

**TOWN OF PATTERSON  
ZONING BOARD OF APPEALS  
May 20, 2009**

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**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**ZONING BOARD OF  
APPEALS**

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

**PLANNING BOARD**

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

**Zoning Board of Appeals  
May 20, 2009 Meeting Minutes**

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

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

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

There were approximately 12 members of the audience.

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

Chairman Buzzutto stated Sarah, will you take the roll.

Roll Call:

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

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

Mr. Michael Liguori, Hogan & Rossi and Mr. Alan Steger were present.

Chairman Buzzutto stated alright. You want to go with the...

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 20, 2009 at 7:00 p.m. at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following application:

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

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

Chairman Buzzutto stated Mr. Steger. Good evening.

Mr. Michael Liguori stated good evening members of the Board. My name is Michael Liguori. I am an attorney at Hogan & Rossi. I'm here on behalf of and with Al Steger this evening. I know I'm coming in at the eleventh hour and the Board has been reviewing the request for a use variance, I believe, since November. So, certainly, I'm sure there's been a significant amount of discussion and deliberation that's already gone on and I just respectfully request that you consider what I have to say in connection with the variance and to make a determination. I'd prepared a memo to the Board and upon arriving this evening and saying hello to Rich, it became apparent that it had either did not get here or did not get distributed to the Board members prior to the meeting. But I can verbally restate for you exactly what the memorandum says.

Chairman Buzzutto stated would you mind.

Mr. Liguori stated I do not mind...

Chairman Buzzutto stated alright.

Mr. Liguori stated at all.

Chairman Buzzutto stated thank you.

Mr. Liguori stated four factors to obtaining a use variance, and we certainly recognize the difficulty in obtaining one and the...

Chairman Buzzutto stated can you hear it...Can you hear back there [referring to the audience in the back of the room].

**Audience member stated** not really.

Chairman Buzzutto stated okay. Okay, fine. Go ahead.

Mr. Liguori stated okay. We certainly recognize the...

Board Member Herbst stated you can raise the pole, too [referring to the pole of the microphone].

Mr. Liguori stated excuse me.

Board Member Herbst stated you could raise the pole if you'd be more comfortable.

Mr. Liguori stated ah. Umm...

Chairman Buzzutto stated well, that's alright. Whatever.

Mr. Liguori stated as the Board is aware, there are four factors that are required for an applicant to show before the Zoning Board is permitted to grant a use variance. The first of which is the applicant cannot realize a reasonable return for each of the uses permitted in the district. Just to specify here that Mr. Steger is not looking for a use variance for the entire tax parcel; It's limited to the 5 Center Street structure, and that's the structure that the bodega...or convenient store is connected to, but has frontage on Center Street, has no frontage on Front Street. The second is the alleged hardship relating to the property is, in question, is unique and does not apply to a substantial portion of the district or the neighborhood. That the requested variance, if granted, will not alter the essential character of the neighborhood and that the alleged hardship has not been self created. I guess I would like to turn to the essential character of the neighborhood. I don't think there would be much dispute as to whether the conversion of that particular structure to a residential use would alter the essential character of the neighborhood being that it's located on Center Street and anything...Your tax parcel does not front on Center Street...on Front Street, then it is zoned residential. Its next door neighbor is residential and I believe a house would not be an...appropriate at that particular location. Reasonable return; I submitted in my memo a reanalysis of the information that was presented to the Board. Mr. Steger, when asked for competent financial evidence, had asked a commercial broker, Domenic Benincasa, to provide some advice and guidance, as well as copies of his Schedule E's through his tax returns to show the income that was being earned from the particular properties. In a triple net lease situation, it's appropriate for a landlord to earn a minimum of 7%. And I think that's a very standard average across the community. That goes up and down depending on where you're located. But 7% is...When you're dealing with the triple net...Now triple net is when all of the costs are passed along to the tenant: electric, heat, garbage, utilities. There isn't an expectation for the landlord to earn 25, 30, 40% on a rental unit when you pass that cost along. So for the convenience of not having to deal with that, you can anticipate earning a lesser return. So Domenic had suggested 7%, I believe that that's an accurate rate of return. If you go through the particular uses that are permitted in the district, there are a number of uses that are permitted; Retail, greenhouses and nurseries, telephone exchanges, indoor theaters, medical or dental offices, business offices, restaurants, undertaker establishments, music or dancing schools, nursery or daycare centers and banks. And I make an attempt in my memo to really just, number one, to take out the uses that automatically wouldn't be suitable at that particular location. For instance, the greenhouses and nurseries, it's a 1300 square foot, two-story structure. We don't think a greenhouse or a nursery would thrive in that particular location based on the size. It's just too small for that type of use to occur there and it really isn't suitable for what a greenhouse does. Restaurants, again, it's a very, very limited sized structure and for what it would take to convert that to a restaurant use, and the lack of capacity for the site, we don't believe that a restaurant would be appropriate there either. Same for a telephone exchange. And indoor theater, obviously. Undertaker establishment, there certainly isn't enough room to operate an undertaker establishment in there. I don't know what the maximum occupancy could be for that building, but I certainly don't think that it's small enough to handle the amount of people that would attend a wake. I put that a daycare and nursery school is also questionable. And I know that one is operated there in the past and has failed. And I think that that really provides evidence to the Board that that isn't an appropriate location and there are better places for a daycare and a nursery. There's one right here [referring to the daycare next to the Town Hall]. And I think that if you try to operate one at the 5 Center Street property, unless your rates were so low that no one could compete, you would select a place that's more suitable for your child to be in. I would suspect that it would be right there where there's a nice big backyard with a gate where your kids could run around safely. Retail, business offices, music or dancing schools, medical

and dental offices, and banks; Certainly they can fit into the space, but the history of the property has shown that those businesses just haven't thrived there, which I'd just like to segment into the criteria of coming to the hardship. Mr. Steger has owned this building for 21 years and he didn't buy it with the intention of coming into the Zoning Board and asking for a use variance to use it for a residence. He bought it with the purpose of operating it for a commercial building. And I think that's a very critical distinction in when you're considering the self created hardship. Certainly he bought knowing what the GB District was zoned. He bought a commercial building. He spent \$310,000 to buy this commercial site with the anticipation of using it for commercial. And that's the highest and best way to earn a return on your investment, is to use it for that. And I don't think it's a small thing or something that can be dismissed when...For 21 years, if you've been trying to use this thing as a commercial building and it just doesn't fly, it's just not working, I think that gives the Board the authority to grant the relief that's requested. I mean, you look at the character of the neighborhood, we're not asking for permission to have a use that's offensive. It's so close it's contiguous to residential lots. It appears to be just a, you know, a perfect segway into the next district over is that residence. There are some factors about that portion of the GB district that are very interesting. You know, one of the things that the Board is always concerned about is are we going to set a precedent. And of all the zoning boards that I've attended, of all the meetings that I've been to, that's been the primary concern. I represent the Town of Dover ZBA and I certainly know from the attorney to the board's perspective that that's certainly something that the Board is always worried about. In our opinion, this piece of property is so unique that we don't believe that other people in the GB District on Front Street, I limit that to Front Street, because I believe there are other portions of the GB District that front on [Route] 312, for instance, where people may come in and may request use variances to use their houses that have been zoned commercial, and have always stayed residential, for those...for a similar request. But the big difference between us and those properties that would be on...I'm sorry, on [Route] 311, is that this property is contiguous to residential uses. It is an island...it wouldn't be an island of residential in a sea of commercial. It's just not the case. And the other thing that really makes me believe that other people wouldn't come in asking for the same request is that people that are on Front Street, already have apartments on top of their commercial uses. So, there's no incentive for those people to come in because they already have something very similar to what we're looking for, and instead of apartments, we're just looking to use it as a single-family house. And I believe that the frame shop is the only building that's out there that doesn't have a second floor that's residential and certainly if they built that second floor and then came into the Board, there is no way to argue that that isn't a self created hardship. That clearly, that is the definition...or would be the definition of a self-created hardship. But here, where you have a 21 year history of not being able to be successful with a commercial use, that's a...something very significant for the Board to consider.

Chairman Buzzutto stated well, Front Street's...Isn't that mixed use.

Mr. Liguori stated no.

Chairman Buzzutto stated it's not...

Mr. Liguori stated no.

Chairman Buzzutto stated mixed use.

Mr. Liguori stated no. If it was mixed use, we would happily not be here.

Chairman Buzzutto stated no, I mean Front Street itself.

Mr. Liguori stated no, Front Street is...

Chairman Buzzutto stated with apartments...

Mr. Liguori stated zoned General Business.

Chairman Buzzutto stated oh, okay.

Mr. Liguori stated and it's my understanding that wherever the two-family...or the second floor is apartment, it's my understanding that those are preexisting uses.

Chairman Buzzutto stated alright. The building itself is zoned as Commercial.

Mr. Liguori stated General Business.

Board Member Bodor stated General Business.

Chairman Buzzutto stated General Business. Alright.

Mr. Liguori stated yes.

Chairman Buzzutto stated if you change that to...Well, we don't change it. We just give the variance. But if that was a residential, what about the store there. The...

Mr. Liguori stated the request is limited solely to the 5 Center Street location, and solely to the portion of that structure that would formerly comprise the single family house. That structure...

Chairman Buzzutto stated the bodega is attached to that.

Mr. Liguori stated that's right. That's right. And just so the Board is aware, I was successful in obtaining a use variance in the Town of North Salem for the top floor of a building. It was a commercial building located...rezoned to residential and the zoning board limited the variance to the top floor. And similar to this request, we are only asking to have the variance apply to the structure as it was constructed in 1948. Not the portion of the structure that...where the convenient store is located.

Chairman Buzzutto stated and he wants to make a single-family house.

Mr. Liguori stated that's right.

Chairman Buzzutto stated out of the bigger house there in the back.

Mr. Liguori stated that's right.

Chairman Buzzutto stated on...What would that be. Center Street.

Mr. Liguori stated 5 Center Street.

Chairman Buzzutto stated 5 Center Street. Yeah.

Board Member Bodor stated on that parcel, was...is a shed that was placed there for the post office. What is the resolution on that illegally placed shed.

Mr. Alan Steger stated that was moved. That was moved.

Board Member Bodor stated excuse me, sir.

Mr. Steger stated that was moved so...

Board Member Bodor stated could you come up front and give your...

Chairman Buzzutto stated yeah.

Board Member Bodor stated name for the record.

Chairman Buzzutto stated this is Mr. Steger.

Mr. Steger stated it was moved so it now...

Board Member Bodor stated your name, sir, please.

Mr. Steger stated Alan Stager.

Chairman Buzzutto stated okay, fine.

Board Member Bodor stated okay. And disposition has been...

Mr. Steger stated I moved the shed...

Board Member Bodor stated you moved...Where...

Mr. Steger stated so it's perfectly legal.

Board Member Bodor stated where did you move it to.

Mr. Steger stated just up in the parking lot so it's 10' off of the property line.

Board Member Bodor stated it's off of the property line and it's separated from the other structures.

Mr. Steger stated yup. Yup.

Board Member Bodor stated when did this occur.

Mr. Steger stated right after I got back from Florida.

Board Member Bodor stated I haven't been by there to see it, that's why I wasn't familiar with it.

Mr. Steger stated about a month ago.

Board Member Bodor stated about a month ago.

Mr. Steger stated yeah.

Board Member Bodor stated and you can still drive a car through the driveway there with the shed moved out now.

Mr. Steger stated sure.

Board Member Bodor stated okay. I didn't realize that this had taken place.

Chairman Buzzutto stated is there sideline variance on how far the shed can be from the property...

Board Member Bodor stated ten. Ten feet.

Board Member Burdick stated I think Rich might have something to say.

Chairman Buzzutto stated ten feet.

Board Member Bodor stated I'm sorry.

Board Member Burdick stated Rich stood up. I think....Rich, do you have something to say.

Rich Williams stated yeah. If could just add something in on this.

Chairman Buzzutto stated yeah, okay. Rich Williams. Okay.

Rich Williams stated Rich Williams. Planner for the Town. Mr. Steger has currently an application pending before the Planning Board for the relocation of the shed. Actually...

Chairman Buzzutto stated okay.

Rich Williams stated that has not been decided upon. The Planning Board did go out and do a site walk. They do have some concerns and comments they would like to share with Mr. Steger when the application comes back before the Planning Board. The Planning Board, however, put the application on hold pending resolution of the other issues with the ZBA. So, assuming that this is going to be resolved tonight, I would hope that Mr. Steger is now on for the next Planning Board agenda to further discuss the relocation of the shed with the Planning Board.

Mr. Steger stated well, I already moved it.

Rich Williams stated I know. But you moved it without getting site plan approval from the Planning Board, without...

Mr. Steger stated well, I got approval from the Building Inspector who was the one who complained about it.

Rich Williams stated well, I understand that, but the Building Inspector directed you to get site plan approval from the Planning Board because the shed was never put there with site plan approval in the first

place, which is why you made the application. The Building Inspector is without the authority to issue a site plan approval. It's not his jurisdiction. So you're still before... You have a current application before the Planning Board. So, I just wanted to update everybody.

Mr. Steger stated the application before the Planning Board was to get a variance to leave it where it was, not to move it so it so it was illegal.

Rich Williams stated no.

Mr. Steger stated it's legal now.

Rich Williams stated no.

Mr. Steger stated it's legal now.

Rich Williams stated that's not the case. And I don't...and I'm not going to comment on whether it's legal or it's not legal. I mean, I'm going to leave that to others, but...

Mr. Liguori stated I'm learning about the shed tonight, so if...

Rich Williams stated okay.

Mr. Liguori stated if the Zoning Board would just recognize that there's a valid application pending before the Planning Board and there's no...that the violation would be stayed, let's say, so the Board could act tonight...

Rich Williams stated correct.

Mr. Liguori stated whether they would deny or grant, then we could deal with the shed certainly.

Chairman Buzzutto stated well, see a violation has to be corrected before we can act on...

Mr. Liguori stated I...

Chairman Buzzutto stated the rest of the variances.

Mr. Liguori stated right. But what Rich was...Rich has just said that the Planning Board won't act until the Zoning Board does.

Chairman Buzzutto stated yeah. Right. Yeah. But...

Mr. Liguori stated it would just be a circle.

Chairman Buzzutto stated okay. What was I going to say now. How many bedrooms would this particular...Mr. Steger.

Mr. Steger stated pardon.

Chairman Buzzutto stated you want to come...On converting this...

Mr. Liguori stated number of bedrooms.

Chairman Buzzutto stated how many bedrooms do you plan on putting there for...

Mr. Steger stated three bedrooms, two baths.

Chairman Buzzutto stated three bedrooms, two baths. And there'll be a living room and so forth. A regular...

Mr. Steger stated a living room, dining room, kitchen. Stairs, and three bedrooms upstairs.

Chairman Buzzutto stated what about...is there a cellar in that building there and an attic.

Mr. Steger stated there is a basement, yes.

Chairman Buzzutto stated a basement and a...Attic.

Mr. Steger stated and an attic, yeah.

Chairman Buzzutto stated yeah. It's really quite big then. Let's see here. And you originally bought the house as commercial. With...

Mr. Steger stated that's right.

Chairman Buzzutto stated with that intention, it stayed commercial...

Mr. Steger stated right.

Chairman Buzzutto stated at that time. So that's why you bought it, for commercial. Now you want to change it.

Mr. Steger stated well, yes, because when I bought it, the presiding Town Counsel, whatever you call them, promised me all kinds of...That they were going to make Center...Sorry. Front Street into regular business with, you know, all commercial everything. But basically what happened because of the zoning, it became a parking lot. It became empty lots. Three empty lots...Five lots of the street.

Chairman Buzzutto stated that was probably changed when the new master plan came into effect, wasn't it. They probably changed a lot of zoning down through there, with the new master plan I would believe.

Mr. Steger stated well...

Chairman Buzzutto stated but that's not part of this.

Mr. Steger stated so actually, you know, the area really isn't as commercial area at all.

Chairman Buzzutto stated let's see. Jerry, do you have any input on this.

Board Member Herbst stated no. I'm pretty familiar with the property because I remember when we went through this was what...Fifteen years ago.

Chairman Buzzutto stated yeah.

Board Member Bodor stated a number of years ago when there was an application for apartments.

Board Member Herbst stated right.

Board Member Bodor stated which we denied.

Board Member Herbst stated exactly.

Chairman Buzzutto stated right.

Board Member Bodor stated and they went ahead and they were put in place, and they were rented as apartments.

Chairman Buzzutto stated individual apartments.

Board Member Bodor stated yes.

Mr. Steger stated only for a very short time.

Chairman Buzzutto stated yeah.

Mr. Steger stated like a year.

Board Member Bodor stated it doesn't matter. You asked us for permission to establish apartments in there, we denied that permission and you went ahead and rented them. Be it a year or a day, you still did it, against the wishes of this Board.

Chairman Buzzutto stated that was back many...Yeah. Quite a few years ago.

Board Member Herbst stated it was.

Chairman Buzzutto stated yeah.

Board Member Herbst stated I don't know exactly when, but I know it was at least about 15 years ago.

Chairman Buzzutto stated yeah.

Board Member Herbst stated I don't think the building has changed much since then, has it.

Mr. Steger stated pardon.

Board Member Herbst stated the building hasn't changed much since then.

Mr. Steger stated no. The apartments have all been taken out now.

Chairman Buzzutto stated yeah. I don't know where we go with this one here. The financial report, that included the post office...the income from the post office and the bodega and so forth there.

Mr. Liguori stated it all did.

Mr. Steger stated yes it did.

Chairman Buzzutto stated and you still come out with less than 7%.

Mr. Liguori stated yeah, we....With the purchase price of \$310,000, we come out over the course of the time that Mr. Steger's owned the property at -12.3[percent]. If you assume a purchase price of \$199,000, which is probably a more accurate reflection of what that...of what the structure would sell for today, then you would realize a greater rate of return, but certainly not 7%.

Chairman Buzzutto stated when the building is made into a single-family, what happens with the bodega. That stays there also.

Mr. Liguori stated that stays there.

Chairman Buzzutto stated as a business.

Mr. Liguori stated closed off. It stays there as a...

Chairman Buzzutto stated because there was an entrance from that into the house if I remember.

Mr. Liguori stated that's right. There was access between the...

Chairman Buzzutto stated access, yes. The electrical is all different buildings and stuff like that. That's separate.

Mr. Steger stated well, I got a contract out to redo all the electric, but I had to...

Chairman Buzzutto stated yeah.

Mr. Steger stated we were right in the middle of it and of course when...Because I had permission from the Building Inspector to do this, and then when it was negated, I had to stop everything so I...

Chairman Buzzutto stated right.

Mr. Steger stated have an outstanding contract for thousands of dollars to do the electrical work.

Mr. Liguori stated there's a pretty significant record from November, I think, when Dave Raines came in and appeared before the Zoning Board and testified in connection with the application and said that he had made an error in consulting with AI to permit the conversion of that structure back to residential. Back to its original 1948 design. And it was permitted; he didn't have the authority to do it. And in reliance on that, Mr. Steger ripped out all of the...took it right down to, I think, the shell basically on the interior, and it's been in that condition since that time. You know, he was given the permission by the Town to do that work and then was notified that, hey, I made a mistake. I wasn't allowed to do this. I should have

consulted with our attorney before permitting you to convert this back. You need a use variance. You need to go to the Zoning Board of Appeals. And so the building has been...it's in flux. It's...It needs to be finished one way or, you know, one way or the other. But if it's, you know, if we have the permission to go back to residential, then certainly all the utilities, whatever would need to be put in place to do that, to effectuate a...let's call it a subdivision of the building, you know, for utility proposes, that will happen.

Chairman Buzzutto stated well, if that becomes residential...Well, it would become residential because we would just give it a variance, it will be okay.

Mr. Liguori stated the lot would remain zoned in the General Business District...

Chairman Buzzutto stated yeah.

Mr. Liguori stated except that that portion of the structure would be buried to the extent that would be permitted to have a single-family use, and that would be the official determination.

Chairman Buzzutto stated but wouldn't that building be ideal for like a lawyer's office, dentist or stuff like that there, on different floors.

Mr. Liguori stated um.

Chairman Buzzutto stated I mean, that would be a use that would...

Mr. Liguori stated that certainly...that's a permitted use in the General Business District, but after a number of go's at different permitted uses, it just appears that the property isn't suitable to accommodate that type of use. And, you know, like I was saying earlier, if there wasn't a 21 year history here, I think we would be in a very significant position. If it was year two, and there was...and we didn't have any bites, I think it would be appropriate for the Board to say, well, look. You bought knowing it was General Business. You, you know, you're coming only after two years to request a, you know, to go back to a residential or to change the use of the building. But with the lack of success for this long, I really think this is a unique situation; the way that this building is situated. You know, there's testimony from Dave Raines back in November about not having...Certainly you're permitted to have signage, but there was an anticipated complaints about people from...the residents on Center Street that it's a residential, even though they're so close to Front Street, which is commercial, that there could be issues that people don't want to see signs on residential area. I truly, I think the issue is that this property doesn't front on Front Street, which is the drag. Let's call it, you know, the main drag. That's where the commercial frontage is. And this is in the back and, you know, is it possible...

Chairman Buzzutto stated well, it fronts on Center Street though.

Mr. Liguori stated well, the convenience store fronts on...

Chairman Buzzutto stated yeah.

Mr. Liguori stated on Front Street. The, let's call it the residential portion of the premises, the subject property fronts on Center [Street]. And Center is clearly residential.

Chairman Buzzutto stated is there any input from the audience on this particular case. Okay.

Board Member Bodor stated if permission is given for you to change this over to a single-family residence, what makes you so sure that you're going to be then able, after you cover your costs of doing all the renovations, what makes you so sure that you're going to then be gathering a reasonable return from that property. What kind of rent would you have to charge in order to recoup your expenses, and are you going to get that in today's market.

Mr. Steger stated sure.

Board Member Bodor stated sure.

Mr. Steger stated yeah.

Board Member Bodor stated you have a tenant already, ready to move in.

Mr. Steger stated I got a bunch of them that are moving, you know.

Chairman Buzzutto stated yeah, but as long as you have one tenant that's going to move in. Not two or three tenants that's going to move in.

Mr. Steger stated no. One tenant.

Chairman Buzzutto stated yeah.

Mr. Steger stated I mean one family.

Chairman Buzzutto stated one family.

Mr. Steger stated a family...

Board Member Herbst stated how many are in the family.

Mr. Steger stated pardon.

Board Member Herbst stated there's not 15 people in that family, is there.

Mr. Steger stated no. Three.

Board Member Herbst stated three. And it's going to stay three.

Mr. Steger stated one of them is three, one of them is five.

Board Member Bodor stated and they know how much rent you want to charge already and they're ready to hand this over on a monthly basis for however long.

Mr. Steger stated yes.

Board Member Bodor stated and this will give you your reasonable amount of return on the property.

Mr. Steger stated that's right.

Mr. Liguori stated I think one of the considerations should be the likelihood of success; what's going to be more marketable for the property. Is it going to be as commercial or is it going to be as residential. I think that's really the consideration for the Board and...It's our opinion...We wouldn't be here if we didn't think our likelihood...

Chairman Buzzutto stated yeah.

Mr. Liguori stated of success would be...

Chairman Buzzutto stated well, seeing that you're counting in the post office, how secure are you having the post office. What if they decide to move out. That would be lost income. I don't know what your lease is with them, but that would be sort of a...

Mr. Steger stated it would definitely be in a, you know...

Chairman Buzzutto stated yeah. So then you would be right back to...

Mr. Steger stated it would be a tremendous loss of...

Chairman Buzzutto stated yeah.

Mr. Steger stated (inaudible – too distant). Post office...

Chairman Buzzutto stated so you're right back to ground zero again.

Mr. Steger stated the Front Street would be gone if the post office were (inaudible – too distant).

Chairman Buzzutto stated yeah, well...

Mr. Liguori stated I really think the big difference here is that the post office is a commercial building.

Chairman Buzzutto stated yeah.

Mr. Liguori stated there's no question about it. And I don't think anyone would ever consider converting the post office building back...to a residence. I don't want to say back to a residence because it was never residential, but that really is the difference. The post office building isn't suitable for that, and neither is the portion for the convenient store. It's going back to very, you know...The first use of the building. The use of the building was designed for and what it was constructed for.

Chairman Buzzutto stated well now they say it's not big enough.

Mr. Liguori stated no. No one said it's not big enough.

Chairman Buzzutto stated I've heard that.

Board Member Bodor stated the post office you're referring to.

Chairman Buzzutto stated yeah. The...

Mr. Liguori stated oh, certainly. I, you know, I mean...I think the post office would like to have something the size of, you know, what they have in Brewster. You know, a nice lobby and...I know it's a tiny building, certainly, but if the post office leaves, you know, we would never...we would not come back for a use variance application for that building.

Chairman Buzzutto stated alright. I didn't hear any input from the audience. Did anybody change their mind about this. No. Do you have any more input on this. Well, the only other recourse would be to go to the Town Board for zoning change if it ever gets that far.

Board Member Bodor stated I'd like to make motion to close the public hearing.

Board Member Herbst stated I'll second that.

Board Member Bodor stated all in favor.

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

Chairman Buzzutto stated alright. The public hearing is closed. Alright, so now...Let's see. Did you do a reso on that. (Inaudible). Okay. Are you ready to...Can you go with that now, or you want to...

Board Member Olenius stated sure. If you would like.

Board Member Herbst stated okay. I'm ready.

Chairman Buzzutto stated oh, you want to do it.

Board Member Herbst stated yeah. What.

Board Member Bodor stated you want to read the reso. That's what he's asking.

Board Member Herbst stated that's what you usually do.

Board Member Olenius stated that's my job.

Chairman Buzzutto stated well, we like to divide them up here a little bit.

Board Member Herbst stated be my guest.

Board Member Olenius stated you get the next one, how's that.

Board Member Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF**  
***Alan Steger, Case #16-08***  
***Use Variance for a Single-Family Residence***

**WHEREAS, *Alan Steger* is the owner of real property located at 5 Center Street, 19 Front Street (GB Zoning District), also identified as **Tax Map Parcel # 3.20-1-49**, and**

**WHEREAS**, *Alan Steger* has made application to the Patterson Zoning Board of Appeals for a use variance pursuant to §154-30 of the Patterson Town Code; Permitted principal uses, in order to allow for a single-family residential use on the site, and

**WHEREAS**, §154-30 of the Patterson Town Code does not allow a single-family residence as a principal use in the General Business (GB) Zoning District, and

**WHEREAS**, the proposed action constitutes a Type II action under 6 NYCRR Part 617, and therefore requires no further review under the State Environmental Quality Review Act (SEQRA), and

**WHEREAS**, a public hearing was held on the application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on *November 24, 2008, January 11, 2009, February 18, 2009, and May 20, 2009*, and a site walk conducted on *November 29, 2008*, to consider the application; and

**WHEREAS**, The Patterson Zoning Board of Appeals has given careful consideration to the facts presented in the application and at the public hearing and finds:

1. the applicant *cannot* realize a reasonable return, provided that the lack of return is substantial as demonstrated by competent financial evidence *as submitted by Domenic Benincasa, Director of Commercial Real Estate for Prudential*.
2. that the alleged hardship relating to the property in question *is* unique to the Applicant, and *does not* apply to a substantial portion of the neighborhood. *It's one of the only combined lots with frontage on a residential street and the main general business street*.
3. that granting the present application *will not* alter the essential character of the neighborhood *in light of that portion of the property being alongside residential homes*.
4. that the hardship demonstrated by the Applicant *has not* been self created.

**NOW, THEREFORE BE IT RESOLVED**, that the Patterson Zoning Board of Appeals hereby *grants* the application of *Alan Steger* for a *use variance* pursuant to §154-30 of the Patterson Town Code; Permitted principal uses, in order to allow for a single-family residential use on the site.

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

1. The use variance is only for the original 1948 structure at 5 Center Street.

Rich Williams stated if I may. I just want to clarify one issue on the resolution that you just read. It is for a use variance. A use variance is going to be considered an unlisted action, and in this case you should consider the environmental significance. From what I'm hearing, you probably are looking towards issuing a negative determination of significance. And that should be added within the resolution.

Chairman Buzzutto stated is that SEQRA.

Rich Williams stated that is SEQRA.

Chairman Buzzutto stated that's SEQRA, okay. Okay, you want to get that into the minutes.

Board Member Olenius stated so WHEREAS, the proposed action constitutes an unlisted action under 6 NYCRR Part 617.

Chairman Buzzutto stated is there anything else, or you just going to. On the... You said that the hardship demonstrated by the applicant has not been self-created. Is that self-created.

Board Member Bodor stated not the way he's reading the reso.

Chairman Buzzutto stated yeah.

Board Member Olenius stated I didn't think he created the lot the way it was designed. I didn't think it was self-created.

Chairman Buzzutto stated he bought it.

Board Member Olenius stated he did buy it that way, yes.

Chairman Buzzutto stated yeah. Alright, whatever you want to do. Okay. Ready for the...

Board Member Bodor stated you need a second.

Chairman Buzzutto stated alright. Can I get a second on that.

Board Member Herbst stated yes. I'll second.

Chairman Buzzutto stated okay.

Mr. Liguori stated can I just interrupt for a second. Before taking the roll call vote, I think it's proper for the Board to vote on the environmental determination. So it would have to first, just be a motion for the Board to say that they consider the evidence before them and they made a determination that there will not be an adverse impact on the environment. And then proceed on the taking the vote for the use variance resolution. The SEQRA determination has to conclude...It's got to proceed whatever the vote is on the use variance.

Chairman Buzzutto stated well, didn't he...He read that into the minutes though.

Board Member Bodor stated yeah. There has to be a vote on it apparently.

Mr. Liguori stated he read that it was unlisted.

Chairman Buzzutto stated yeah, unlisted.

Mr. Liguori stated type of action, but there will just have to be a determine...a vote as to whether or not there would be the potential for an adverse impact on the environment first.

Rich Williams stated Mr. Liguori does have a point. A lot of, you know, different boards do it differently and a lot of boards want to do that SEQRA determination separately, and that's typically the way the

Planning Board does it. However, Town Board, contraire to that, puts it right in their resolution and that's generally what we do with the Zoning Board of Appeals. We include it in one resolution, you acknowledge that it's an unlisted action, you acknowledge that based on six criteria that are standard within a SEQRA resolution that there are no environmental impacts, and issue a negative determination of significance within that resolution. So I...Maybe I didn't hear you clearly, I thought you had done that with the resolution before that you acknowledged that my statements were going to be reflected in that resolution.

Board Member Olenius stated you're correct.

Chairman Buzzutto stated yeah.

Mr. Liguori stated when I heard Lars read it, I just didn't know...

Board Member Olenius stated I tried to add it in after.

Mr. Liguori stated I...Sorry guys.

Chairman Buzzutto stated well, that's the way we'll take it, as...

Board Member Olenius stated there's no expansion on the property or anything...

Chairman Buzzutto stated right.

Board Member Olenius stated to cause any environmental hardship. They're on the sewer system now, so...

Chairman Buzzutto stated oh, that's right. On Front Street...

Board Member Olenius stated you know.

Chairman Buzzutto stated there is. Yeah.

Board Member Olenius stated there's negative environmental impact...

Chairman Buzzutto stated okay, fine. So we'll accept it the way...

Board Member Olenius stated through this use variance.

Chairman Buzzutto stated yeah, because that's the way we've been doing it; as part of the reso. Alright.

**UPON ROLL CALL VOTE:**

Board Member Bodor	-	no
Board Member Burdick	-	no
Board Member Herbst	-	yes
Board Member Olenius	-	yes
Chairman Buzzutto	-	no

Resolution was not passed by a vote of 3 to 2.

Mr. Liguori stated thank you very much.

Chairman Buzzutto stated okay.

Mr. Steger stated see you in court.

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

Mr. Joseph Downey was present.

Chairman Buzzutto stated okay. Well I lost the agenda.

Board Member Olenius stated Downey. Mr. Downey.

Board Member Olenius stated it's open. I don't think you have to read it [referring to the notice].

The Secretary stated no.

Mr. Joseph Downey stated good evening.

Chairman Buzzutto stated good evening.

Board Member Olenius stated good evening.

Chairman Buzzutto stated okay. Joseph...It is Joseph, isn't it.

Mr. Downey stated yup.

Chairman Buzzutto stated Downey.

Mr. Downey stated yes.

Chairman Buzzutto stated 149 Stagecoach Road. You want to just give us a briefing on what you're doing in your own words; what you want do up there.

Mr. Downey stated I want to replace my existing deck and I want to add 2 feet out the back. Well, my deck is 25 feet wide and, I don't know, maybe like 8 to 10 feet out from the house. Maybe 10 feet. And I want to add...

Chairman Buzzutto stated yeah. You're just adding to an existing deck.

Mr. Downey stated yeah. The deck is preexisting...

Chairman Buzzutto stated yeah.

Mr. Downey stated nonconforming. It's too close to the property line already. Behind me is State land.

Chairman Buzzutto stated yeah, you're going to tear out and replace it with new timbers and stuff.

Mr. Downey stated yeah. Yup.

Chairman Buzzutto stated because it's all...Is it rotted wood and stuff in there.

Mr. Downey stated yeah, it's rotted underneath. Yeah.

Chairman Buzzutto stated but you're just going to make it a little bit bigger.

Mr. Downey stated on the drive by it's...on the drive by, you're not going to notice a difference.

Chairman Buzzutto stated yeah.

Mr. Downey stated but from behind the house, it's going to be out 2 feet farther just to accept a more reasonably sized table.

Chairman Buzzutto stated the property that abuts yours in the back there is State owned.

Mr. Downey stated yes, that's correct.

Chairman Buzzutto stated so you can't do anything with that. And it's...

Mr. Downey stated and I want to put a set of stairs on the...

Chairman Buzzutto stated yeah. Going down the back towards the State property or on the side...

Mr. Downey stated on the north side that borders the neighbor's property.

Chairman Buzzutto stated where we had walked up there. We did do a site walk...

Mr. Downey stated yes.

Chairman Buzzutto stated on that. Okay, that was pretty cut and dry though, from what I can see here.

Mr. Downey stated my side setback is not...

Chairman Buzzutto stated yeah.

Mr. Downey stated not in conformity either. I have, I think, like 30 feet on the side...28 feet, something like that.

Chairman Buzzutto stated so the only variance we would have to give you is the rear...side line.

Board Member Bodor stated it's an area variance for enlargement of the deck.

Chairman Buzzutto stated oh, enlargement of the deck. Yeah, okay.

Mr. Downey stated you would be rear and side.

Board Member Olenius stated it's rear and side...

Board Member Bodor stated yeah.

Board Member Olenius stated is what it is.

Mr. Downey stated two feet out the back and probably four feet on the side to accommodate the new set of stairs.

Board Member Bodor stated rear and side and it's also enlargement of a nonconforming building.

Chairman Buzzutto stated how old is this house.

Mr. Downey stated it was built in 1929.

Chairman Buzzutto stated '29.

Board Member Bodor stated and no, there are no pictures of the house.

Chairman Buzzutto stated it's a nice looking house.

Mr. Downey stated thank you.

Board Member Bodor stated I asked.

Mr. Downey stated what.

Board Member Bodor stated I asked to see if there were any pictures.

Mr. Downey stated oh, no pictures.

Board Member Bodor stated no.

Mr. Downey stated oh, okay.

Board Member Bodor stated no.

Mr. Downey stated yeah, I'm sure you'll find something. You know what, the house is so different on the inside.

Board Member Bodor stated yeah.

Mr. Downey stated we redid the inside when we bought. And we never took any pictures of what we did. It was just...

Chairman Buzzutto stated yeah, the only picture I have is that little one there.

Mr. Downey stated the outside looks the same.

Board Member Bodor stated right.

Chairman Buzzutto stated do I have any input from the audience on this particular case. That deck will never be enclosed, will it.

Mr. Downey stated no.

Chairman Buzzutto stated it's going to be still an open (inaudible).

Mr. Downey stated yes.

Chairman Buzzutto stated well, who has the figures on that, Jerry.

Mr. Downey stated it's basically...The two improvements I want to make is basically just to make the deck a little more useable for us.

Chairman Buzzutto stated yeah.

Mr. Downey stated you know, it's the table that we have on there is sufficient, but it would be nice to have a round table where we could accommodate a few more people and the stairs for the side of the opposite...We already have a set of stairs. We want a set of stairs for the other side because we have garden trail area that we're making outdoors.

Chairman Buzzutto stated right. There is an entrance from the house to the deck.

Mr. Downey stated yes.

Chairman Buzzutto stated I didn't even notice that.

Mr. Downey stated it's a sliding door.

Chairman Buzzutto stated yeah. Sliding doors, yeah. I'd like to make a motion to close the public hearing.

Board Member Herbst stated second.

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

Chairman Buzzutto stated closed, okay. Okay, now we need the reso on that.

Board Member Olenius stated I'll do it.

Chairman Buzzutto stated you want to do it. Alright. You like to do these things.

Board Member Olenius stated not really. But I still got a voice right now, so...

Chairman Buzzutto stated yeah. Okay.

Board Member Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF**  
***Joseph Downey, Case #05-09***  
***For an Area Variance for enlargement of a deck***

**WHEREAS, *Joseph Downey*** is the owner of real property located at 149 Stagecoach Road (R-4 Zoning District), also identified as **Tax Map Parcel #15.-1-17**, and

**WHEREAS, *Joseph Downey*** has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations, in order to add a side staircase to a rear deck that is being replaced and enlarged, and

**WHEREAS, §154-7** of the Patterson Town Code requires an 40' side yard setback; Applicant will have 25.4'; ***Variance requested is for 14.6'***, and

**WHEREAS,** the proposed action constitutes a Type II action under 6 NYCRR Part 617, and therefore requires no further review under the State Environmental Quality Review Act (SEQRA), and

**WHEREAS,** a public hearing was held on the application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on ***April 15, 2009 and May 20, 2009***, and a site walk was conducted on ***April 23, 2009***, to consider the application; and

**WHEREAS,** The Patterson Zoning Board of Appeals has given careful consideration to the facts presented in the application and at the public hearings and finds that:

1. the proposed application ***will not*** produce an undesirable change in the character of the neighborhood ***because the houses up there are situated on large lots and abut large parcels of State land.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***because the proximity to the sideline is in fact a garden lot owned by a neighbor who lives on the opposite side of the street.***
3. the variance requested ***is*** substantial ***however not so much as to deny the variance.***
4. the proposed variance ***will not*** have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district ***because the deck is already existing, we're just extending the staircase.***
5. the alleged difficulty necessitating the variance ***was self-created*** but ***is not sufficient*** so as to cause a denial of the requested variance.

**NOW, THEREFORE BE IT RESOLVED,** that the Patterson Zoning Board of Appeals hereby ***grants*** the application of ***Joseph Downey*** for ***an area variance of 14.6' from the side yard setback of 40'*** as required in the R-4 Zoning District as set forth by §154-7 of the Patterson Town Code; Schedule of Regulations, in order to permit a 25.4' side yard setback between the stairs and enlarged decked, and the side property line.

Board Member Bodor stated second.

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

Resolution carried by a vote of 5 to 0.

Mr. Downey stated thank you.

Chairman Buzzutto stated okay, you have to go now to Building...

Board Member Olenius stated we have to...

Board Member Bodor stated we have another reso.

Chairman Buzzutto stated oh, you have another reso on this one here.

Board Member Bodor stated yeah. Enlargement of a nonconforming building.

Chairman Buzzutto stated yeah, okay. Okay.

Board Member Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF**  
***Joseph Downey, Case #05-09***  
***Enlargement of a Nonconforming Building***

**WHEREAS, *Joseph Downey*** is the owner of real property located at 149 Stagecoach Road (R-4 Zoning District), also identified as **Tax Map Parcel #15.-1-17**, and

**WHEREAS, *Joseph Downey*** has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-58 of the Patterson Town Code; Enlargement of a nonconforming building, for enlargement of a deck in the backyard, and

**WHEREAS, §154-58** of the Patterson Town Code requires any building which does not conform to the requirements of these regulations regarding building height limit, area and width of lot, percentage of lot coverage and required yards and parking facilities shall not be enlarged unless such enlarged portion conforms to all of the provisions of this chapter applying to the district in which such a building is located. No non-conforming portion of any building may be extended, nor any non-conforming use extended into any other area of a building or lot, and

**WHEREAS, §154-7** of the Patterson Town Code requires an 80' rear yard setback; Applicant currently has 8.6'; Applicant will have 6.6', and

**WHEREAS,** the proposed action constitutes a Type II action under 6 NYCRR Part 617, and therefore requires no further review under the State Environmental Quality Review Act (SEQRA), and

**WHEREAS**, a public hearing was held on the application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on *April 15, 2009 and May 20, 2009*, and a site walk was conducted on *April 23, 2009*, to consider the application; and

**WHEREAS**, The Patterson Zoning Board of Appeals has given careful consideration to the facts presented in the application and at the public hearings and finds that:

1. the proposed application *will not* produce an undesirable change in the character of the neighborhood *because where the deck is extending in the rear is a tremendous parcel of State land.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because of the preexisting condition of the way the property situates; long and narrow, with not much backyard to begin with.*
3. the variance requested *is* substantial *however not so much as to deny the variance.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because the existing property is quite large, just very narrow.*
5. the alleged difficulty necessitating the variance *was self-created* but *is not sufficient* so as to cause a denial of the requested variance.

**NOW, THEREFORE BE IT RESOLVED**, that the Patterson Zoning Board of Appeals hereby *grants* the application of *Joseph Downey* for *an area variance* pursuant to §154-58 of the Patterson Town Code; Enlargement of nonconforming buildings, for enlargement of a deck in the backyard.

Board Member Bodor stated second.

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

Resolution carried by a vote of 5 to 0.

Mr. Downey stated thank you.

Chairman Buzzutto stated thanks.

Board Member Olenius stated good luck.

Chairman Buzzutto stated see the...

Board Member Olenius stated now you've got to see the Building Inspector.

Chairman Buzzutto stated Building Inspector. Tomorrow.

Board Member Bodor stated good luck.

Chairman Buzzutto stated okay Joe.

Mr. Downey stated thanks a lot.

Chairman Buzzutto stated take care.

Board Member Bodor stated bye, bye.

### 3) GUIDING EYES FOR THE BLIND CASE #06-09

Mr. Richard O'Rourke, Keane & Beane, Mr. Andrew Leonard, A.T. Leonard & Associates, Ms. Jane Russenberger, Guiding Eyes for the Blind and Dan Jaconetti, KG&D Architecture, were present.

Chairman Buzzutto stated Guiding Eye.

Mr. Richard O'Rourke stated good evening.

Chairman Buzzutto stated good evening. Ready.

Mr. O'Rourke stated I sure am.

Chairman Buzzutto stated okay.

Mr. O'Rourke stated good evening. My name is Richard O'Rourke. I'm with Keane & Beane, attorneys for the applicant Guiding Eyes for the Blind. Here tonight is Jane Russenberger from Guiding Eyes, Andrew Leonard, our landscape architect is here. And we also have Dan Jaconetti, our architect who's with the firm Kaeyer, Garment & Davidson out of Mount Kisco. As you know, this is a continued public hearing. I know that the Board has had the opportunity to have a site walk and see the property and I think you also have the opportunity to see the footprint of where everything is planned. So we're here for that continued public hearing. I have had the opportunity to look at Carl's opinion letter and so far as to whether he believes that the application requires a variances. Obviously, as with all lawyers, there's always a disagreement with something. I think I have a plausible explanation for the reasons why I don't think a variance is necessary and so far as the structure is concerned. But nevertheless, the point of it is this: We want to move forward with the application. Whether a variance is required or not, I believe that we satisfy the criteria for the grant of the variance, should you decide to go in that direction. I think that, and your Code is very specific, and it does provide that with respect to nonconforming buildings and uses under Section 154-52 that a nonconforming use may be structurally altered and clearly under the enlargement of nonconforming buildings, it is permitted so long as it's not the nonconforming portion of this building or the nonconforming use is not extended into any other area of the building or lot. Our interpretation is that means that I don't necessarily need a variance because, of course, we're not changing the use into other portions of the property that are not presently devoted to the use. Nevertheless, if the Board sees fit that a variance is required, so be it. If there's a necessity for us to walk through the application, we can certainly

do that, or answer any questions that the Board may have or obviously entertain any comments from the public.

Chairman Buzzutto stated well, the biggest reason is why you want to expand this now. Can you tell us why.

Mr. O'Rourke stated certainly. And there's no better person to do that than Jane. As we've indicated previously, we're not increasing the number of dogs, we are decreasing the amount of noise outside because we are allowing many of those activities to be brought indoors. And so Jane...

Chairman Buzzutto stated okay. I just want to get that into the...

Mr. O'Rourke stated sure.

(Inaudible – too distant)

Ms. Jane Russenberger stated okay.

Chairman Buzzutto stated okay.

Ms. Russenberger stated Jane Russenberger. I'm the director of the Canine Development Center at Guiding Eyes for the last 20 years. And the key things that we're trying to accomplish is to increase the success rate of our guide dog puppies. I just came back from a conference, actually, with even more data. But we've been working with the University of Pennsylvania, Dr. James Serpell, has been doing some analysis of how we raise our puppies; the environmental influence. We work a lot in the genetics to improve the quality of our dogs, but the environmental aspects of having successful guide dogs seems to be very significant to the point that one of our tests that we did was to put some litters out in a different very socialized environment, which is mimicking what we want to do here. We did it in 2002 through 2004...actually 2000 to 2004. The dogs were 60% successful versus 40% successful with our own. Same breeding, everything else the same. They came back into our system. We just received some more information on just what we've been able to do, which I know you came up and saw it. But we have an analysis we do from questionnaires that the puppy raisers fill out, we've been doing for the last...it's been since 2004 to 2009. And we were able to track the changes we've made in our puppies, as far as their socialization and there are numerous parameters like they're less afraid of other dogs, they're more confident. And it's just very exciting to us that we can actually be more efficient. But what we're really trying to accomplish here is to change the living space of the dogs to be with the people rather than the traditional kennel. We bought the facility as a boarding kennel and is set up sort of like prison cells. And we wanted to change...not change in the number of dogs nor the space the puppies or adult dogs are actually being housed in, but we're making lots more space interact with the dogs and the people, which is what it's really all about; giving them indoor and outdoor space. That's the bottom line is to increase our success rates with the dogs to improve the quality of the dogs that we're doing.

Chairman Buzzutto stated this benefits them in the health part of the dogs.

Ms. Russenberger stated there is also the added benefit of as we make these changes the facility that we have is really outdated. It was built, I think in the...actually I remember. In the 50's or 60's, somewhere in there. But it's not...there's the waste from rinsing down the runs just runs right in front of the dogs and splashes up and get, you know, from one pen to another. It creates more spread of disease and the ventilation system is inadequate. Everything we try to do to fix it...and we've resurfaced walls and done

all kinds of things. But we really do want to make it better. The runs are also set up very narrow and it's indoor and outdoor, both of our kennel facilities for the little puppies as well as the big dogs. There's more space actually outside than inside for the dogs, and we'll be making the whole footprint, be able to have it all indoors so the dogs can stay warm all year long and not have outside barking too, which is a benefit to everybody.

Chairman Buzzutto stated yeah. I think you also said the noise element...

Ms. Russenberger stated yes.

Chairman Buzzutto stated would be quieted down.

Ms. Russenberger stated yes. We know even from our Yorktown facility where we did the same thing, made indoor space out of all the outdoor runs that that cut down considerably on the noise. The dogs will all be monitored when they're outdoors and they'll be with us versus we let the dogs out in the morning to eliminate while we're cleaning the indoor runs and you can't have a person... We keep running in and out, but you know, the dog will bark and see something. But they'll be all indoors other than when we're taking them out for their exercise, which is all monitored with a staff person.

Chairman Buzzutto stated okay.

## **TAPE ENDED**

Ms. Russenberger stated I can see it through the (inaudible) [referring to the tape ending].

Chairman Buzzutto stated on the building itself, of the grey part there is what the [referring to the plans]...

Mr. Andrew Leonard stated the...

Chairman Buzzutto stated well the dark...well, you know, start with that.

Mr. Leonard stated the light grey...

Chairman Buzzutto stated yeah.

Mr. Leonard stated are existing buildings.

Chairman Buzzutto stated okay.

Mr. Leonard stated the dark grey is the proposed footprint. And, it's probably hard to see for you guys, but there's a red dash line, that's the existing kennel that Jane was just describing with all the old fashion runs, we'd be proposing to remove that and put the dark grey building in place of the existing structure, which is outdated.

Chairman Buzzutto stated and the elimination of the dog runs on the left side, that's not going to be used any...no longer.

Mr. Leonard stated this area here.

Chairman Buzzutto stated no. Over...way over. Yeah. That runs all the way down in the back along the side.

Mr. Leonard stated the back along the side.

Board Member Bodor stated the walk...

Chairman Buzzutto stated well, the side.

Board Member Bodor stated the walkway...

Chairman Buzzutto stated yeah.

Board Member Bodor stated that goes down the side.

Chairman Buzzutto stated right, yeah.

Board Member Bodor stated outdoors.

Ms. Russenberger stated yeah the Brewd. Brewd Hill.

Mr. Leonard stated oh Brewd Hill. Correct.

Chairman Buzzutto stated yeah.

Mr. Leonard stated Brewd Hill will no longer be used which all goes in front of this neighbor's house. That will just be an open lawn area. It just will not be used for dogs.

Chairman Buzzutto stated okay.

Board Member Bodor stated since you mentioned the neighbor, we do have a letter from the neighbor which I would like to read into the record. It happens to be that house right there. Yeah. This is to the Zoning Board of Appeals Chairperson, Mr. Howard Buzzutto.

Dear Sir,

I'm writing in support of granting site plan approval to Guiding Eyes for the Blind. We are the immediate neighbors directly to the west and consider Guiding Eyes to be very respectful and considerate neighbors. Peter and I have absolutely no objection to the plans before the Committee for the improvements/renovations to the building and the property located at 361 Route 164. We were consulted early in the planning stages and our suggestions were implemented into the final plan. We are onboard with the plan as it stands now. Thank you for your consideration.

Deb and Peter Gabarro

Board Member Bodor stated actually, when we did our site walk, Mrs. Gabarro and her daughter were right there social...I don't know. Massaging...

Ms. Russenberger stated socializing.

Board Member Bodor stated socializing, whatever, the little pups. So here they are, immediate neighbors. And I remember when you were here the first time when you wanted to do your renovations there that you spoke about the screening, and they were very receptive. And I...Apparently everything has gone well because they're working with you and they still do approve of what you're doing over there. And along the same vein, Guiding Eyes prepared, for those of you who are not familiar, a wonderful handout that they circulated to all the neighbors in the area letting them know...we have a glossy too, but I just happen to have this one [referring to the letter that was sent out], letting them know what they were doing and asking for input. So I think this was a very important part of trying to be a good neighbor for Guiding Eyes.

Chairman Buzzutto stated very good.

Mr. O'Rourke stated thank you. And that sort of leads me into the criteria that you will be considering in terms of the application. And clearly, as you all know, one of the criteria to be applied is the relief being sought what the results, if any, will it have in terms of the changes to the neighborhood. And I think the one thing we've demonstrated is that in fact with the additional screening and the noise reduction, which will occur by virtue of these improvements if they are approved, actually that results in a desirable positive change in terms of the neighborhood, so...

Chairman Buzzutto stated what happens to the dogs when you start building. What do you do with them.

Ms. Russenberger stated yeah, that one's a fun one. Andrew Leonard and I have been meeting about that outside in the back of his car, but we're going to have to do a phasing plan. When we do the whelping kennel we'll be using home litter care families, which we already have a program for that. We'll have half the kennel not in use and the other half we'll be sending the pups home with our families that are local. For the other part of it, we'll be doing it in phases where the kennel will have to come down and that's what, you know...And then the center area, we've talked to...we've actually...we're going to use the same general contractor that's done the other work, John Davito, and he's given us guidance on what we can do to house the dogs that we have to house there, which would be the breeding dogs that are coming in just to be breed. Fortunately we have...our families all live close by, so it would be a combination of our families helping us. But dogs do have to come in and out. So it's going to be kind of difficult, but certainly we're meeting the dogs' needs. We'll be putting that fencing up in phase one, along with the whelping kennel that we were talking about in the back for the exercise for the dogs and making kind of makeshift kennels on the inside, which will eventually become office, but...

Chairman Buzzutto stated okay.

Ms. Russenberger stated a kennel will be an office for awhile. Or the other way around. The office will be the kennel for awhile.

Chairman Buzzutto stated yeah, it was also brought up at the site walk about fire protection in the back of the building.

Mr. Leonard stated yes.

Chairman Buzzutto stated did you figure out some way how that would be handled because you can't get a vehicle back there.

Mr. Leonard stated we can get a vehicle... We can get a fire truck to the side of the building. And we can get a tractor-type vehicle and potentially a pickup vehicle up along this woodchip path [referring to the plans]. It would take some more significant regrading, which we have to work out with the Planning Board in terms of its impact. To get a pickup truck up there, it is more than likely feasible, but that's something we're definitely discussing with them...

Chairman Buzzutto stated yes.

Mr. Leonard stated in terms of access. What we've heard from the Fire Code Officer is that we need to get the larger fire truck vehicles at least to the side where the building is two stories and where along the back it's one story, he's not requiring us to get a vehicle there, but that doesn't mean we don't want to get a vehicle there. So it's something that we're ongoing discussing with the Planning Board and the Fire Code Officer and we're also in the budget approved sprinkler system for the building, which they currently don't have. So that's an important part, we feel, a very important part of, you know, working with Town but also trying to protect the dogs. So, I think that answers your question.

Chairman Buzzutto stated because you brought that up...

Mr. Leonard stated yeah.

Chairman Buzzutto stated site walk.

Board Member Bodor stated yes.

Chairman Buzzutto stated yeah, Mary brought that up.

Mr. O'Rourke stated and we know that, obviously, that's clearly within the prevue of the Planning Board and we know we're going to have to...

Chairman Buzzutto stated yeah.

Mr. O'Rourke stated satisfy the Planning Board in that regard. And so that's exactly what we're doing.

Chairman Buzzutto stated do we have any input from the audience on this particular project here. See, we've got a silent audience here tonight.

Board Member Olenius stated I'd like to just discuss the height...

Mr. O'Rourke stated sure.

Board Member Olenius stated portion of the variance there. And I know you... Explain it to me one more time.

Mr. O'Rourke stated okay. You have a very, what I consider, a very good provision in your Zoning Ordinance that allows for, shall we say, architectural amenities and the exclusion of up to 6 feet of an architectural amenity and so far as the height is concerned. One component of this, of course, is, and

Andrew can point it out to you when we get the elevation up there, it's the...that component right there [referring to the plans]. Your ordinance allows for...I'm sorry.

Mr. Leonard stated take a half step back.

Mr. O'Rourke stated oh, sure.

Mr. Leonard stated and then I'll let you get to that. We have one façade of the structure which is the greatest height variance, which happens to be literally just this front façade of the structure, which puts the roof line above the 38 feet; it's 42.5 [feet]. Is that correct. Yeah. 42.5' to this ridge. The discussion point then becomes obviously a request for acceptance of that, but regarding this piece here, which is I think what you're talking about Rick, with the protrusion, just so everyone's clear about what we're talking about. These areas here are in conformance.

Mr. O'Rourke stated okay. And so the point being that we do need a height variance and we recognize that in terms of the limitation being to 38' and we're proposing this peak, as measured here in the front, it's 42'6". So we need a variance for the 4'6". We recognize that and that's our application. What we also have, I think and I've demonstrated, this is an architectural amenity that is there for the purpose, and the architect can certainly address the issue, we're not using it for mechanicals. The mechanicals are actually resting on the attic joists. So with that, the position that we are asserting is that, in fact, we don't need a variance in connection with that architectural amenity. Because it's there, we do have some vents, which we could...I...

Mr. Leonard stated we could put...

Mr. O'Rourke stated we could put...

Mr. Leonard stated dormers off the side, in its place, but it wouldn't have the barn style architecture that we were really trying to accomplish. So we could, you know, remove...leave the protrusion architecturally, but would have to figure out a different way to vent. We thought that that would be aesthetically unappealing to have these things sticking up out of the roof, so we thought we would reuse the protrusion for that. So even if we had to put the venting somewhere else, we still would like to have the protrusion architecturally.

Mr. O'Rourke stated right. And I think, to address your question in terms of running through it, your Zoning Ordinance defines height of building as the vertical distance as measured between 1. the level of the highest point of the roof surface, which of course is that, exclusive of any chimneys, antennas of less than 10 feet in height, or any other purely architectural protrusions less than 6 feet in height. This architectural protrusion is 5'10". So it's less than 6 feet. And the average level of the finished ground surface across the exterior wall of the building which results in the greatest vertical distance. And that's this, right here [referring to the plans]. So, that's the issue with respect to the height variance.

Board Member Olenius stated I'm just...It bothers me because I'm curious...I understand you're saying it's architectural...

Mr. O'Rourke stated right.

Board Member Olenius stated why does it have to run that length when the other buildings just have cupolas on them, like smaller protrusions. Because being that it's running that, it looks like it's serving a purpose to me, in this case, venting. So I'm not viewing it in my mind as architectural.

Mr. Leonard stated okay.

Board Member Olenius stated that's my personal opinion. I'm speaking for myself.

Mr. Leonard stated yeah. In fact, this style of architecture is reminiscent of a dairy style barn, which actually they ran these ridge vents, basically, to try and draw air from the bottom and out the top. And it was done on purpose to cool the barns in the summer. So they actually have...quite a few barns have this style detail on the top rather than just a cupola. The cupola is actually not...That's more of an architectural, decorative detail, where this is more, actually, a traditional barn style detail. That's where, design wise, it came from. It, I mean...and if you guys disagree with the argument, then we'd be requesting the height variance include the protrusion, what we're calling protrusion, because we think it's actually important to the overall architectural style that we have something that looks like a connected farm with a building that is more like the traditional house and with the traditional barn, so it tends to blend into the neighborhood.

Chairman Buzzutto stated so if you don't have that, what is the alternative. A big aluminum vents and stuff.

Mr. Leonard stated yes. Well...

Chairman Buzzutto stated well, whatever.

Mr. Leonard stated large vents or large dormers, which would make the building not look like a barn. It would make it look like an enormous house, which is what we were trying to avoid with the varied detailing as you move through the building. So we...Even if...We would like, even if you said this was not a protrusion, to still request the variance to include that height so we can maintain the architectural barn style design within the complex, because we think it will have a very nice feel even though it's a larger structure than the neighborhood, we think it will blend in better with the varying detailing instead of repetitive cupolas.

Chairman Buzzutto stated where the people standing with the dogs there, that building there...Yeah, that one there [referring to plans]. What's the height of that one. Does that require variances on that one also.

Mr. Leonard stated no. That's an existing building. I'm fairly certain the highest height distance is from here to here.

Chairman Buzzutto stated oh, that's the preexisting there.

Mr. Leonard stated yes. Yes.

Chairman Buzzutto stated fine.

Mr. Leonard stated that's this building [referring to plans].

Chairman Buzzutto stated okay. Alright, that's there.

Mr. Leonard stated yup. And where we're talking about this height...

Chairman Buzzutto stated yeah.

Mr. Leonard stated is right here.

Chairman Buzzutto stated okay. That's facing going up the driveway.

Mr. Leonard stated yes.

Chairman Buzzutto stated yeah, okay.

Mr. Leonard stated correct.

Chairman Buzzutto stated but that would be a necessary function of the venting system of the whole complex there.

Mr. O'Rourke stated we're going to vent one way or the other.

Chairman Buzzutto stated well...

Mr. Leonard stated the issue... We need to vent the building. What we're trying to do is do it in a way that is the least obtrusive or the least architecturally unappealing way possible. So we thought we could reuse the detail and just run some louvered vents across the top. These are where the main kennels are being relocated, so there's a lot of air exchange that has to occur to keep that a healthy environment. So that's kind of a mix of the thinking.

Chairman Buzzutto stated okay.

Mr. O'Rourke stated if you were to say that this does not fall within the exclusion as defined in building height then, as we've said, our position would be that we would nevertheless like to have a variance to keep that that way. And that would mean that the variance necessary would be 10'4". Which of course would be the 30... You know, the 38 [feet] to the 42 [feet], plus you would then have to add on the 5'10".

Chairman Buzzutto stated so if you put domers on that, would that add to the footage of the building that you might need a...

Mr. O'Rourke stated well, the dormers I guess would...

Chairman Buzzutto stated I mean dormers, yeah.

Mr. O'Rourke stated we'd have to do it over here on the...

Chairman Buzzutto stated yeah.

Mr. O'Rourke stated roofline, which...

Chairman Buzzutto stated would that add interior footage requirements.

Mr. O'Rourke stated no.

Chairman Buzzutto stated it wouldn't.

Mr. O'Rourke stated I don't think so. No.

Mr. Leonard stated they would be in the attic.

Chairman Buzzutto stated it would be in the attic.

Mr. O'Rourke stated yeah. It would be in the attic.

Chairman Buzzutto stated well, that's the least intrusive there. Okay. Do I have any input here. Anybody interested...

Board Member Herbst stated Richie in the back.

Chairman Buzzutto stated Mr. Williams.

Rich Williams stated I'll try to be brief. I just want to touch on this height variance. I believe the Applicant, at this point, has made my argument for me that it's not purely architectural. That if they do have to...they get denied the variance, they're going to have to remove it, but they're going to have to replace it with something else that performs the same function. Now, having said that, I would agree with the Applicant, this is an essential component of the architecture of the building in that it gives it a very barn look, which is what they are going for. If you were to consider eliminating that and putting dormers on it, my opinion would be it would not look anywhere near as attractive as this building does. It would change the whole feel and character of the layout of this site and I would encourage the Board to seriously consider this, because I think that's an essential element of the overall design they're going for.

Chairman Buzzutto stated very good. Okay. Do we have anymore...What would...If this was granted, when would you start with this. During the summer months.

Mr. O'Rourke stated well we have to go...we have to get approval from the Planning...

Mr. Leonard stated yeah. We would have to get final approvals from the Planning Board...

Chairman Buzzutto stated yeah.

Mr. Leonard stated Health Department, Department of Transportation because they want us to do some improvements along the entrance.

Chairman Buzzutto stated okay.

Mr. Leonard stated which I'm sure you guys saw the entrance when you came in.

Chairman Buzzutto stated yeah.

Mr. Leonard stated our goal, if everything were to go smoothly, is that we'd be looking at the spring of 2010 of starting construction. That's obviously if we get all the approvals and everyone...

Chairman Buzzutto stated yeah.

Mr. Leonard stated seems pleased. And then it would be phased anywhere from 24 to 36 months, in order to deal with keeping the dogs, operating the facility and still accomplishing construction. Because we have to think about the health of the dogs while we're doing the building.

Chairman Buzzutto stated yeah. Do I have any more input from the Board here. All set with that.

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

Chairman Buzzutto stated okay. I'll make a motion. You did it.

Board Member Bodor stated I did it.

Chairman Buzzutto stated second.

Board Member Herbst stated second.

Chairman Buzzutto stated okay. Public hearing closed.

Board Member Bodor stated all in favor.

Board Member Burdick stated all in favor.

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

Chairman Buzzutto stated you did it again. Alright, we'll take a...Who's got the reso on this one.

Board Member Olenius stated I'll do the first one.

Board Member Herbst stated our reso reader, who do think's got it.

Board Member Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF**  
***Guiding Eyes for the Blind, Case #06-09***  
***For an Area Variance for Height***

**WHAREAS**, *Guiding Eyes for the Blind* is owner of real property located at 361 Route 164 (R-4 Zoning District) also identified as **Tax Map Parcel #24.-1-26**, and

**WHEREAS**, *Guiding Eyes for the Blind* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations, in order to allow for the construction of a combination kennel/office building.

Chairman Buzzutto stated you do the height variance.

Board Member Olenius continued to read the following resolution:

**WHEREAS**, §154-7 of the Patterson Town Code allows for a 38' height maximum on structures located in the R-4 Zoning District; Applicant will have 48'4"; *variance requested is for 10'4"*; and

**WHEREAS**, the proposed action constitutes a Type II action under 6 NYCRR Part 617, and therefore requires no further review under the State Environmental Quality Review Act (SEQRA), and

**WHEREAS**, a public hearing was held at the Patterson Town Hall, 1142 Route 311, Patterson, New York on *April 15, 2009 and May 20, 2009*, and a site walk was conducted on *April 27, 2009* to consider the application, and

**WHEREAS**, The Patterson Zoning Board of Appeals has given careful consideration to the facts presented in the application and at the public hearings and finds that:

1. the proposed application *will not* produce an undesirable change in the character of the neighborhood *because through all the improvements, it will actually enhance the look of the neighborhood with additional screening, reduction in noise and relocation of the current activities to the rear of the said structure.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because of the existing layout of said property.*
3. the variance requested *is* substantial *however not so much as to deny the requested variance.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because the look of the architecture will actually enhance the viewscape.*
5. the alleged difficulty necessitating the variance *was self-created* however *is not sufficient* so as to cause a denial of the requested variance.

**NOW, THEREFORE BE IT RESOLVED**, that the Patterson Zoning Board of Appeals hereby *grants* the application of Guiding Eyes for the Blind for an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations, in order to allow for it to exceed the 35 foot maximum height allowable in the R-4 Zoning District with a variance of 10'4".

Chairman Buzzutto stated what figures did you give on this up here.

Board Member Bodor stated you've got...There's...

Chairman Buzzutto stated what's the reso...What figures did you give on that. The 5'10".

Board Member Olenius stated it's 10'4".

Chairman Buzzutto stated that's what he's doing, the nonconforming. The height...

Board Member Olenius stated there is two choices.

Board Member Bodor stated there's another one. You've got the wrong one in front of you.

Chairman Buzzutto stated okay. Okay, there's two on the height variance.

Board Member Bodor stated I'll second that.

Chairman Buzzutto stated okay.

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

Resolution carried by a vote of 5 to 0.

Chairman Buzzutto stated okay.

Board Member Bodor stated I'll do the other one. You want me to do the next one.

Board Member Olenius stated thank you. I was getting frazzled.

Board Member Bodor stated you don't understand. I used to do all of these, so I'm happy he's here.

Board Member Bodor read the following resolution:

**IN THE MATTER OF THE APPLICATION OF**  
***Guiding Eyes, Case #06-09***  
***Enlargement of a Nonconforming Building***

**WHEREAS, *Guiding Eyes for the Blind*** is the owner of real property located at 361 Route 164 (R-4 Zoning District), also identified as **Tax Map Parcel #24.-1-26**, and

**WHEREAS, *Guiding Eyes for the Blind*** has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-58 of the Patterson Town Code; Enlargement of a nonconforming building, in order to redesign its Canine Development Center, and

**WHEREAS, §154-58 of the Patterson Town Code** requires any building which does not conform to the requirements of these regulations regarding building height limit, area and width of lot, percentage of lot coverage and required yards and parking facilities shall not be enlarged unless such enlarged portion conforms to all of the provisions of this chapter applying to the district in which such a building is located. No non-conforming portion of any building may be extended, nor any non-conforming use extended into any other area of a building or lot, and

**WHEREAS,** the proposed action constitutes an unlisted action under 6 NYCRR Part 617, and

**WHEREAS,** the Patterson Planning Board, who was acting as Lead Agent, determined that the proposed action will not have significant effects on the environment and issued a negative SEQRA declaration on May 7, 2009, and

**WHEREAS**, a public hearing was held on the application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on *April 15, 2009 and May 20, 2009*, and a site walk was conducted on *April 27, 2009*, to consider the application; and

**WHEREAS**, The Patterson Zoning Board of Appeals has given careful consideration to the facts presented in the application and at the public hearings and finds that:

1. the proposed application *will not* produce an undesirable change in the character of the neighborhood *because the facility is in existence and improvements will be made interior and exterior and will further enhance the presentation on the property.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because it is necessary to keep up with modern technology, trends, psychologies, raising dogs for the Guiding Eyes program, and the proposed improvements will benefit the dogs health and training.*
3. the variance requested *is not* substantial *because company owns a large parcel of property, and although it is narrow in the sides, front and back, there's plenty of space. There is an existing kennel which has been there for years and this is just an outgrowth of the original use.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because Guiding Eyes is a presence that has been there for an number of years and has improved the area.*
5. the alleged difficulty necessitating the variance *was self-created however it is not sufficient* so as to cause a denial of the requested variance.

**NOW, THEREFORE BE IT RESOLVED**, that the Patterson Zoning Board of Appeals hereby *grants* the application of *Guiding Eyes for the Blind* for *an area variance* pursuant to §154-58 of the Patterson Town Code; Enlargement of nonconforming buildings, in order to redesign the Canine Development Center.

Board Member Burdick stated second.

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

Resolution carried by a vote of 5 to 0.

Chairman Buzzutto stated okay. We got one more here, right.

Board Member Bodor stated no. No.

Chairman Buzzutto stated that was done.

Board Member Bodor stated that was it.

Mr. O'Rourke stated thank you very much.

Board Member Burdick stated thank you.

Chairman Buzzutto stated good luck to you.

Mr. O'Rourke stated I'm sure it's going to be a...I think it's going to a wonderful addition.

Board Member Herbst stated Buzzy.

Board Member Olenius stated he read it in already.

Board Member Herbst stated I want to take one minute. I got to go take a pill. I have to get some water.

Board Member Olenius stated from the first one.

Mr. Russenberger stated I just wanted to say thank you very much.

Board Member Bodor stated thank you for all...

Board Member Burdick stated thank you for the tour.

Chairman Buzzutto stated yeah.

Board Member Bodor stated you did. The tour was marvelous and your...

Rich Williams stated coordinated.

Board Member Bodor stated and your presentations were very, very...

Chairman Buzzutto stated the site walk was...

Board Member Bodor stated beneficial.

Ms. Russenberger stated that means a lot to us.

Chairman Buzzutto stated the site walk was...I'd like to do that again.

Ms. Russenberger stated any time.

Board Member Olenius stated for the height one, too.

Mr. O'Rourke stated (inaudible – too many talking) variance application (inaudible – too many talking).

Board Member Olenius stated towards the end.

Rich Williams stated make sure it's in the record.

Board Member Burdick stated we want to come play with the puppies.

Chairman Buzzutto stated we'll take a minute.

Board Member Olenius stated we'd just like to acknowledge that for the entire application the Planning Board acted as lead agency and issued a negative SEQRA declaration for both the height variance and the enlargement of the nonconforming building.

Mr. O'Rourke stated okay. Have a nice one.

Board Member Bodor stated thank you, you too.

Board Member Burdick stated thank you, you too.

Board Member Herbst stated I'll be right back.

Board Member Bodor stated you didn't ask if you could have a conversation.

Board Member Herbst stated yes I did...oh. Conversation, no.

Board Member Bodor stated go. Come on. We want to go on.

Chairman Buzzutto stated who's next on the agenda here.

Board Member Bodor stated he's holding us up. Hoffman.

#### 4) **CHARLES HOFFMAN CASE #09-09**

Mr. Charles Hoffman was present.

Board Member Bodor stated no, I guess that's the house. I don't know.

Board Member Olenius stated usually I like reading them in advance and I've just been like...

The Secretary stated I don't know, this batch I'm like off.

Board Member Herbst stated okay. I told you I just had to get some water.

Chairman Buzzutto stated alright. Next on the...You ready.

The Secretary read the following legal notice:

##### **Charles Hoffman Case #09-09 – Area Variance**

Applicant is requesting an area variance pursuant to §154-27(12) of the Patterson Town Code; Permitted accessory uses, in order to place a 10' x 20' shed in the front yard. §154-27(12) of the

Code states that accessory structures shall not be located in the front yard. This property is located at 85 South Lake Drive (RPL-10 Zoning District).

Chairman Buzzutto stated Mr. Hoffman. You want to state your name and address.

Mr. Charles Hoffman stated Charles Hoffman. 85 South...

Chairman Buzzutto stated raise your right hand. Do you swear the testimony you provide tonight will be the truth and the whole truth. That's what they tell me to say here.

Mr. Hoffman stated oh yeah.

Chairman Buzzutto stated that's what they call a prompter. Alright, will you give us in your own words what you have in mind.

Mr. Hoffman stated when I came here they told me I had two front yards because the property (inaudible – papers shuffling) Norfolk [Road]. I can't put a shed in the front yard so I always thought it was my backyard. I have a fenced in area you can see on the survey. A stone wall, it's like 20' x 20'. I want to put a 10' x 20' shed there. (Inaudible – papers shuffling). There's a lot of stuff. My wife is a clothes addict. We keep a lot of this stuff, it just won't fit in the house. (Inaudible – too distant and papers shuffling) that I would like to put in there. A lot of clothing storage. Right now all my summer and winter stuff goes to Hastings (inaudible) and we're going to get rid of that house. We can't afford it.

Board Member Olenius stated so the access to where the shed would be is from Norfolk Road. Is that what you stated.

Mr. Hoffman stated yes.

Board Member Olenius stated Norfolk Road. And you also have a driveway from South Lake [Drive].

Mr. Hoffman stated right.

Board Member Olenius stated which is your main...

Mr. Hoffman stated yeah.

Board Member Olenius stated to the front of...what you consider to the front of your home.

Mr. Hoffman stated yes.

Board Member Olenius stated your main entrance and everything.

Mr. Hoffman stated yes, Sir. Two years ago, I had it surveyed. I used to get two tax bills and after they surveyed it, they said they were going to combine it.

Board Member Bodor stated yes.

Mr. Hoffman stated it was always...I have two tax bills; one for unbuildable property and one for the property. And also they combined them, and now I have two front yards.

Board Member Olenius stated I have three. I feel your pain.

Mr. Hoffman stated lucky you.

Board Member Bodor stated are there other sheds still in existence on this property. This indicates a metal shed.

Mr. Hoffman stated yeah, there's two.

Board Member Bodor stated two metal sheds.

Mr. Hoffman stated yes.

Board Member Bodor stated they're there and you want to put another one in.

Mr. Hoffman stated yes.

Board Member Bodor stated that gravel area where you want to put this, is that a parking space really.

Mr. Hoffman stated yeah, it's a driveway. I park there.

Board Member Bodor stated you park there.

Mr. Hoffman stated yeah.

Board Member Bodor stated and if you put that shed on that parking spot, will you still have room to park.

Mr. Hoffman stated yes. I can fit three cars in that driveway.

Board Member Bodor stated and a shed.

Mr. Hoffman stated no. I wouldn't have any cars right there.

Board Member Bodor stated oh.

Mr. Hoffman stated I would have three on South Lake Drive.

Board Member Bodor stated the other parking area.

Mr. Hoffman stated right.

Chairman Buzzutto stated okay.

Board Member Bodor stated do you have a neighbor on this side over here...

Mr. Hoffman stated on Norfolk Road.

Board Member Bodor stated where the shed would be close. Yeah...

Mr. Hoffman stated yeah.

Board Member Bodor stated on Norfolk [Road].

Mr. Hoffman stated Anthony and Linda Garabo, yeah.

Board Member Bodor stated okay. I would like to go out and take a look at this. It's an unusual piece of property and I think it warrants a site walk.

Chairman Buzzutto stated okay.

Board Member Olenius stated that's where you are. You said you're next to Anthony Garabo. That's where...

Mr. Hoffman stated yes.

Board Member Olenius stated he's your neighbor. Oh, okay. I was trying to figure out where this was.

Board Member Bodor stated you can guide us all there then.

Board Member Olenius stated I got this one.

Chairman Buzzutto stated well, do I have any input from the audience on this particular thing while we're in this. Alright, so we're going to... You want to ask anymore about this piece of property.

Board Member Burdick stated are you planning on taking either one of the sheds down.

Mr. Hoffman stated I was thinking if this one, I might get rid of the one on the side of the house. It's smaller than the other one.

Board Member Bodor stated the smallest one way over here in the corner.

Mr. Hoffman stated I don't know. The bigger one I have lawn mowers in, snow blowers, and that kind of... With this one I might be able to get rid of one of those. If I can get rid of the bigger one I can (inaudible – too distant). It's possible.

Board Member Bodor stated the new shed, are you planning on metal also.

Mr. Hoffman stated no. It's one of these... I went to the Jungle Gym down here and then Martins...

Board Member Bodor stated Martins.

Mr. Hoffman stated yeah, it's going to be wood with an asphalt roof.

Chairman Buzzutto stated how big.

Mr. Hoffman stated 10' x 20'.

Chairman Buzzutto stated 10' x 20', that's 200...You'd need a permit for that one.

Board Member Olenius stated 10' x 20'.

Board Member Bodor stated I don't know what the square footage is.

Chairman Buzzutto stated well, 10' x 20'.

Mr. Hoffman stated I want to get the same color of the house.

Chairman Buzzutto stated yeah. Well, we'll take a look at it.

Board Member Herbst stated it's not the agenda that I have. This was in today's mail. I don't have it.

Chairman Buzzutto stated what's the matter.

Board Member Olenius stated he doesn't have it on his agenda.

Chairman Buzzutto stated what do the call that design.

Board Member Olenius stated gambrel.

Chairman Buzzutto stated gambrel.

Board Member Olenius stated gambrel.

Chairman Buzzutto stated okay. Alright. So we'll table this. I make a motion we table it.

Board Member Bodor stated yes.

Chairman Buzzutto stated for the next meeting. We're going to take a site walk on it and look at the property and look at what you have there. And we'll make arrangements...Sarah will make arrangements to let you know when we'll do the site walk. We can do these after hours now can't we. Yeah. Okay, so...

Board Member Bodor stated is there any time that's really bad because we'd like to have you...someone...

Chairman Buzzutto stated someone there.

Board Member Bodor stated there when we come out. Is there a day, time that's really bad for us to come.

Mr. Hoffman stated I work. I'm usually home by 6:30 [p.m.]. I get home a little after 5:00 [p.m.] So...

Board Member Herbst stated mixed in with the others.

Mr. Hoffman stated Monday through Friday.

Board Member Bodor stated Monday through Friday after 5:00.

Mr. Hoffman stated or the weekends. Or any time after that.

Board Member Bodor stated okay, good. That's good.

Chairman Buzzutto stated that's good, yeah.

Board Member Olenius stated that's perfect.

Board Member Bodor stated make it easier with our planning because we have to get five schedules together here.

Mr. Hoffman stated weekend are (inaudible – too distant).

Board Member Bodor stated weekend too. Okay, good. Good.

Chairman Buzzutto stated okay, fine. Sarah will be in touch with you on when we're going to do it because we have to get together and see who can be available at that time.

Mr. Hoffman stated okay.

Chairman Buzzutto stated okay. Well thank you Mr. Hoffman. We'll be out there to take a look at it.

Mr. Hoffman stated thank you very much.

Chairman Buzzutto stated okay. Thank you much. Alright, now I have to use yours because I've got mine buried here someplace. You want to go with the next one.

## 5) **CHRISTINA RIZZO CASE#10-09**

Mrs. Christina Rizzo was present.

The Secretary read the following legal notice:

### **Christina Rizzo Case #10-09 – Area Variances**

Applicant is requesting area variances pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations and §154-27(12) of the Patterson Town Code; Permitted accessory uses, in order to install a swing set/jungle gym in the front yard. §154-27(12) states that accessory structures are not permitted in the front yard (forward of the dwelling). The Code requires a 20' side yard setback; Applicant will have 2'; Variance requested is for 18'. This property is located at 14 Quaker Manor Lane (R-4 Zoning District)

Mrs. Christina Rizzo stated hello everyone.

Chairman Buzzutto stated Christina Rizzo. You want to state your name and address.

Mrs. Rizzo stated Christina Rizzo. 14 Quaker Manor Lane, Patterson, New York.

Chairman Buzzutto stated alright. Raise your right hand. Do you swear the testimony you provide tonight will be the truth and the whole truth.

Mrs. Rizzo stated yes I do.

Chairman Buzzutto stated okay, thank you. Alright, you heard what the agenda read, do you want to give us a description of, in your mind, what you want to have done up there.

Mrs. Rizzo stated I actually brought pictures of my property to show you.

Chairman Buzzutto stated why don't we lower that if we can. Or you can take the mic right out if you want [referring to the microphone stand]. If you have to stand...

Board Member Herbst stated lift it out.

Mrs. Rizzo stated I brought pictures to show you. Basically I have four small children and I would like to put a swing set in for them so that way they can have some place to play. And I'll give... You guys will start first. There's many angles there that clearly show that you have to be a billy goat to play on my property [referring to the pictures she brought in].

Board Member Bodor stated where is Quaker Manor Lane.

Mrs. Rizzo stated off South Quaker Hill, on the other side of [Route] 22.

Board Member Bodor stated okay.

Mrs. Rizzo stated you go up South Quaker Hill...

Board Member Bodor stated yes.

Mrs. Rizzo stated take the first right. It's the private road. There are seven lots. I'm the fourth one in.

Chairman Buzzutto stated oh. Quaker Hill; that's right across from Mobil, isn't it.

Mrs. Rizzo stated yes.

Chairman Buzzutto stated okay. Yeah, I know.

Board Member Olenius stated as I'm looking at this house and as we pass them down [referring to the pictures], are you proposing the left side of the home.

Mrs. Rizzo stated on the garage.

Board Member Olenius stated the garage side.

Mrs. Rizzo stated yeah.

Board Member Olenius stated in front of the pool.

Mrs. Rizzo stated actually right in front of that tree.

Board Member Olenius stated okay.

Mrs. Rizzo stated the pool is in the back. You can see other pictures that show you a better view.

Board Member Olenius stated okay.

Chairman Buzzutto stated would you need a permit or a variance to put a swing set...That's odd.

Board Member Olenius stated it's a structure.

Board Member Burdick stated a structure.

Chairman Buzzutto stated Rich, would the swing set be considered a...

Rich Williams stated yeah. By definition of our Code, it would be considered a structure. And structures are limited...Accessory structures are limited from the front yard.

Chairman Buzzutto stated that's odd.

Board Member Bodor stated it's probably not one of the...It's one of these jungle gyms with the wood and everything, right.

Mrs. Rizzo stated yes.

Board Member Bodor stated yeah.

Mrs. Rizzo stated I actually brought...

Board Member Bodor stated it's not a swing set...

Chairman Buzzutto stated oh.

Board Member Bodor stated that you're thinking of.

Mrs. Rizzo stated no, it's...

Chairman Buzzutto stated oh. I'm thinking of...

Mrs. Rizzo stated one of what you think.

Board Member Bodor stated right.

Chairman Buzzutto stated okay, okay.

Board Member Bodor stated it's not your metal post...

Chairman Buzzutto stated yeah, that's what I was thinking.

Mrs. Rizzo stated no. Because that wouldn't be...

Chairman Buzzutto stated I was thinking...

Mrs. Rizzo stated safe because of the incline. They couldn't really...

Chairman Buzzutto stated oh. I was thinking of the two ropes hooked up on the limb of the tree.

Mrs. Rizzo stated like when we grew up.

Rich Williams stated while I have the mic, if it will please the Board, I've been to this site on a number of occasions now on other matters, and can attest to the fact that there is no backyard. There really isn't. It's all rock and slope.

Board Member Olenius stated slope there.

Chairman Buzzutto stated oh here. Okay, just give us a minute here. We'll...Boy, you got some view there.

Board Member Olenius stated your neighbor to your left, on the side that the swing set would be on, how close is that residence to your property line, or where the swing set would be located.

Mrs. Rizzo stated well, where the tree line is, that's, what I believe, is the property line.

Board Member Olenius stated right.

Mrs. Rizzo stated so that starts his property. But his house is a significant distance over.

Board Member Olenius stated okay. So that tree line is his.

Mrs. Rizzo stated he's actually here.

Board Member Olenius stated okay.

Mrs. Rizzo stated he's sitting down.

**Richard Ziegelmeier stated** yeah, it's about 70 feet from the property line basically. That's...

Chairman Buzzutto stated wait, wait, wait. You want to...

**Richard Ziegelmeier stated** oh, yes.

Chairman Buzzutto stated you want to come up...

**Richard Ziegelmeier stated** sure.

Chairman Buzzutto stated and give your name, Sir.

**Richard Ziegelmeier stated** my name is Richard Ziegelmeier. I reside at 10 Quaker Manor Lane.

Chairman Buzzutto stated you have to talk into the mic...

**Richard Ziegelmeier stated** oh.

Chairman Buzzutto stated to get it into the tapes.

**Richard Ziegelmeier stated** okay. Oh, I'm sorry. My name is Richard Ziegelmeier. I reside at 10 Quaker Manor Lane. I'm the adjacent property. My house is roughly 70 feet from the property line to the house. So, that's what we're talking about.

Chairman Buzzutto stated okay. And.

**Richard Ziegelmeier stated** why I'm here.

Chairman Buzzutto stated yeah.

**Richard Ziegelmeier stated** okay. My only concern, and I mentioned to Christina, was that my wife and I are going to put a fence up between the two properties. And I want to have the surveyor come out...he's suppose to come out next week and just remark the lines for us. And then we'll know exactly where, you know, where we are and then she can go ahead and put in the playground. She doesn't have to wait for me to put the fence up, just to have the thing marked out so we are all on, you know, the same...

Board Member Olenius stated so it's accurate to begin with.

**Richard Ziegelmeier stated** exactly. Exactly.

Board Member Olenius stated it's probably better for you.

**Richard Ziegelmeier stated** what that does to the variance and the property, whatever, I don't have a clue.

Board Member Olenius stated right.

**Richard Ziegelmeier stated** so...

Board Member Herbst stated so you're the neighbor and you have no objections to it.

**Richard Ziegelmeier stated** not at all.

Chairman Buzzutto stated okay.

**Richard Ziegelmeier stated** they're a nice family, nice kids. They should have a playground.

Board Member Herbst stated I know Christine, Sir.

Board Member Olenius stated thank you.

**Richard Ziegelmeier stated** okay.

Board Member Olenius stated thank you very much.

Chairman Buzzutto stated okay. Do you already have the swing set, or you have it ordered, or...

Mrs. Rizzo stated no. I was waiting to...

Chairman Buzzutto stated okay, good.

Mrs. Rizzo stated see if I got permission.

Chairman Buzzutto stated good. Okay. So R-4. You have 6.23 acres.

Mrs. Rizzo stated of pure rock.

Chairman Buzzutto stated pure rock. Pure...

Board Member Bodor stated what did you have to do to put the pool in.

Mrs. Rizzo stated the...Where the retain...The retaining wall wasn't there. The slope came straight down, and there were all boulders there. They removed the boulders and they brought in fill and they lifted it up and they made a pad. And then we put the retaining wall up and then they went as far back...The pool was originally suppose to go behind the house and that's house we discovered that it was all rock. They kept going and going and going, until they found a spot where they could put it, which is pretty much on the side of the house.

Board Member Bodor stated yes.

Mrs. Rizzo stated and once they put the Item 4 for the retaining wall, then they went further back and they lifted it up so that way I wouldn't have the runoff from the hill wash out the pool.

Board Member Bodor stated and the level area behind the house, to the side of the pool, is all rock.

Mrs. Rizzo stated there is no level area. The...

Board Member Bodor stated well.

Mrs. Rizzo stated area in...

Board Member Bodor stated it's relatively level next to the pool.

Mrs. Rizzo stated oh no. It goes this way.

Board Member Bodor stated okay. I need to go out to look at this one too.

Board Member Burdick stated yeah, I agree.

Chairman Buzzutto stated okay.

Mrs. Rizzo stated and where that stick is, is where I was looking...asking.

Board Member Bodor stated okay.

Mrs. Rizzo stated I stuck it there so you guys could...And the view that I took it is I stood with my back up against the garage and took a picture out so you could see...

Board Member Bodor stated so that's looking at your neighbor's property, actually.

Mrs. Rizzo stated yes.

Board Member Bodor stated yeah.

Mrs. Rizzo stated yes.

Board Member Bodor stated now, I'd like to go out and take a look at it. I also would like to wait though until the line is posted.

Chairman Buzzutto stated oh that's right. The surveyor you...

Board Member Bodor stated yeah.

Chairman Buzzutto stated said.

Board Member Bodor stated so we see what...so we see where it is.

**Richard Ziegelmeier stated** hopefully they're coming next week.

Board Member Bodor stated okay.

Chairman Buzzutto stated okay. Well, as long as we can get out there before the next meeting.

Board Member Bodor stated yes. Okay.

Chairman Buzzutto stated sorry. We'll have...We'll table this, unless I have some more input from the audience on this. Rich.

Rich Williams stated just one more quick thing. I just heard the acreage and I just wanted to let the Board know the acreage is deceiving because this was a unique subdivision. The road actually bisects all the properties. So a lot of her acreage is on the other side of road.

Board Member Bodor stated okay.

Rich Williams stated and not really available as her front yard or rear yard.

Board Member Olenius stated wow.

Rich Williams stated it's a very unique situation. Yeah, okay, you do have the (inaudible – too many talking).

Board Member Olenius stated that's very unique.

Chairman Buzzutto stated yeah. What road is that. Is that...

Board Member Olenius stated Quaker Manor Lane.

Chairman Buzzutto stated is that a regular Town road.

Board Member Bodor stated I don't know.

Mrs. Rizzo stated no. It's an easement. We own it.

Chairman Buzzutto stated oh, an easement. Okay.

Mrs. Rizzo stated yeah.

Chairman Buzzutto stated I thought it was a road that split your property into two separate...but that's an easement. Okay, fine. Okay, so we're going to table this. Did you want to say something, Sir.

**Richard Ziegelmeier stated** no.

Chairman Buzzutto stated okay, we'll table this for the next meeting. And can you call us or somehow let us know when this surveying is done.

**Richard Ziegelmeier stated** certainly.

Chairman Buzzutto stated or call...

**Richard Ziegelmeier stated** Christina.

Chairman Buzzutto stated Christina.

**Richard Ziegelmeier stated** sure.

Chairman Buzzutto stated and you can call Sarah, and Sarah can call us. Okay.

Mrs. Rizzo stated okay.

Chairman Buzzutto stated alright. So we'll be in touch with you.

Board Member Bodor stated do you want to take the pictures back.

Chairman Buzzutto stated so we'll do a little site walk on this also.

Mrs. Rizzo stated thank you.

Chairman Buzzutto stated now this is off of South Quaker Ridge.

Mrs. Rizzo stated South Quaker Hill.

Chairman Buzzutto stated South Quaker Hill.

Mrs. Rizzo stated so if you're coming...

Chairman Buzzutto stated so it's across from the...up the hill.

Mrs. Rizzo stated from here, you make the left onto [Route] 22 and the immediate right, go South Quaker Hill...

Chairman Buzzutto stated yeah.

Mrs. Rizzo stated Quaker Manor [Lane] will be on your right, and Buhleier [Road] will be on your left.

Chairman Buzzutto stated okay, fine. We'll...Okay, fine. You just have to let us know when somebody will be there. But we'll have to call you and let you know about that.

Mrs. Rizzo stated I work at the Rec Center, so I can...whenever you guys can get there, I can just leave and come up there.

Chairman Buzzutto stated okay, so we'll let you know then.

Mrs. Rizzo stated okay.

Chairman Buzzutto stated okay, fine Christina.

Mrs. Rizzo stated thank you.

Chairman Buzzutto stated okay. Thank you. Table her.

**6) JAMES STEAD CASE #11-09**

Mr. James Stead was present.

Chairman Buzzutto stated James Stead.

The Secretary read the following legal notice:

**James Stead Case #11-09 – Area Variance**

Applicant, who is acting on behalf of Jak Hee You, is requesting an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations, in order to construct a 50' x 45' garage

with storage above. The Code requires a 20' side yard setback; Applicant will have 5'; Variance requested is for 5'. This property is located at 69 Quail Lane (R-4 Zoning District).

Chairman Buzzutto stated yeah, okay. Fine. Is that (inaudible) Stead there.

Board Member Bodor stated that's not it.

Chairman Buzzutto stated that's this one here. Okay, you want to state your name.

Mr. James Stead stated yes. My name is Jim Stead.

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

Mr. Stead stated yes.

Chairman Buzzutto stated okay, fine. Give us a description in your words what you want to do up there.

Mr. Stead stated sure. I'm looking to add a garage/workshop to the property. I have a lot of different hobbies and I need a building to do that in. The problem I have with the property though is although it is a 10 acre lot, the majority of it is all wetlands. There's actually a very small area that you can build on. I have some additional images for everyone here. It helps define it a little bit better. These aren't survey accurate, but I think they help guide the situation [gives the Board handouts].

Board Member Bodor stated what is your relationship to the owner of the property.

Mr. Stead stated I am hopefully to be buying the home. We are in contract but there is a condition in there regarding the variance. We have a one year old now and we're going to be spending a long time there, so I'd like to have my little play space for me as well. I may be the future owner of the house.

Board Member Bodor stated I see. Thank you.

Mr. Stead stated as you can see, in the red area, that's the only place that can be built due to wetlands setback. And the lower part of that buildable area is then further reduced by the side lot...side yard setback. What I would like to do is put the garage at the base of that buildable area in the red so that it's out of sight of not only my house, but everyone in the neighborhood. And in order to do that, I would need a variance. Right next door to it is also, on the other side of the property line, is also wetlands setback. So there wouldn't be any building there without some special variance.

Board Member Herbst stated according to this, it looks like you're right on the property line, where you want to put it.

Mr. Stead stated within 5 feet of the property line, yes.

Board Member Herbst stated within 5 feet.

Mr. Stead stated yup.

Board Member Bodor stated it couldn't be moved over so it's not so close.

Mr. Stead stated well, if it's moved over, it would then cross the wetlands setback; that red line.

Board Member Herbst stated yeah, that red line...

Mr. Stead stated yeah.

Board Member Herbst stated goes across.

Mr. Stead stated I have a couple more images here. I drew these on the computer. Again, they're not necessarily the most accurate, but this is what I imagined the building would look like sitting right in the back yard. It would be pretty visible to everyone coming down the street and certainly whoever owned the house would be staring right at that building all the time. If it's put behind the tree line where I'm proposing it, it would look something like that. Where I could use a little darker colored shingles. Darker colored siding. And it would be behind the trees. This would make it a lot less visible. I don't think it would detract from the value of the property or the neighborhood. I think it's a much better looking (inaudible – too distant).

Board Member Bodor stated I see you have the septic fields right behind the house.

Mr. Stead stated yes.

Chairman Buzzutto stated where's...oh. The (inaudible).

Board Member Bodor stated that rendition that you showed us with the garage moved toward the front of the property, that would be...that was proposed behind the septic.

Mr. Stead stated correct. That would be...

Board Member Bodor stated alright. So there's a...

Mr. Stead stated there's a little bit of space there that you could get the building in. Unfortunately, it's going to...it has a number of negatives to it. In one, the view. Because that driveway is at the end of the cul-de-sac, so everyone coming down that road heading towards their driveway or to turn around in the cul-de-sac, looks straight down the driveway of this property and into the backyard. They'll all be looking right at the building.

Board Member Bodor stated but it could be screened.

Mr. Stead stated it could be. It could be. It's going to tremendously shorten the yard, which is another one of the downsides.

Board Member Bodor stated yes.

Mr. Stead stated this yard slopes, not terribly, but enough that you wouldn't want to...you couldn't put a pool there without filling it in. And of course you can't put a fill or a pool on the septic. So, the only useable part of the backyard, if you want to level out, and for the kids to play ball on or something, is that lower part of the backyard. To bury it under a building, to me, seems, you know, kind of wasteful of it. It's the last...Again, because of the wetlands, it's the last part of the yard there.

Board Member Burdick stated the area that's shown here is the septic, is that the existing septic, or does that also include the expansion area [referring to the survey].

Mr. Stead stated I'm not sure I understand your question. That's the existing septic for the primary building, yes.

Board Member Burdick stated but that's where the fields are actually.

Chairman Buzzutto stated this is where it's going to go.

Mr. Stead stated yes.

Board Member Burdick stated okay.

Board Member Olenius stated it's where he's proposing to put it, yes.

Chairman Buzzutto stated yeah. Don't cross the...I guess with the drive, you know, by...Go around the septic there.

Mr. Stead stated I went around the neighborhood last night and meet with all the residents on Quail Lane with the exception of 64, because he wasn't home, and I showed that same drawing with the colored lines to all of them, and explained what I was looking to do. And I didn't have anyone that expressed a concern or a problem with that. In fact, most thought that that was a better idea.

Board Member Bodor stated where is Quail Lane.

Mr. Stead stated it's off of Apple Hill Road.

Board Member Bodor stated okay.

Chairman Buzzutto stated Apple...oh, it's up off of...

Board Member Bodor stated off of Old [Route] 22.

Board Member Burdick stated the reason I asked him about the septic area is that generally there's another area that's either 50% or 100% of the size of the septic. That's the expansion area. And if that's below there, that would be the other area that would be available for this. And, technically, it's suppose to be left for repairs if needed.

Board Member Bodor stated I would like to go out and take a look at this too.

Chairman Buzzutto stated yeah. This one has an attached garage. (Inaudible).

Mr. Stead stated it does, yes.

Chairman Buzzutto stated yeah.

Mr. Stead stated yeah, the garage...

Chairman Buzzutto stated and you only have one garage there now, right.

Mr. Stead stated correct. There's the one attached garage and that would be for our daily vehicles.

Chairman Buzzutto stated two-car.

Mr. Stead stated it's actually a three-car garage.

Chairman Buzzutto stated three-car garage.

Mr. Stead stated so it's pretty roomy. But, again, this garage that I'm proposing is largely a workshop. You know, I'm going to have separate bench areas for doing woodworking. Another bench area for doing metal working. There's metal tools and saws and things like that.

The Secretary stated hold on.

#### **TAPE ENDED**

Chairman Buzzutto stated you put it where you want.

Mr. Stead stated it would be about 240 feet.

Board Member Herbst stated where the hell is Quail Lane.

Board Member Olenius stated off of Apple Hill he said.

Board Member Bodor stated and you're going to run a driveway back there to access the garage doors on the new structure.

Mr. Stead stated no. It was my intention to because there's not going to be a lot of traffic going in and out of that. You know, any vehicle that goes into is going to work on long term, in terms of restoration or store it. The only time I would take out a vehicle would be to go to a parade or to take it to a public showing or something along those lines. So...

Chairman Buzzutto stated what type of vehicle are you talking about. Antiques.

Mr. Stead stated yes. Yes, historic vehicles.

Chairman Buzzutto stated okay.

Mr. Stead stated so as far as putting down a driveway, no. I'd like to just use the right side of the property to drive right down. If I find I have a soft spot anywhere. I can start putting some gravel down. I'd like it to look as natural as possible.

Chairman Buzzutto stated well, the restoration, is that a hobby of yours.

Mr. Stead stated yes.

Chairman Buzzutto stated or is that...

Mr. Stead stated yup.

Chairman Buzzutto stated you do that for other people too.

Mr. Stead stated no.

Chairman Buzzutto stated just yourself.

Mr. Stead stated no. This is all for me. There's no business involved in it at all.

Chairman Buzzutto stated whatever you do, you own.

Mr. Stead stated yes.

Chairman Buzzutto stated okay.

Board Member Bodor stated the size of the structure is 59' x 39'.

Mr. Stead stated no.

Board Member Bodor stated that's sizeable.

Mr. Stead stated that was changed. Yes. It is sizeable. I changed the actual... That's what I applied for the building permit with. But I changed it to 45' x 50', which is also sizeable, but it's smaller than originally. And the reason for that was to give me 5 feet of setback from the property line. Originally I had planned it right up to the property line, and I didn't think that was a good idea.

Chairman Buzzutto stated you're going to electrify it.

Board Member Burdick stated and the square footage of the house.

Mr. Stead stated 4,600 [square feet].

Board Member Burdick stated 4,600.

Mr. Stead stated roughly. So it would be less than half. I read that somewhere. It has to be...

Chairman Buzzutto stated are you going to electrify that. Oh, you must if you're...

Mr. Stead stated yeah. Yeah.

Chairman Buzzutto stated going to use your equipment.

Board Member Herbst stated this is the house. But there're different owners.

Chairman Buzzutto stated sorry.

Board Member Olenius stated that's what he stated. He stated that he might be in contract to buy it if he can get this approval.

Chairman Buzzutto stated yeah.

Board Member Herbst stated that part I missed. I must have been out of the room at the time.

Chairman Buzzutto stated you're representing yourself on this, not the...

Mr. Stead stated I am representing myself...

Chairman Buzzutto stated yeah.

Mr. Stead stated because I'm going to be the one that's going to want it...someone going to buy the house. But for technicalities, I have to represent the homeowner because he couldn't...he has to apply for these things since he's the current owner.

Chairman Buzzutto stated yeah.

Mr. Stead stated so I have his permission and...

Chairman Buzzutto stated does that...

Board Member Herbst stated you don't own the house right now.

Mr. Stead stated I don't now. No.

Board Member Bodor stated no, but there's a statement from the...

Chairman Buzzutto stated there is a statement. Okay, fine.

Board Member Bodor stated it's signed.

Chairman Buzzutto stated that's all he needs really.

Board Member Bodor stated it's signed.

Chairman Buzzutto stated okay.

Board Member Bodor stated the owner gives him permission.

Chairman Buzzutto stated alright, do I have any input from the...what's left of the audience here. Okay. Alright, so we're going to table this, unless you have more input.

Board Member Bodor stated no. I just want to go out and take a look at the...

Chairman Buzzutto stated Mary wants to take a site walk.

Board Member Bodor stated the lay of the land.

Chairman Buzzutto stated so we'll have to set up a time.

Mr. Stead stated yes.

Chairman Buzzutto stated are you there most of the time, or can we arrange it when you're there.

Mr. Stead stated well, I'm not there because it's not my house, but I can be available to meet at anytime.

Chairman Buzzutto stated yeah, well we'd like somebody to show us around...

Mr. Stead stated yeah, sure. Absolutely. So...

Board Member Burdick stated we would like the area staked out.

Board Member Herbst stated does the original owner still live there.

Mr. Stead stated the original owner still does live there, yes. Yeah.

Board Member Herbst stated so somebody would be there anyway.

Mr. Stead stated right. I would go with you because I...he doesn't know exactly what I'm doing. And I can show you the areas that I'm talking about. So...

Chairman Buzzutto stated well, wouldn't we need permission from the owner to go on their property.

Mr. Stead stated he has signed those documents. They're in your packet, or should be.

Board Member Olenius stated he signed it.

Chairman Buzzutto stated it's in there, okay. Alright, so we'll set up a time and Sarah will let you know.

Mr. Stead stated I'm not going to be available from June 3<sup>rd</sup> through the 8<sup>th</sup>. That's the only time. Otherwise...

Board Member Herbst stated from the 3<sup>rd</sup> to the 8<sup>th</sup>.

Mr. Stead stated yeah. It's a Wednesday through a Monday.

Chairman Buzzutto stated that's when you will not be available.

Mr. Stead stated that's when I will not be available. Otherwise, anytime.

Chairman Buzzutto stated okay, fine. Any preference...Oh, well. We'll have to get together on that. Alright. Okay, fine.

Mr. Stead stated thank you very much.

Chairman Buzzutto stated let's see. That's another...

Board Member Bodor stated Sarah, you want to put these, too, with yours [referring to the handouts].

The Secretary stated thank you.

## 7) OTHER BUSINESS

### a) Edward Mezger

Mr. Edward Mezger was present.

Chairman Buzzutto stated okay, now what do we have.

Board Member Olenius stated other business.

Chairman Buzzutto stated do we have Mezger. Mezger. Okay, Mr. Mezger, sorry. Do you have... Well that would be on the...

Board Member Bodor stated other business.

Chairman Buzzutto stated that would be on other business. Okay, you want to come up and state your name and address.

Mr. Edward Mezger stated Edward Mezger. 431 Quaker, Chappaqua, New York.

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

Mr. Mezger stated absolutely.

Chairman Buzzutto stated alright, fine. Now this case has been postponed or it has been tabled or whatever, for...

Mr. Mezger stated no. It's still in progress. We have a...we go in front of a judge for argument on June 11<sup>th</sup>. We've already been in front...we're in pretrial right now. And we've been in front of the judge three times already for motions. They've set up three motions already and they've been denied. So, we're looking for a trial. A settlement or a trial.

Chairman Buzzutto stated well, what does this have to do with the property though, this...

Mr. Mezger stated well, what happened was the Planning Board okayed the plans that I had with a few contingencies. It just happened to go...part of it happened to go over the line into the rift raft, and supposedly their... We'll, their property, my easement. Now, I had to change engineers because due to an illness in my engineer's wife. And my new engineer is very good with the front part, with the bridge area,

but when he got to the back he had problems with signing and stamping his name to the engineering because he felt there wasn't, you know...He's not going to stamp on somebody else's property.

Chairman Buzzutto stated who was...What was the name on that.

Mr. Mezger stated on the Wyndham property.

Chairman Buzzutto stated yeah, the other property. Wyndham. No.

Mr. Mezger stated well, there's three properties that are included in this deal. So I have an engineer, a very good engineer, that is okay...he's made up all the plans and everything, but he won't sign. He's a licensed engineer. He won't sign it until he gets something from a court, something agreeing that my easement is my easement. Okay, so now I can't go to the left, I can't go the right. You know, I guess...Some people would have walked away from this, but you know, prior to whatever, I'm not walking away. I know my...I know what it is and I know what is mine.

Chairman Buzzutto stated so your purpose for coming here tonight is...

Mr. Mezger stated an extension.

Board Member Bodor stated an extension for what.

Chairman Buzzutto stated for extension of...

Board Member Bodor stated an extension for what.

Mr. Mezger stated for my variance.

Board Member Bodor stated which was.

Mr. Mezger stated for the driveway.

Board Member Bodor stated when did this all start.

Mr. Mezger stated quite awhile ago. Quite a few years.

Board Member Bodor stated can you tell us what the timeframes have been.

Mr. Mezger stated 2003.

Board Member Bodor stated what happened back then, basically.

Mr. Mezger stated we came in front of you and that...Well, in the beginning it started out with I came through and that meeting was stopped in the beginning...Well, I don't know how much I can go, you know...I'm in trial, so I don't know how much more I can say where, you know, we went through...had a lot of depositions so I don't want to crossover what I might have said already. You know, not that I'm saying that I'm lying, but you know, being as brief as I can we were going through with the easement, and just before the meeting started Richie Williams stated that he felt that we didn't have a right to go onto that certain part of the easement which was, you know, on Wyndham's area. And that they were going to be

putting the drainage in that area. So, I guess between my law firm and everybody included, we decided that maybe it be better if we could get an extra 10 feet from (inaudible) and half of the, you know, half the roadway, which I guess would have made up the same difference. But, you know, as long as there was an okay with (inaudible) and we threw it up and we brought it to have it filed and all the agreements and everybody signed it, everything was fine. And the zoning, everybody agreed. Everybody said, you know, gave it their approval and...

Board Member Bodor stated what was it...Gave the approval for the variance...

Mr. Mezger stated for the variance. Correct.

Board Member Bodor stated which was...What was the substance of that variance.

Mr. Mezger stated well, I can't give you...Well, it was to put in a driveway to a single-family residence.

Board Member Bodor stated over...as an...Using an easement over some other property.

Mr. Mezger stated an easement. Right, right, right. Well...

Board Member Bodor stated okay. And that was...

Mr. Mezger stated some people said they owned it, some people said they didn't. It's, I mean, you break it down, this thing goes back to 1889.

Board Member Bodor stated well, not in your or my lifetime.

Mr. Mezger stated right.

Board Member Bodor stated we're talking about 2003, 2004.

Mr. Mezger stated okay.

Board Member Bodor stated that's where I think...

Mr. Mezger stated okay.

Board Member Bodor stated we're starting.

Mr. Mezger stated well, I wasn't directing it saying you were very old or anything.

Board Member Bodor stated no. No. Alright, so we granted an easement to you...

Mr. Mezger stated yes.

Board Member Bodor stated to go...a variance for you to use this easement over someone else's property. And was there any...were there any constraints placed on that by this Board. Was this driveway to be, or your building permit, or something...

Mr. Mezger stated right. Right. It was a contingency on getting a building permit.

Board Member Bodor stated within a certain timeframe.

Mr. Mezger stated three years.

Board Member Bodor stated three years.

Mr. Mezger stated correct.

Board Member Bodor stated okay. So that meant 2004, five, six, seven.

Mr. Mezger stated no. You gave me an extension...oh god. At a previous time...Another time.

Board Member Bodor stated at another time...

Mr. Mezger stated right.

Board Member Bodor stated we gave another extension.

Mr. Mezger stated right. I believe we're five years in here. In that area.

Board Member Bodor stated when did you...and I understand, I think, if I remember correctly, the last extension was granted because you hadn't been able to get through the court system yet. When did you start getting onto the court, actually, to deal with this easement situation.

Mr. Mezger stated I think when it was court filed for civil, was a year. A little over a year.

Board Member Bodor stated a little over a year ago.

Mr. Mezger stated yeah. We've been in court a little over a year. Well, you know, I'm not, you know...this is my first lawsuit, I guess what I'm saying. But I don't know how long they take. You know, I check with other things. Sometimes they take a year. Depends on if one party would like to sit down and talk about what's going on. But, you know, I guess in the beginning, you do a lot of research. You do a lot of, like I said, meetings with the...because I was present. You know, they meet in front of the judge. And they have motions. And then I guess you go into a pretrial where you do depositions, which we've been doing right along. You know, they're not the easiest to get everyone together. You have to set it up at a certain lawyers house, being in their office. And then you take it from there. We're pretty much done with our depositions that we call. We call one more person, but she's denied to come. So I guess we got to force her and we're having a meeting in White Plains at her lawyers office, so you know...We're hoping for June 11<sup>th</sup>. Either the judge has...they've exhausted their motions and we can just get a trial date and get on with it, or settle with them on some of the terms that we wanted. I can't...

Board Member Bodor stated so what I'm hearing is this is still going to be ongoing for however long. June 11<sup>th</sup> or 12<sup>th</sup> is not the end.

Mr. Mezger stated I don't know what to tell...I mean, if I could tell you next week I would like to start, I would like to start next week. Hands are tied. I don't know...If you want to deny me, I'll come back and I'll see you later. You know, if you want to send me through the whole process again, I'll go through the whole process again. As you can tell, I'm a very determined guy, okay. I wrestled all through my high

school years, and I don't go to my back. Especially when I know I'm right. So we could do this here, or if you feel there's something really, you know, off on this. It's not through determination. I've stepped everyway. I've gone to every meeting. I've meet with everybody here. I've gotten a lot of professionals, paid and unpaid, but true professionals. Guys that have been in this business for 30 or 40 years, have walked that placed and done whatever and said it's buildable, it's doable and you're getting you know what. So I'm moving on with it. So we go where we go. They...

Chairman Buzzutto stated Rich, do you have...

Mr. Mezger stated they wanted to charge me \$40,000 for an easement that I know I had. I take the \$40,000 and I'll sue them. That's how I feel, okay.

Chairman Buzzutto stated Rich, do you have something...

Mr. Mezger stated you don't want to talk reasonable, I won't talk reasonable.

Chairman Buzzutto stated you want...

Rich Williams stated there seems to be some confusion about the variance that initially be requested. And I think Sarah can go back and look in the record. But as I recall, the issue was Mr. Mezger owns a piece of property which does not have frontage on a Town, County, State or private road. So he needed a variance from Town Law Section 280-a(3), open development...Not open development area but...

Mr. Mezger stated when you say Town road, you say...is it an abandoned Town road. It was a Town road.

Rich Williams stated an improved road.

Mr. Mezger stated an improved Town road. Okay.

Rich Williams stated right. Right, so the initial variance was a 280-a variance. That's all I wanted to add to this.

Chairman Buzzutto stated okay, fine. I thank you for your input. So, well, if we did give you...grant you an extension on this, how long do you want an extension. Would you like us give. We could consider...

Mr. Mezger stated I would like to say a week. I would like to say a month. I...

Board Member Bodor stated but is it realistic.

Mr. Mezger stated realistically, I mean...

Chairman Buzzutto stated you don't know.

Mr. Mezger stated they could call me up tomorrow and sit down and we could hash this thing out and then, you know...I have, you know, I have an approved plan from the Planning Board, okay, that puts it over that line. To me somehow, maybe the Town agreed with me. I don't know. Okay. But they put me over somebody else's property. Is that my easement. Are they giving me that easement. I mean, I'll sit down. I'll talk to anybody about...I'll give you all the paperwork you want. I can't, you know...You've ever been stuck before. Some people like...Some people, they'll walk away from it, okay. And some people

will say, you know what, it's not worth it, okay. But when you know that you were getting prodded from the beginning, I'm not walking away, okay. My determination really was that to have my children grow up here and go to Brewster High School, okay. I spent a lot of time on this. My daughter's on her third year of college, okay. Maybe it's a nice place to retire. I'm not giving up, okay. I know what I know. I have a lot of people that feel the same way about what I know. If you don't want to give me the extension, I pretty much somewhat...I might even agree with you. But I'm coming back, okay, because I know I got a royal on this, alright, and I'm not giving up. And that's just the way it is. There's a lot of people who'll lay down. There's a lot people who just lay down and walk away. I guess I'm just not one of those type of guys, okay. I fought for everything I've ever had in my entire life and I'm fighting for it now. And that's just the way. Pride and principles. And that's how I was raised and that's the way I'm always going to be that way. And that's all I can say. If you...I know the last time you said no. You argued...and you have very good points. I know you're trying to protect what you do on this Board. But I can't do anything more than ask. I can't beg, okay.

Board Member Bodor stated the trouble I have at this point in time is, you know, we grant extensions, extensions, extensions. And there's no...There's no end in sight right now to your dilemma with the court. So I think, where I'm coming from, as I'd rather see you get your case finalized, finished, so you know what your direction is, then come and ask us for that variance, instead of letting this existing variance be extended, extended, extended...This is going on and on. I mean, if it was like...

Mr. Mezger stated like I said...

Board Member Bodor stated a year or two, alright. But we're talking what. An excess of five years right now. So, you know, that's a long time.

Mr. Mezger stated like I said, all I can do is ask. And I've...

Board Member Bodor stated yeah. I know...

Mr. Mezger stated asked and given it. And what does that mean as far as like now my planning in front of the Planning Board. You know, I'm sure that's somewhat null and void. I don't know if I grandfathered in past that one year for there, but...

Board Member Bodor stated yeah, now the plan...Did they...They approved your plan.

Mr. Mezger stated yeah, I have...

Board Member Bodor stated the Planning Board did.

Mr. Mezger stated I had a few contingencies that were on it but...

Board Member Bodor stated and did you then have to, because of that approval, did you have to pull a building permit in a certain period of time, or no. I mean, as you said, is that null and void now. I don't know.

Mr. Mezger stated yeah, well one of it was to finish the front area where the bridge was going to go. But I can't hand in a plan to have it stamped until my engineer...

Board Member Bodor stated right.

Mr. Mezger stated agrees that I can go over that line.

Board Member Bodor stated yeah.

Mr. Mezger stated so it's a catch 22. I mean, if not, I'll be back. I mean, you know, I'd rather it be...I rather say good morning, good afternoon or goodnight, but I don't...You know, It's up to you. Like I said. I can beg. I can get on my knees but it...My situation is my situation. I can't explain it anymore, you know.

Chairman Buzzutto stated well, if we denied this, an extension tonight, would that mean redoing the whole application.

Mr. Mezger stated the whole application. And does it mean I have to go in front of the Planning Board again.

Chairman Buzzutto stated yeah, well...

Mr. Mezger stated I mean, maybe Richie can answer that. I don't know.

Board Member Herbst stated when did you say you were going to court, June 11<sup>th</sup>.

Mr. Mezger stated we go in front of the judge for arguments on, yeah, June 11<sup>th</sup>. I mean you can go to web...civil website and punch my name in, punch my lawyer's name in, punch the opposite lawyer's name in and I mean, they'll give you all appearance dates. It's not like I'm coming in here and making this up. You can go there and it will show you everything and every motion and right down the line. I mean, they've been denied three times on the motion. So sooner or later something's got to go, you know. Right from the beginning, they should have just gave me that little piece of easement.

Chairman Buzzutto stated well, how's the prospects look on June 11<sup>th</sup>. Does it...Well, you don't know.

Mr. Mezger stated if I knew that, I'd be the greatest somewhat of a lawyer in the world.

Chairman Buzzutto stated well, do we have any input...well, there's no input from the audience on this.

Carl Lodes stated just give him a limited extension for just right now and ask for...Who's your counsel.

Mr. Mezger stated Sirignano.

Carl Lodes stated and ask for Mr. Sirignano, maybe after the June 11<sup>th</sup> conference, to just give a report to the Board as to what he thinks, you know, the status of the litigation is and when he thinks it will get to trial.

Board Member Herbst stated if they're going before the judge on June 11<sup>th</sup> though, is it possible that the judge could say to him, okay, in other words, either...

Carl Lodes stated trial.

Board Member Herbst stated grant it or...right there, just on one hearing.

Carl Lodes stated this is Westchester Supreme.

Mr. Mezger stated yeah...Putnam.

Carl Lodes stated oh, Putnam Supreme.

Mr. Mezger stated yes. It happened in this Town.

Carl Lodes stated you know, if you're ready for trial then...

Chairman Buzzutto stated we could give him an extension.

Carl Lodes stated if you're ready for trial June 11<sup>th</sup>, you could have a trial this year. That's what I'm saying.

Chairman Buzzutto stated how do you feel about it.

Carl Lodes stated if you give him a shorter...

Chairman Buzzutto stated this has been going on a long time.

Carl Lodes stated a temporary six month extension or, you know, a few months extension and ask for his counsel (inaudible – too many talking)

Board Member Olenius stated yeah. But, you know, he's in court. Like you said, the (inaudible – too many talking).

Chairman Buzzutto stated yeah.

Mr. Mezger stated part of the problem is, they're trying to say it's not our...it's not us anymore, it's them. Then they're saying it's not us it's them. So they're passing it down...

Board Member Herbst stated it doesn't...I

Mr. Mezger stated bit I don't know

Board Member Herbst stated before my time on this Board.

Chairman Buzzutto stated yeah.

Board Member Herbst stated however, I don't see where it would hurt to grant the man the extension and...I mean, it's not like something that we're going to lose out on or anything like that. Let's see what happens at June 11<sup>th</sup>. I mean, what.

Mr. Mezger stated according to everything that...it was...It has been brought on me. It's not like I'm coming back and asking to go over the stonewall with that extra 10 feet that I got from the beginning.

Chairman Buzzutto stated this extension that you have now ends what. June...May the 30<sup>th</sup>.

Mr. Mezger stated right.

Chairman Buzzutto stated so after that, it's finished.

Mr. Mezger stated I don't (inaudible – too distant). Yup.

Chairman Buzzutto stated I would, myself, would say to maybe June the 30<sup>th</sup>. Final. I know it's been hectic, it's been...

Board Member Bodor stated since the extension expires the end of May, we can't table, we have to extend.

Chairman Buzzutto stated yeah. Extend it to June the 30<sup>th</sup>.

Board Member Burdick stated with a report from the attorney.

Chairman Buzzutto stated yeah, right. Yeah. Because you'll have some report after June 11<sup>th</sup>.

Mr. Mezger stated yeah. Yeah, after June 11<sup>th</sup> then I guess you got to give it a little bit of time for the... You know, I'm sure we're going to go in and we're going to... with the evidence that we have and we're swapping evidence and take care and then my lawyer will, obviously goes in and he argues. I'm sure he's going to ask for a trial date. No more motions to do whatever and whatever. And then you got to give it just a little bit of time. A judge just doesn't say... I'm sure he's got to go and write an opinion, you know, and then give his... You know, so I don't know. In the past, sometimes it took two weeks, on a few. Sometimes if it's more difficult, it depends on how much they argue. It might take a month. And then he gives his opinion and he says I guess I'll grant you trial and we start selecting a jury. I guess that's pretty much the way I've got the process.

Chairman Buzzutto stated well, can we give an extension so he could be at the next meeting on... I don't know what the meeting date might be. It's in June.

Board Member Herbst stated meeting date is, I think, the 16<sup>th</sup>.

Board Member Olenius stated 17<sup>th</sup>.

Board Member Herbst stated 17<sup>th</sup>.

Chairman Buzzutto stated 17<sup>th</sup>. Well that's...

Board Member Bodor stated how about extending it to the July meeting. That gives the attorney an opportunity to get a good feel for what happens at the June court date and we maybe can get some definitive information.

Mr. Mezger stated right.

Board Member Herbst stated I think that's a good idea. I'll go with that.

Board Member Bodor stated your attorney has to either appear or give us something in writing...

Mr. Mezger stated no, this...

Board Member Bodor stated of the status. So, you know, what his thoughts are. He's no...he can't project either, but he can have a good idea.

Mr. Mezger stated yeah. He'll be...

Chairman Buzzutto stated yeah.

Mr. Mezger stated more, you know, articulated with what's going on.

Chairman Buzzutto stated well, would that be satisfactory to you, till July.

Mr. Mezger stated sure. Everything is...

Board Member Bodor stated no. July meeting, which ever that is.

Board Member Burdick stated give the extension to the July meeting.

Board Member Bodor stated July meeting. The 15<sup>th</sup> you said. July 15<sup>th</sup> meeting.

Board Member Herbst stated the June meeting was the 17<sup>th</sup>, I don't know what the July meeting is.

Board Member Burdick stated the 15<sup>th</sup>.

Board Member Bodor stated we have it right here. 15.

Mr. Mezger stated see, I would definitely...I know...See, when I got your extension last time with the letter, I know, maybe my process was a little off, but my intentions were we had a deposition of three people and one denied through her third counsel. Like I said, we're going there next week to meet at their offices in White Plains, but after that deposition, I was going to have my lawyer write and explain everything, but she never showed up. You know, she denied it and she refused to come to it. So it was pretty much...We were stuck on that. And they're still trying to get her deposition right now, before the June 11<sup>th</sup>.

Chairman Buzzutto stated alright.

Mr. Mezger stated it's pretty complicated.

Chairman Buzzutto stated as Mary suggested, to the July meeting, which is what June...July the 16<sup>th</sup>.

Board Member Burdick stated 15<sup>th</sup>.

Board Member Bodor stated July 15<sup>th</sup>.

Chairman Buzzutto stated 15<sup>th</sup>.

Board Member Bodor stated with the report...written report...

Chairman Buzzutto stated yeah.

Board Member Bodor stated from your attorney.

Chairman Buzzutto stated from the attorney.

Mr. Mezger stated absolutely.

Board Member Bodor stated status.

Mr. Mezger stated I'll bring him, you know.

Board Member Bodor stated bring him.

Chairman Buzzutto stated okay.

Board Member Bodor stated whatever.

Mr. Mezger stated I'll bring him.

Board Member Bodor stated okay.

Chairman Buzzutto stated okay.

Mr. Mezger stated he loves to go to...

Chairman Buzzutto stated alright, so we're going...

Mr. Mezger stated he loves to go to these things.

Chairman Buzzutto stated to extend this to July 15<sup>th</sup>.

Mr. Mezger stated big time.

Chairman Buzzutto stated and to be at the meeting and we'll take it from there.

Mr. Mezger stated alright. No, I do thank everybody very much, so...

Chairman Buzzutto stated okay. Maybe it will help you a little bit, but it's still a long time.

Board Member Bodor stated do we make...need to make a little motion to...on that.

Chairman Buzzutto stated excuse me [referring to him coughing].

Board Member Bodor stated I make a motion that we grant the extension for Mr. Mezger's existing variance until the July 15, 2009 Zoning Board Appeal...Zoning Board of Appeals meeting at which time Mr. Mezger's attorney will either submit a written report or be here in person to apprise us of the status of the (inaudible – papers shuffling) case.

Mr. Mezger stated very good.

Board Member Olenius stated second.

Mr. Mezger stated thank you.

Chairman Buzzutto stated okay, fine. Is there anything else on the...

Board Member Bodor stated wait a minute.

Carl Lodes stated (inaudible – too distant).

Board Member Bodor stated what.

Carl Lodes stated you need a motion.

Board Member Olenius stated I said second.

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

Chairman Buzzutto stated okay, thank you.

Board Member Bodor stated okay.

Chairman Buzzutto stated any other business.

Board Member Olenius stated yes. Actually about the July 15<sup>th</sup> meeting...

Board Member Bodor stated oh, no.

Board Member Olenius stated I will not be here. I am landing midnight July 15<sup>th</sup>.

Board Member Bodor stated well, we'll have to change it.

Board Member Olenius stated I apologize.

Board Member Bodor stated why didn't you say that before I made the motion.

Board Member Olenius stated well, you said the July meeting.

**b) Minutes**

Board Member Bodor stated July 15<sup>th</sup> meeting, I think. Okay. Alright. Let's first of all do the minutes from April 15 and April 16. I make a motion to approve the minutes from April 15 and the minutes from April 16.

Board Member Herbst stated second.

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

Chairman Buzzutto stated so be it.

**c) Site Walks**

Board Member Bodor stated now, calendars.

Board Member Herbst stated when are you planning on...

Chairman Buzzutto stated do you want to have something to say Joe.

Mr. Downey stated no. I'm just (inaudible – too distant).

Chairman Buzzutto stated just listening.

Board Member Herbst stated just listening.

Mr. Downey stated yeah. (Inaudible – too distant). I can sit in for Lars if you want.

Board Member Olenius stated you're up to date now. You're up to speed.

Chairman Buzzutto stated okay. Now...

Mr. Downey stated you want me to leave.

Board Member Bodor stated no. You can stay.

Chairman Buzzutto stated no. You can...

Board Member Olenius stated public meeting.

Mr. Downey stated it's getting close to my bedtime.

Board Member Bodor stated okay. We need to do site walks. We have...

Chairman Buzzutto stated we did have one in (inaudible).

Board Member Olenius stated three.

Board Member Bodor stated we have Hoffman, Rizzo and Stead.

Mr. Downey stated okay guys, good night.

Board Member Bodor stated good night.

Chairman Buzzutto stated take care Joe. Good luck to you.

Board Member Olenius stated good night Joe.

Mr. Downey stated take care.

Board Member Bodor stated let's see. They're all over Town.

Chairman Buzzutto stated let's see. What do we have here. Hoffman. What's the other one, Rizzo.

Board Member Bodor stated Hoffman's over in the Lake. Rizzo is up off of Quaker Hill there, and Stead is down Old [Route] 22.

Board Member Burdick stated and Stead isn't available from the 3<sup>rd</sup> to the 8<sup>th</sup>, right.

Board Member Bodor stated right.

Board Member Burdick stated I'm not available the 5<sup>th</sup> through the 14<sup>th</sup>.

Board Member Bodor stated okay. So we got to do it after the 14<sup>th</sup>. Can we do that.

Board Member Burdick stated Lars, where are you.

Board Member Bodor stated we can't.

Board Member Burdick stated you said that you are coming in the...midnight on the 17<sup>th</sup>.

Board Member Olenius stated July.

Board Member Bodor stated July.

Board Member Burdick stated oh, July. Okay.

Board Member Olenius stated July 5<sup>th</sup> through the 15<sup>th</sup>.

Board Member Burdick stated sorry. Yup. Sorry.

Board Member Bodor stated 5 through 14, huh. Three through 9. Alright, well...

Board Member Burdick stated we could do the other two the beginning of June and then just do the one...

Board Member Herbst stated I'll be...

Board Member Burdick stated unless you didn't want to do that.

Board Member Herbst stated I'll be...

Board Member Burdick stated unless you want to do all three...

Board Member Herbst stated I'll be away from June 6<sup>th</sup> to the 13<sup>th</sup>.

Board Member Olenius stated that's about the same as you.

Board Member Burdick stated yeah.

Board Member Bodor stated yeah.

Board Member Herbst stated so...But if...

Board Member Burdick stated do you want to try to do all of them right before...

Board Member Herbst stated but if you want to, you know, go anytime in between there, you know, the 6<sup>th</sup> and the 13<sup>th</sup>, it's okay with me because I'll do the site walk separately.

Board Member Burdick stated I'm not going to be here.

Board Member Bodor stated Marianne's not going be either.

Board Member Herbst stated you're not going to be here either.

Board Member Bodor stated about the same timeframe.

Board Member Herbst stated that's what I thought. Because I thought you said that the last time.

Board Member Bodor stated yes.

Board Member Burdick stated so do you want to try to do it...Lars, when do you want to reschedule the meeting because that gives us a couple of extra days as well.

Board Member Olenius stated it's not June.

Board Member Bodor stated July.

Board Member Herbst stated he's July. We're not worried about him yet.

Board Member Bodor stated I don't know what's on your mind.

Board Member Burdick stated you're going on vacation in June whether you like it or not.

Board Member Olenius stated I'd love to.

Board Member Burdick stated oh, gosh. Sorry. Focus. Focus.

Chairman Buzzutto stated so when will you be back, on midnight of July...

Board Member Bodor stated July. Let's worry...

Board Member Herbst stated July Buzzy. Let's stick to June now.

Chairman Buzzutto stated well, okay.

Board Member Burdick stated sorry Buzz.

Board Member Bodor stated we're in June trying to schedule three site visits.

Chairman Buzzutto stated okay.

Board Member Bodor stated okay. Now, what Marianne says...

Chairman Buzzutto stated I'll be available.

Board Member Bodor stated yeah. You'll be available when. Which one is that. June...Stead. He's the one that's not available.

Board Member Burdick stated do you just want do them all the 15<sup>th</sup> with the rain date of the 16<sup>th</sup>, or is that too close the meeting.

Board Member Bodor stated it's right before the meeting, but I don't...we don't have too many choices really, with everybody's vacations.

Chairman Buzzutto stated yeah. With everybody taking off.

Board Member Olenius stated that's Monday, Tuesday.

Board Member Bodor stated Monday, Tuesday; the 15<sup>th</sup> of June. One, two, three. You have to work.

Board Member Olenius stated I have no problem with those days. I swear.

Board Member Burdick stated well, I'll be...I can start a little after 4 [o'clock] because that week we start 8 to 4, so I can...

Board Member Bodor stated oh, okay.

Board Member Burdick stated I can meet you guys, you know...

Board Member Olenius stated you can be in Putnam Lake by 4:10 [p.m.].

Board Member Burdick stated I could try.

Board Member Bodor stated okay. That's when you start the summer.

Board Member Burdick stated definitely 4:15 p.m.

Board Member Bodor stated alright. 4:15. Alright, then we can do all three of them.

Chairman Buzzutto stated okay.

Board Member Herbst stated so we're going to do all three on...what's the date. The fifth.

Board Member Bodor stated on the 15<sup>th</sup>...

Board Member Herbst stated tenth.

Board Member Bodor stated rain date the 16<sup>th</sup>. We'll schedule the first one for 4:15. Where should we start, the Lake.

Board Member Herbst stated wait a minute.

Chairman Buzzutto stated that will be June the 14<sup>th</sup>.

Board Member Bodor stated 15<sup>th</sup>.

Board Member Olenius stated it doesn't matter to me. I thought the Lake was closer to her job...

Board Member Burdick stated did he...

Board Member Olenius stated that she...

Board Member Burdick stated did Mr. Hoffman say that he's available after 5 [o'clock] though. Is that what he said.

Board Member Bodor stated yeah. So we better...

Board Member Burdick stated should we...

Board Member Bodor stated do it the other way.

Board Member Burdick stated should we go to...

Board Member Bodor stated start with Stead, no.

Board Member Burdick stated him or Christina, cause she said...

Board Member Bodor stated yeah.

Board Member Burdick stated she's at the...

Board Member Bodor stated that's right.

Board Member Herbst stated what day is the 14<sup>th</sup>, it's a Monday.

Board Member Burdick stated 15.

Board Member Bodor stated 15<sup>th</sup> is a Monday.

Board Member Herbst stated I mean 15<sup>th</sup>.

Board Member Burdick stated Monday.

Board Member Herbst stated it's the 15<sup>th</sup> we're doing now.

Board Member Bodor stated alright, we'll do 4:15 we'll be at Rizzo. How's that.

Board Member Herbst stated at 4:15...

Board Member Bodor stated Rizzo.

Board Member Burdick stated that was South Quaker, right.

Board Member Bodor stated yeah. And then Stead.

Board Member Olenius stated that would make sense, right. Coming back down.

Board Member Bodor stated yeah.

Board Member Burdick stated because that's near Apple Hill [Road], yeah.

Board Member Bodor stated and then Hoffman. That gives him a chance to get home.

Board Member Olenius stated Rizzo I don't think should take that long, right.

Board Member Burdick stated no.

Board Member Bodor stated no.

Board Member Olenius stated we could probably be at Stead's by 5, I would think, or...

Board Member Bodor stated probably.

Board Member Olenius stated I think Rizzo's seemed pretty cut and dry, with the swing. I was trying to help Sarah with the calling. Or should we give the full hour you think. No.

Board Member Burdick stated I don't think so.

Board Member Bodor stated no.

Board Member Burdick stated it probably would take us, what, 15 minutes from there to get to Put[nam] Lake.

Board Member Bodor stated the travel time is going to be the difference, yeah.

Board Member Olenius stated well, Stead's Apple Hill, so...

Board Member Burdick stated oh, that's right.

Board Member Bodor stated Stead's Apple Hill.

Board Member Olenius stated but still, you're right down [Route] 22.

Board Member Burdick stated but even that. Yeah.

Board Member Olenius stated it's close.

Board Member Bodor stated yeah.

Board Member Olenius stated even with traffic. Yeah.

Board Member Bodor stated Rizzo, Stead, Hoffman, starting at 4:15.

Chairman Buzzutto stated Rizzo, Stead...Was that S-T-A-D-E.

Board Member Bodor stated S-T-E-A-D.

Board Member Burdick stated so what do you think, to Hoffman by 6:00.

Board Member Olenius stated I would say by 6, yeah. Say between 5:30 and 6. Somewhere...

Board Member Bodor stated 5:30ish, to be on the safe side. He can wait for us.

Board Member Olenius stated I think Stead's going to be the one that's a little more time consuming.

Board Member Bodor stated that's going to be interesting.

Board Member Olenius stated judging by what I was looking at.

Chairman Buzzutto stated alright, Stead will be at what time.

Board Member Olenius stated second.

Board Member Bodor stated yeah.

Chairman Buzzutto stated at 4:15.

Board Member Bodor stated Stead's the second one.

The Secretary stated so Hoffman...

Chairman Buzzutto stated the second.

Board Member Olenius stated would be the last one.

Board Member Burdick stated Hoffman, 6.

Board Member Olenius stated probably closer to 6.

The Secretary stated okay.

Board Member Bodor stated closer to 6 for Hoffman, yeah. Stead is probably going to be...4:15. Close...

Chairman Buzzutto stated well Rizzo's 4:15 you got...

Board Member Bodor stated right.

Board Member Burdick stated well, between 4:45 and 5 o'clock, cause it is right down the road and...

Board Member Bodor stated right.

Board Member Burdick stated if Rizzo's really quick...

Chairman Buzzutto stated okay.

Board Member Burdick stated we could be out of there by 4:30 or so.

Board Member Olenius stated you alright with...

Chairman Buzzutto stated Hoffman will be near...

Board Member Burdick stated so...

The Secretary stated okay.

Board Member Bodor stated Hoffman is over at the Lake.

Board Member Burdick stated we might have to wait for...

Chairman Buzzutto stated well, what's at the Lake.

Board Member Burdick stated I don't know if Stead is going to be there or not, but...

Chairman Buzzutto stated what time will we be over there.

Board Member Olenius stated 6ish.

Board Member Bodor stated when we get there.

Chairman Buzzutto stated when we get there. Okay. Well, we can decide, yeah.

Board Member Burdick stated so then the 16<sup>th</sup> will be the rain date.

Board Member Bodor stated yeah.

Board Member Herbst stated and Hoffman's in Put. Lake, so...

Board Member Burdick stated and we'll have our leader to bring us there.

Board Member Bodor stated right.

Board Member Burdick stated since we're meeting at South Quaker.

**d) July meeting**

Board Member Bodor stated we'll let him lead the convoy. Now let's look at the July calendar.

Board Member Burdick stated okay.

Board Member Herbst stated okay.

Chairman Buzzutto stated now July, that would be the meeting.

Board Member Bodor stated that's the meeting.

Board Member Bodor stated that's the meeting; July meeting.

Board Member Herbst stated so that's the 15<sup>th</sup>.

Board Member Bodor stated so you're getting back the 15<sup>th</sup>.

Board Member Olenius stated I land at midnight the 15<sup>th</sup>.

Board Member Bodor stated okay.

Chairman Buzzutto stated okay.

Board Member Olenius stated it's his college overnight thing, or whatever you call it.

Board Member Bodor stated oh, how exciting.

Board Member Olenius stated yeah. More money. It's costing me \$34,000 a year, but yet, I have to spend another \$1,000 to fly down, to rent a car, and spend...

Board Member Burdick stated where did he decide.

Board Member Olenius stated Gulf Coast University, Fort Myers.

Board Member Bodor stated Fort Myers, wow.

Board Member Olenius stated he's an expensive kid.

Board Member Bodor stated when...what...

Board Member Burdick stated when are you leaving and when are you coming back.

Board Member Olenius stated the 5<sup>th</sup>. July 5<sup>th</sup> through the 15<sup>th</sup>.

Board Member Burdick stated okay.

Board Member Bodor stated that's a long time.

Board Member Herbst stated it's 10 days.

Board Member Bodor stated yeah, but to be doing college stuff, that's a long time. I would be ready to come home.

Board Member Olenius stated well, no we...Well, yes. The overnight's only...it's not an overnight, it's two overnights.

Board Member Bodor stated okay.

Board Member Olenius stated there's Costco involved because this is a one shot deal. We're buying everything...

Board Member Bodor stated oh, okay.

Board Member Olenius stated for college, while we're there.

Board Member Bodor stated alright.

Board Member Olenius stated leaving it until...so he's going down in August by himself. I'm not going back there.

Board Member Bodor stated ah ha.

Board Member Olenius stated see ya.

Board Member Bodor stated good.

Board Member Olenius stated one way ticket.

Board Member Bodor stated good plan. Okay, we want to go to the next week, the 22<sup>nd</sup>. But what type of availability is this room. That's my thought.

Board Member Herbst stated the 22<sup>nd</sup> is...What's the calendar show. What...Is that the third or fourth...

Board Member Burdick stated fourth.

Board Member Herbst stated Wednesday.

Board Member Burdick stated fourth Wednesday.

Board Member Bodor stated fourth Wednesday.

Board Member Herbst stated then that would be Town Board.

Board Member Bodor stated that's what I was thinking about.

Board Member Herbst stated because they're the second and the fourth.

Board Member Bodor stated second and fourth.

Board Member Herbst stated yeah.

Board Member Bodor stated yeah.

Board Member Burdick stated so what about Tuesday the 21<sup>st</sup>.

Board Member Bodor stated Tuesday the 21<sup>st</sup>.

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

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

The Secretary stated Thursday I...

Board Member Burdick stated Thursday would be Planning Board.

Board Member Bodor stated Planning Board.

Board Member Herbst stated that would be Planning Board.

Board Member Burdick stated first and...

Board Member Herbst stated so Tuesday would probably be...

Board Member Burdick stated are they first and fourth or first and last. First and fourth, because there's five Thursdays in that month.

Board Member Bodor stated how about trying for the 21<sup>st</sup>. That's a Tuesday.

Board Member Herbst stated no, that should be alright. I don't think there's any problem there.

The Secretary stated I don't have a Planning Board schedule in front of me but we can aim for the 21<sup>st</sup> and then let you know if it's not going to work out.

Board Member Bodor stated okay.

The Secretary stated or let you know if it is.

Board Member Bodor stated so we'll try for July 21<sup>st</sup>.

Chairman Buzzutto stated that's a Thursday, right.

Board Member Bodor stated no, it's a Tuesday.

Board Member Burdick stated no, it's a Tuesday.

Chairman Buzzutto stated okay.

Board Member Bodor stated for the next meeting.

Board Member Burdick stated and what are we going to do about our Patterson Crossing. Just waiting for them to tell us when they're available.

Chairman Buzzutto stated yeah, I guess. Because they pulled the application because one of their...firm wasn't available or something.

The Secretary stated yeah. I think their fax said they'd let you know when they were available so...

Board Member Burdick stated okay.

Chairman Buzzutto stated yeah.

The Secretary stated if you just want to wait a little bit and if they're not coming back, we can do what we did with Wireless Edge, but sooner.

Chairman Buzzutto stated yeah.

The Secretary stated send them something.

Chairman Buzzutto stated well, Patterson Crossing would be by itself, basically we set the meeting.

The Secretary stated and what about Mezger's extension. Is that going to the 21<sup>st</sup> then.

Board Member Bodor stated yeah. Well...

Board Member Olenius stated he could have the 15<sup>th</sup>. He has to submit by the 15<sup>th</sup>.

Board Member Burdick stated as long as he knows not to bring his attorney here on the 15<sup>th</sup>.

Board Member Olenius stated yeah.

Board Member Bodor stated yeah.

Board Member Burdick stated because he said he might bring the attorney.

Board Member Bodor stated right.

The Secretary stated alright.

Board Member Bodor stated just let him know the meeting date has been changed.

Board Member Burdick stated but we need a submission by the 15<sup>th</sup>. Is that what you were proposing Lars. Have the...

Board Member Olenius stated that's what I was saying...

Board Member Burdick stated submission... Yeah.

Board Member Olenius stated because that's what it said in the record.

Board Member Burdick stated yeah. I think...

Chairman Buzzutto stated that sounds good.

Board Member Burdick stated that's good.

Board Member Olenius stated that way we have a week to review it, or whatever. You will, I won't. I'll have 6 days.

Board Member Bodor stated I was just... This is other business too, but I was very pleased to see that Mr. Olsen, Christian Olsen with the house down behind the Baptist Church, I was watching that and I saw what was going on there and it's great. He's got it all restored. He's in the house.

Board Member Burdick stated does it look good.

Board Member Bodor stated yeah. It does.

Board Member Burdick stated I haven't been by there.

Board Member Olenius stated I'd like to go by there now that I know...

Chairman Buzzutto stated yeah.

Board Member Olenius stated it's done.

Board Member Bodor stated it looks... I'd like to go back in there. I haven't done that but just to see it from the road is wonderful.

Chairman Buzzutto stated the front house is gone, isn't it.

Board Member Bodor stated the little house that they lived in is completely gone. It's demolished.

Board Member Olenius stated that was an interesting...

Board Member Bodor stated and it's all been...

Board Member Olenius stated piece.

Board Member Bodor stated you know, made back nice, nice.

Chairman Buzzutto stated I've been by there a couple of times, yeah.

Board Member Bodor stated yeah.

The Secretary stated there's something for sale back there.

Chairman Buzzutto stated he kept his word.

Board Member Bodor stated that front house I think is for sale. The one sitting up in front of him now.

The Secretary stated oh, okay.

Board Member Bodor stated I think that's where the for sale sign is.

The Secretary stated I just drove by it today.

Board Member Bodor stated yeah.

Chairman Buzzutto stated okay. So 4:15 will be Rizzo on June the 15<sup>th</sup>. 4:45 Stead and then Hoffman. And then the July meeting will be the 21<sup>st</sup>, that will be Tuesday.

Board Member Bodor stated okay. If that works out.

Chairman Buzzutto stated well, yeah.

Board Member Bodor stated anything else. I make a motion to...

Board Member Herbst stated second.

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

Meeting adjourned at 9:34 p.m.