board Member Bodor stated yes.

Mr. See stated on your right, yes.

Board Member Bodor stated you fixed up that little...

Mr. See stated yes.

Board Member Bodor stated it was a cement...

Mr. See stated a lot of work.

Board Member Bodor stated a little garage or whatever it was...

Mr. See stated yes.

Board Member Bodor stated you fixed it up.

Mr. See stated yes.

Chairman Olenius stated did I see...

Board Member Bodor stated so...

Chairman Olenius stated go ahead.

Board Member Bodor stated so this is going to be setting way down in. This garage is down low.

Mr. See stated yes. From the road, you might see the roof.

Board Member Bodor stated you might see the roof. Right.

Mr. See stated that's probably about it, really.

Chairman Olenius stated I was looking at your plans prior to the meeting...

Mr. See stated yes.

Chairman Olenius stated and I noticed it looks like there's only a partial upstairs to this proposed garage. Like some of it...

Mr. See stated yes.

Chairman Olenius stated is vaulted all the way to the top and then...

Mr. See stated yes, it's...

Chairman Olenius stated there's a deck part like, or...

Mr. See stated that's Tom. He's going to help me build it. He knows a little more about it.

Chairman Olenius stated it's not 100%...It's not like two total stories. It's like one and a half, basically.

Mr. See stated yes.

Board Member Bodor stated and that upper floor will be used for...

Mr. See stated just storage.

Board Member Bodor stated just storage. Just dead storage.

Mr. See stated yes.

Board Member Bodor stated you're never going to be converting it into a living quarters.

Mr. See stated no, no, no. No.

Board Member Bodor stated I say that because perhaps it would be a condition if we grant it.

Mr. See stated oh, sure. I understand.

Board Member Buzzutto stated this would be what...

Board Member Herbst stated can you point out exactly where you are on this property.

Board Member Buzzutto stated yes. He's over...

Mr. See stated this is the house [referring to the plans].

Board Member Buzzutto stated and the garage is going to be...

Mr. See stated down here.

Board Member Buzzutto stated down here.

Mr. See stated that's the shed.

Board Member Buzzutto stated oh, so there is a shed up top.

Mr. See stated yes. That's (inaudible). And then the stone shed here and then the driveway.

Board Member Buzzutto stated that's the driveway.

Mr. See stated it ends up here. Somewhere right in here.

Board Member Buzzutto stated okay.

Board Member Herbst stated thank you.

Board Member Bodor stated how much land do you have in there.

Mr. See stated it's 42.9 acres, I believe.

Board Member Bodor stated 42.9 [acres].

Mr. See stated yes.

Board Member Bodor stated wow. Does it go right down to the...It must be wet in the back.

Mr. See stated the back is wet, yes.

Board Member Bodor stated yes.

Mr. See stated it goes all the way to the train tracks.

Board Member Buzzutto stated so far from the house.

Board Member Bodor stated okay.

Mr. See stated to the tracks.

Board Member Bodor stated good.

Mr. See stated yes.

Board Member Buzzutto stated I wonder why.

Board Member Herbst stated so that goes here.

Board Member Buzzutto stated yes. It's so far from the house.

Board Member Herbst stated yes.

Board Member Buzzutto stated storage house. Why is it so far from the house, the garage.

Mr. See stated it's really the only...no other spot to put it.

Board Member Buzzutto stated oh, that's...

Mr. See stated as far as setbacks and stuff like that, that would be the only spot.

Chairman Olenius stated it's the most level.

Board Member Buzzutto stated yes.

Board Member Bodor stated yes.

Mr. See stated yes.

Board Member Buzzutto stated that sounds reasonable.

Chairman Olenius stated what is it...I'm looking at the notation on the...

Board Member Bodor stated on the upland island with...

Chairman Olenius stated an island. So it's so sloping down and there's one other raised piece in the back or something. Is that what...

Mr. See stated yes. It's kind of...Once it goes...gets to the bottom of the hill it's all level.

Chairman Olenius stated okay.

Mr. See stated all the way back to the trains (inaudible).

Board Member Bodor stated the tracks.

Mr. See stated yes, the train tracks.

Chairman Olenius stated there's no flowing water in there. It's just wet.

Mr. See stated it's just wet, yes. As far as I know.

Chairman Olenius stated yes. I mean, I don't want to belabor your evening here, but honestly, with something this size and the extent of the variance you're requesting...

Mr. See stated yes.

Chairman Olenius stated only because the extra size of it and we'd really like to take a site walk out there and just...

Mr. See stated okay.

Chairman Olenius stated get a visual on it...

Mr. See stated sure.

Chairman Olenius stated for what you were stating before where we asked you about how low it is from the road.

Mr. See stated yes.

Chairman Olenius stated you know, what are we going to see from there.

Mr. See stated yes.

Chairman Olenius stated what are the neighbor's impacts going to be and...

Mr. See stated okay.

Chairman Olenius stated you know.

Tom (Tony?) stated can I say something.

Chairman Olenius stated yes. Come up to the microphone. Just state your name please.

Tom stated (inaudible- too distant). From where the garage is going to be placed, we do plan on putting some trees so you don't see it from the road.

Chairman Olenius stated oh, okay.

It's the easiest...How do you say it. Where his house is located, to try to access the back of the house, you're too close to the neighbor. Where it comes in and goes down alongside that shed is the easiest place to access it.

Chairman Olenius stated okay.

Tom stated and it will kind of be placed behind his shed.

Mr. See stated yes.

Tom stated and will be putting some trees along the road. So, I mean, the most...

Chairman Olenius stated it gives you screening.

Tom stated right. The most you're going to see really...

Mr. See stated us maybe...

Tom stated till the trees fill in, and I'm going to put in some mature trees, 8 to 10' like Norway Spruces, so you really will see none of it. You'll see a roadway going down in.

Chairman Olenius stated okay.

Mr. See stated yes.

Tom stated just so you know.

Chairman Olenius stated fair enough.

Tom stated I'm going to be helping him build it. I helped him remodel his house.

Mr. See stated yes.

Tom stated you know.

Chairman Olenius stated is the property currently staked like you have in the pictures. Like is there tape out there.

Mr. See stated yes.

Board Member Buzzutto stated oh, that's good.

Tom stated that's what Nick told us to do. Go out there and cut the trees.

Mr. See stated yes.

Chairman Olenius stated because when we go to the site walk...

Tom stated put the tape up.

Chairman Olenius stated we'd really like to see the tape...

Tom stated yes.

Chairman Olenius stated so we have a real good idea what the footprint is.

Tom stated yes. We did that when we cleared out the trees.

Chairman Olenius stated are there any days or times that are bad for you because we'd like to have you there, or somebody there, to talk us through it as well.

Mr. See stated let me know when. That's fine.

Chairman Olenius stated this time of year, typically, we would make it in the evening during the week because it's light enough late enough.

Mr. See stated yes. Sure.

Chairman Olenius stated you know, we'll decide on a date. The Secretary will give you one date and a rain date.

Mr. See stated okay. Yes, that's fine.

Chairman Olenius stated because, you know, if it was something like today, we probably wouldn't show up and walk a lot like this [referring to the rainy weather]. If it was an interior thing, maybe. But...

Mr. See stated okay.

Chairman Olenius stated alright then. I'll just make a motion to table this until next month so we can have a site walk and we can meet you out there. The Secretary will tell you when we decide on a date.

Mr. See stated okay.

Board Member Herbst stated I'll second again.

Chairman Olenius stated all in favor.

Chairman Olenius stated alright, so that's it, you're off the hook for tonight.

Mr. See stated okay.

Chairman Olenius stated you'll be back on when we come out to see you.

Mr. See stated okay.

Chairman Olenius stated alright.

Mr. See stated you'll let me know.

The Secretary stated yes. I'll give you a call.

Mr. See stated okay. Have a good night.

Chairman Olenius stated alright. Thanks guys.

Board Member Bodor stated good night.

Tom stated thank you.

Chairman Olenius stated take care.

Board Member Buzzutto stated thank you for your patience.

[Laughter]

Mr. See stated no problem.

Chairman Olenius stated it's nice to see (inaudible – papers shuffling).

Board Member Buzzutto stated that will give us a few cases next one.

Board Member Bodor stated yes. There may be more.

Board Member Buzzutto stated there may be more.

Board Member Bodor stated there may be more.

The Secretary stated yes.

4) OTHER BUSINESS

Chairman Olenius stated other business. Anything in particular other than the...

The Secretary stated site walk.

Chairman Olenius stated I saw this one letter from Councilman Capasso about Memorial Fields. I guess he's just...He hasn't requested anything from us directly.

The Secretary stated no. He was just...

Chairman Olenius stated just looking for information on it.

The Secretary stated inquiring, yes.

Chairman Olenius stated alright.

Board Member Bodor stated we have lots of old records regarding that situation.

Board Member Buzzutto stated well, the people that lived in that house right there, they're no longer there are they.

Board Member Bodor stated but there's somebody in there.

Board Member Buzzutto stated yes, but I mean the fellow that was there before was a protester. I mean, he...

Board Member Bodor stated well, that's alright. It was too close to his line, that was the problem.

Board Member Buzzutto stated yes, but he was...

Board Member Bodor stated it was right there.

Board Member Buzzutto stated he was a little much.

Board Member Herbst stated if I remember, yes. He was quite nasty.

Board Member Buzzutto stated yes.

a) Site walk

Chairman Olenius stated does anybody have any dates in mind for the site walk; what work for them or don't work for them.

Board Member Burdick stated unfortunately I forgot my calendar.

Chairman Olenius stated oh. I have a pretty good idea of mine. The next meeting is the 15th.

Board Member Bodor stated 15th of June.

Chairman Olenius stated June.

Board Member Bodor stated yes. Okay.

Chairman Olenius stated since you're the only one with a calendar, why don't you shoot out the first good date that comes to you. Not on Memorial Day Weekend.

Board Member Bodor stated well, wait till after Memorial Day, as far as I'm concerned. I think we're looking at June. Any day during the week is pretty good for me.

Board Member Buzzutto stated okay with me.

Board Member Bodor stated what's good for people who are working.

Board Member Burdick stated I think I'm pretty open if we're going to be doing it in June. And if you need to do it earlier, I think the week of the 13th we're off at 4 [p.m.], if you wanted to do it that close to...

Board Member Herbst stated are we talking about June now.

Board Member Bodor stated yes. We're into June.

Board Member Burdick stated I'm okay with any of those days.

Chairman Olenius stated I'd be concerned with that just because the meeting's the 15th.

Board Member Burdick stated so it's too close. Yes.

Chairman Olenius stated I'd rather do it later the week before, you know...

Board Member Burdick stated yes.

Chairman Olenius stated and have a little cushion, if you don't mind.

Board Member Bodor stated how about the 6th or the 7th. That's a Monday and a Tuesday.

Chairman Olenius stated that sounds fine to me. So it will be...It's pretty close to you, so 5:15 [p.m.] work. June 6th, 5:15. Monday, June 6th at 5:15.

Board Member Herbst stated 5:15 should be okay. Yes.

Board Member Burdick stated Sarah, would you mind sending out an email tomorrow...

Board Member Herbst stated June 6th.

Board Member Burdick stated just because I don't have my calendar with me.

The Secretary stated oh, yes.

Board Member Burdick stated I'll leave myself a note but...

The Secretary stated yes.

Board Member Bodor stated and then the 7th the next day would be a rain date.

Chairman Olenius stated yes. The 7th would be a rain date. Tuesday the 7th.

Board Member Bodor stated and does everyone know how to find this place.

Chairman Olenius stated I have a pretty good idea from you asking the gentleman where it is...

Board Member Bodor stated yes.

Chairman Olenius stated which house it is now. Didn't there used to be like a vegetable stand in front...

Board Member Bodor stated yes.

Chairman Olenius stated that the grandfather used to have.

Board Member Bodor stated yes. Yes.

Chairman Olenius stated okay.

Board Member Bodor stated right by that shed or whatever he's calling it; a cement block thing.

Chairman Olenius stated yes.

The Secretary stated it was a greenhouse.

Chairman Olenius stated okay. There was something. He used to sell vegetables.

Board Member Bodor stated yes. It was a little stand, it was really decrepit.

Chairman Olenius stated right. He used to always be on his tractor.

Board Member Bodor stated yes.

Chairman Olenius stated okay.

Board Member Herbst stated 5:15 and what was the rain date.

Board Member Bodor stated on the...

Board Member Burdick stated same side as the neighbors.

Board Member Buzzutto stated the 7th.

Chairman Olenius stated Tuesday the 7th.

Board Member Bodor stated no, the other side. The low side.

Board Member Herbst stated Tuesday the 7th is the rain date.

Chairman Olenius stated yes.

Board Member Bodor stated it's almost...It's in the vicinity...

Board Member Herbst stated and the other one is the...

Chairman Olenius stated Monday the 6th.

Board Member Bodor stated Wagon Wheel Lane, whatever that place is called.

Board Member Herbst stated oh, where did I get 6:15.

Board Member Bodor stated that road that goes up the hill, that dirt road.

Board Member Burdick stated oh, okay.

Chairman Olenius stated 5:15 is the meeting time.

Board Member Bodor stated on the other side.

Board Member Herbst stated yes, I got that.

Chairman Olenius stated oh, 6/15 is the next meeting, the next meeting.

Board Member Bodor stated sitting close to the road.

Chairman Olenius stated June 15th is the next meeting.

Board Member Herbst stated okay.

Board Member Bodor stated it's small. It's really a cottage.

Board Member Herbst stated alright. I didn't have that in front of me, when the next meeting was.

Board Member Bodor stated it's beautiful, that deck on the side of it. They resided it. Roof...

Board Member Herbst stated okay, so it's the 6th.

Board Member Bodor stated roof and everything.

Board Member Burdick stated so coming in from one...

Board Member Bodor stated a bunch of guys. It must have been the same guys that were there. There was a whole group of them working.

Board Member Burdick stated coming in from [Route] 164, it's on the right.

Board Member Bodor stated yes.

Board Member Herbst stated I got this right, the 6th...

Chairman Olenius stated yes.

Board Member Herbst stated at 5:15.

Board Member Buzzutto stated at 5:15.

Chairman Olenius stated just beyond on that is where the (inaudible)...

Board Member Buzzutto stated the 7th would be...

Chairman Olenius stated the first initial snow...

Board Member Buzzutto stated June 7th at 5:15.

Board Member Bodor stated where they...

Chairman Olenius stated they lost their driveways.

Board Member Bodor stated oh, going down.

Board Member Herbst stated the rain date

Chairman Olenius stated before that.

Board Member Bodor stated that's right. That's a continuation.

Board Member Burdick stated from my house to work, on Ice Pond, and that's it.

b) Minutes

Board Member Bodor stated we have minutes. Make a motion to approve the minutes.

Board Member Herbst stated 6/6, 5:15.

Board Member Burdick stated second.

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

Board Member Bodor stated anything else.

Chairman Olenius stated that's it. I make a motion to close the public meeting. All in favor. Motion carried by a vote of 5 to 0.

Meeting was adjourned at 8:25 p.m.