

**TOWN OF PATTERSON  
ZONING BOARD OF APPEALS  
May 21, 2014**

**AGENDA & MINUTES**

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<b>1) Design Concepts Engineering, PC Case #14-13</b>	1 – 2	Public hearing remained opened; Application tabled.
<b>2) Dominick Accurso Case #03-14</b>	2	Public hearing remained opened; Application tabled.
<b>3) Linda Cowan Case #07-14</b>	2	Public hearing remained opened; Application tabled.
<b>4) Peter Ruisi Case #09-14</b>	2 – 4	Public hearing remained opened; Application tabled pending use variance application.
<b>5) Joe Downey Case #10-14</b>	4 – 15	Public hearing opened & closed; Granted area variance for rear yard setback for 24'x30' detached garage with attached utility shed.
<b>6) Other Business</b>		
<b>a) Minutes</b>	15	April 16, 2014 minutes approved.
<b>b) Dominick Accurso Case #03-14 continued</b>	15 – 16	Applicant not present. Public hearing remained open.

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**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**ZONING BOARD OF APPEALS**

Lars Olenius, Chairman  
Howard Buzzutto, Vice Chairman  
Mary Bodor  
Marianne Burdick  
Michael Carinha

**PLANNING BOARD**

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

**Zoning Board of Appeals  
May 21, 2014 Meeting Minutes  
Held at the Patterson Town Hall  
1142 Route 311  
Patterson, NY 12563**

Present were: Chairman Olenius, Board Member Howard Buzzutto, Board Member Mary Bodor, Board Member Marianne Burdick, Board Member Michael Carinha, Nancy Tagliaferro, Attorney with Town Attorney’s Office, and Richard Williams Sr., Town Planner.

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

There were approximately 1 members of the audience.

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

Chairman Olenius led the salute to the flag.

Roll Call:

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

**1) DESIGN CONCEPTS ENGINEERING, PC CASE #14-13**

No one was present to represent the application.

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 21, 2014 at 7:00 p.m. at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following applications:

**Design Concepts Engineering, PC Case #14-13**

Chairman Olenius stated on this case, we had asked for input from the Town Board at the last meeting; we haven't received any yet and no one is here representing. So we'll hold it over one more month when the Town Board gets back to us.

The Secretary stated okay.

**2) DOMINICK ACCURSO CASE #03-14**

No one was present to represent the application.

The Secretary stated:

**Dominick Accurso Case #03-14 – Area Variances: Held over from the March 19, 2014 and April 16, 2014 meetings**

Chairman Olenius stated okay, I don't see him present either. So we'll just put this one to the back in case he does show up.

The Secretary stated okay.

**3) LINDA COWAN CASE #07-14**

No one was present to represent the application.

The Secretary stated:

**Linda Cowan Case #07-14 – Special Use Permit Renewal: Held over from the March 19, 2014 and April 16, 2014 meetings**

Chairman Olenius stated can we...Not seeing her here, either. Maybe we could send a letter requesting her to be present at the next meeting so we can make a determination and also requesting that, I think, we were waiting on the Health Department approvals for that application as well.

The Secretary stated okay. The next one. Okay.

**4) PETER RUISI (LIBERTY PAINTBALL GAMES) CASE# 09-14**

No one was present to represent the application.

The Secretary stated:

**Peter Ruisi (Liberty Paintball Games) Case #09-14 – Area Variance:  
Held over from the April 16, 2014**

Chairman Olenius stated this one we did a site walk on and I told the Applicant not to bother attending this evening in light of the fact that he needs to get a...he needs the owners to apply for a use variance for the above mentioned property. So we're going to...I told him we would hold it until June. Hopefully they will have something into us by then.

**Joe Downey stated** I...May I ask you a question.

Chairman Olenius stated just come up to the mike so we can pick it up.

**Joe Downey stated** hi. My name is Joe Downey. 149 Stagecoach Road, Patterson. I just have a question about that...I'm familiar with the sign and if he does get the variance for the sign, if he ever decides to redo the sign, reface it re, you know, repaint it, would he have to come back into current Code on that. I'm just curious on that.

Chairman Olenius stated not if he maintains the current size or...

**Joe Downey stated** if he maintains...

Chairman Olenius stated he gets approval for...

**Joe Downey stated** even if he relaminates it or whatever.

Chairman Olenius stated because he's going over size...Yes. But it has to meet the guidelines of the Town like no neon lighting, no...

**Joe Downey stated** yes.

Chairman Olenius stated you know, the physical size.

**Joe Downey stated** once he gets the variance he gets to stay...

Rich Williams stated if can jump in here. The variances themselves, the area variance, use variance, would run with the land. So that would stay. But if he wanted to redo the sign: the lettering, the color, the lighting, anything, that's an issue that goes before the Planning Board and he would have to come back in for a new sign permit.

**Joe Downey stated** yes.

Chairman Olenius stated okay.

**Joe Downey stated** just a curious...Wanting to know the law there.

Chairman Olenius stated that's fine. I wasn't exactly familiar on it.

**Joe Downey stated** because if, you know...if it were the case for anybody to...because I know I'm familiar...I was here when he came in the first or second time and he said that his sign's been up for 18 years and, you know, maybe he didn't know there was a law. I mean, the guy has...My shop was on Route 22 years ago where Justin's is and I remember I had a 4' x 8' sheet of plywood for a sign and what is that. That's 32 square foot. I'm over the limit. I put the sign up. I didn't know about the sign law and nobody stopped me.

Chairman Olenius stated a lot of people don't.

**Joe Downey stated** yes.

Chairman Olenius stated and I'm sure there's probably a lot of people in violation as well, but, you know...

**Joe Downey stated** yes.

Chairman Olenius stated unless something comes up on the property that sparks the...

**Joe Downey stated** just curious how...

Chairman Olenius stated enforcement can...Code Enforcement Officers.

**Joe Downey stated** okay. Thank you.

Board Member Buzzutto stated you might as well stay up here, Joe.

Board Member Carinha stated yes. You might as well stay up here.

[Laughter].

**Joe Downey stated** I didn't called up yet.

[Laughter].

## 5) **JOE DOWNEY CASE #10-14**

Mr. Joe Downey was present.

Chairman Olenius stated go ahead, Sarah.

The Secretary stated okay.

The Secretary read the following legal notice:

**Joe Downey Case #10-14 – Area Variance**

Applicant is requesting an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order to demolish the existing 20' x 20' garage with an 8' x 20' and 5' x 10' attached sheds and construct a 24' x 30' garage with an 8' x 16' shed attached in a new location. The Code requires there to be a 25' rear yard setback; Applicant will have 11'; Variance requested is for 14'. This property is located at 149 Stagecoach Road (R-4 Zoning District).

Chairman Olenius stated Mr. Downey.

Mr. Joe Downey stated state my name again.

Chairman Olenius stated sure.

Mr. Downey stated Joe Downey. 149 Stagecoach Road, Patterson.

Chairman Olenius stated and do you swear the testimony you provide tonight will be the truth and the whole truth.

Mr. Downey stated I do.

Chairman Olenius stated thank you. Do you agree with the notice as read. Is that what...

Mr. Downey stated yes.

Chairman Olenius stated you're looking for.

Mr. Downey stated yes.

Chairman Olenius stated so explain to us a little bit. Been to your house a few times, so...

Mr. Downey stated yes. Well, I have a variance in place already to add on to the south side of my existing garage to go out 10' and to make it, I think, a 20' x 10' extension. And I've decided to... That garage was built in like the 40's I think. And it's... It would be nice... it would be cheaper for me to add on to it but it would also have like a little bit of a hodge podge sight to it and I've done a lot of thinking. I mean, the house, I redid the house and it came out beautiful and I'd like to take the garage down. I'd like to build a new garage beside it and then take this garage down. I'd like to have the garage go the length, go the long side, going down my property and pull it away from the property line so that if I... I have no backyard with it. My house is all on the property line. So I really, you know, have no place to hide anything that a neighbor might not want to see. For instance, my camper. Not that... I don't even know if I can get my camper behind it with the plan I have in place. But at least, you know, if I have anything unsightly, I mean, something that I'm working on, lumber or what not, so I turned the garage sideways to make it the length and then I'd actually be able to make my driveway where my current garage is. So if you're coming down the road, you wouldn't see my cars until you're at my driveway. Now I have my wife's car, we have a family pickup, then I have my work truck

and then I have this other pickup that's a little toy. My kid's going to be driving in five years and I'm thinking to myself where am I going to park my other...My daughter's going to drive in like 8 years. I mean, I'm looking down the road.

Chairman Olenius stated what's the current setback for the existing garage on the rear property line. It's pretty close, isn't it.

Mr. Downey stated it's like 2 foot of the line.

Chairman Olenius stated 2 feet. Yes.

Mr. Downey stated yes. Yes, and with this, I's actually be pulling back from the property line and I wouldn't be forward of my existing garage because my existing garage is...It would actually be stepped back from the front line of my existing garage now by, I think, a foot or two. So with the setback requirements I'd be better. And I'd like to build like a barn-type looking garage. That's my plan. And the...

Chairman Olenius stated well, I have to say, I do trust you on that because you've done nothing but improve that...

Mr. Downey stated I have...

Chairman Olenius stated house the whole time.

Mr. Downey stated thank you. I've taken a couple pictures...

Chairman Olenius stated aesthetically.

Mr. Downey stated but if you look at the map, it's pretty simple. Just basically turn the garage sideways. And then what I would do is I would take the driveway and go as far to the property line as I can. I'm aware that I have to go the Planning Board for that. But I'll make the driveway turn into the garage.

Chairman Olenius stated 1935 just so you know. Your garage was built.

Mr. Downey stated is it. Yes.

Chairman Olenius stated according to the assessment record.

Mr. Downey stated yes. Yes, it's sturdy but I think I could do better, you know.

Board Member Carinha stated so the garage you're going to put up, you're going to come in and you're going to like turn left into it I guess. Is that...

Mr. Downey stated yes.

Board Member Carinha stated how you're doing it. Okay.

Mr. Downey stated I mean, probably...I mean, we would be parking in the driveway so more

than likely on an average day, the cars will be pulled straight ahead.

Board Member Carinha stated okay.

Mr. Downey stated you know.

Board Member Carinha stated but I know from the existing garage it looks like you're pulling straight in, correct. I'm just looking at the photo here.

Mr. Downey stated yes. Yes.

Board Member Carinha stated basically with the garage doors are going to be just turned sideways.

Mr. Downey stated correct.

Board Member Carinha stated facing the house instead.

Mr. Downey stated yes. Exactly.

Board Member Carinha stated alright.

Mr. Downey stated exactly what we're...

Chairman Olenius stated is there a septic area come into play, too, on that.

Mr. Downey stated yes. There's a drawing there.

Board Member Buzzutto stated it's pretty close.

Board Member Carinha stated yes.

Mr. Downey stated it would be behind my septic tank and fields. You would actually be able to drive a vehicle between the garage and the septic tank still. Probably a pretty big vehicle actually. You know, it will be basically...I don't know if you have any picture, old pictures, but right where the children's play area used to be...

Chairman Olenius stated yes.

Mr. Downey stated that would be where the garage would be. It would be stepped back from the existing driveway maybe 6...8 feet. Something like that.

Chairman Olenius stated so it's not like you're bringing in another driveway in from the other corner...

Mr. Downey stated no.

Chairman Olenius stated of your property or anything.

Mr. Downey stated no.

Chairman Olenius stated it's just...

Mr. Downey stated no. It would be, you know, not to the...It would be very carefully planned on the size. The height of the garage, too, to not overtake the size of the house. But the size...I mean, the house is on a higher plane than the...A little bit, you know, the ground goes up where the house is.

Chairman Olenius stated there's a percentage for accessory structures, isn't there Mr. Williams. For how large they can be. You're aware of that.

Rich Williams stated yes.

Mr. Downey stated it is below that.

Rich Williams stated yes.

Mr. Downey stated yes, I'm aware of it. Yes.

Board Member Bodor stated is there going to be a second floor in this garage.

Mr. Downey stated like a loft.

Board Member Bodor stated a loft. For...

Mr. Downey stated yes. Not a...Just for storage. Not a full out...

Board Member Bodor stated just dead storage.

Mr. Downey stated yes. Not a full out upstairs living area or like that, you know.

Chairman Olenius stated oh, I see. It's marked on the survey. It's 1.8 feet existing [referring to the setback of the existing garage to the rear property line].

Mr. Downey stated yes. Yes. I plan to bring it out. I think I put down 19 foot off the property line. Is that what I have down there.

Chairman Olenius stated it looks like 11'.

Board Member Bodor stated 11'.

Mr. Downey stated is it 11'.

Board Member Carinha stated yes.

Mr. Downey stated okay. It's more than enough the width of a vehicle. That's what I figured: the width of a large vehicle.

Chairman Olenius stated oh. I see what you're saying.

Board Member Bodor stated yes.

Chairman Olenius stated to travel around if you had to do septic repair or anything like that.

Mr. Downey stated yes. If I had to do... Well, the septic is in the front, again. But like for the backside of the garage if I need to get back there with a large truck or something to prune a tree for instance, I'd be able to do that.

Board Member Buzzutto stated I see you've got proposed shed back there.

Mr. Downey stated on the...

Board Member Buzzutto stated on the...

Mr. Downey stated basically a shed extension built on to the garage.

Board Member Buzzutto stated attached to the garage. Does that change the figures of the garage if it's attached. Does that make a difference.

Chairman Olenius stated no. It's actually in here. In the application for the shed as well.

Mr. Downey stated yes, what I plan is a, you know, a roof like that and then on the southwest side, just an extension to basically to create a longer area on one side. You know, so that if, you know, you're working in there or if you've got a car in there to work in, you don't have to like squeeze around the car. And, you know, a place to keep the garden tractor or stuff like that.

Chairman Olenius stated similar stated what you have currently.

Mr. Downey stated exactly.

Chairman Olenius stated because your shed's...

Mr. Downey stated yes, but again...

Chairman Olenius stated attached to your garage.

Mr. Downey stated more, you know...

Chairman Olenius stated same idea. That was my point.

Mr. Downey stated yes. Nicely built.

Chairman Olenius stated it's not like...

Mr. Downey stated I mean, that was okay but they, you know, it's crooked.

Board Member Bodor stated this proposed shed, there's a wall between the garage and the shed.

Mr. Downey stated I'll have it where it's an opening between the two.

Board Member Bodor stated it's going to be open.

Mr. Downey stated yes.

Board Member Bodor stated okay.

Board Member Carinha stated and right now you have two sheds attached to the garage. Is that what it is.

Mr. Downey stated correct.

Board Member Carinha stated okay.

Mr. Downey stated yes. There was another like...If you look at the property, there was another shed, a little thing, separate from the...Like south of the garage a little bit. By maybe like 50' there was...

Board Member Carinha stated oh, it was a separate shed. I thought...

Mr. Downey stated yes. We took that down. It was all rotted.

Board Member Carinha stated oh, it wasn't two shed attached to the garage.

Mr. Downey stated there is two sheds attached to the garage now.

Board Member Carinha stated oh, okay.

Mr. Downey stated yes. It will be, you know, this will fit more with the style of the house, too. I mean, it may be like a barn-type siding look. But, you know, with, like I said, with the extensions that were put on the...What I have now, the back one I put on years ago. But the side one somebody added that on a Saturday afternoon kind of thing, you know. I mean, they did like a block foundation to it, but it's kind of...

Board Member Carinha stated falling apart.

Mr. Downey stated yes. Sometimes you're better to start over again then...And when this, again, when we have company, we don't have enough driveway space. So everybody's parking on the road, which is fine. Nobody complains. You know, for a party, for instance, it would be nice to get a little more in the driveway.

Board Member Carinha stated yes.

Chairman Olenius stated I would ask for input from the audience but being that there's nobody here.

Board Member Bodor stated well, Rich is here. Don't say nobody.

[Laughter].

Chairman Olenius stated unless Mr. Williams would like to say something.

Rich Williams stated not a word.

Board Member Bodor stated I will say the exterior of the house, the work you did, is great.

Mr. Downey stated thank you.

Board Member Bodor stated it's amazing. I was looking...

Mr. Downey stated a lot of compliments on the porch.

Board Member Bodor stated I was looking, trying to identify your packet by the photo and I couldn't find it because I didn't recognize it with the porch on. It's really nice.

Mr. Downey stated thank you. Yes. The garage looks horrible next to it but I, you know, I'm thinking am I going to reface it or any... This is just... It's going to cost more but in the end it will be, you know, for the long run. The next 30 years or so, whatever.

Chairman Olenius stated it seemed like you were getting your house setup to stay for a while so...

Mr. Downey stated yes.

Chairman Olenius stated you might as well do the same for the garage.

Board Member Carinha stated you doing it yourself.

Mr. Downey stated no.

Board Member Carinha stated oh.

Mr. Downey stated no. I fix cars. I'll stay at work late a few nights. I'll probably do some of the little, you know, little stuff on it myself. But, you know, have it professionally built. Better off.

Chairman Olenius stated I haven't anything further.

Board Member Carinha stated no.

Board Member Bodor stated no.

Chairman Olenius stated no. Make a motion to close the public hearing.

Board Member Buzzutto stated the porch area still remains at 400 feet. Is that... Is this new description of the...

Chairman Olenius stated oh, I don't know if they updated the description since...

Mr. Downey stated I have a picture on my phone I can show where...

Board Member Buzzutto stated yes.

Mr. Downey stated if you'd like to see it.

Board Member Buzzutto stated no. I mean, they got the porch area now at 400'. I wonder what it was before.

Chairman Olenius stated I don't recall with that.

Board Member Buzzutto stated no, it wouldn't make any difference.

Chairman Olenius stated not to this application.

Board Member Buzzutto stated yes. Okay.

Chairman Olenius stated did I have a second.

Board Member Burdick stated second.

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

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF**  
***Joe Downey, Case #10-14***  
***For an Area Variance for a Rear Yard Setback for a 24' x 30' Detached Garage***  
***with Attached Utility Shed***

**WHEREAS, *Joe 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, *Joe 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. Applicant wishes to demolish the existing 20' x 20' detached garage with an 8' x 20' and 5' x 10' attached utility sheds and construct a 24' x 30' detached garage with an 8' x 16' attached utility shed in a new location as shown on the plans submitted, and

**WHEREAS, §154-7** of the Patterson Town Code requires an 25' rear yard setback; Applicant will have 11'; ***Variance requested is for 14'***, 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 **May 21, 2014** 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 newly constructed garage will be more aesthetically pleasing than the current one built in 1935.**
2. the benefit sought by the applicant **cannot** be achieved by any other feasible means **due to the fact that the property is long and narrow and he is actually increasing from what he currently has with the relocation of the garage.**
3. the variance requested **is not** substantial **in that the current setback is 1.8 feet and he is increasing it to 11 feet.**
4. the proposed variance **will not** have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district **because it is relatively the same footprint that the existing, older garage takes place.**
5. the alleged difficulty necessitating the variance **was not self-created and is not sufficient** so as to cause a denial of the requested variance.

**NOW, THEREFORE BE IT RESOLVED**, that the Patterson Zoning Board of Appeals hereby **grants** the application of **Joe Downey** for **an area variance** pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, **for a variance of 14' from the 25' required for a rear yard setback in the R-4 Zoning District in order to install a 24' x 30' detached garage with an 8' x 16' attached utility shed 11' from the rear yard property line.**

Board Member Burdick stated second.

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

Resolution carried by a vote of 5 to 0.

Mr. Downey stated thank you.

Chairman Olenius stated you're doing that this summer.

Mr. Downey stated I would like to. I hope so. Yes.

Chairman Olenius stated very nice. Look forward to seeing the...

Board Member Carinha stated you got somebody in mind doing it.

Chairman Olenius stated end result.

Mr. Downey stated the guy that did the...my house (inaudible).

Board Member Carinha stated oh.

Mr. Downey stated (inaudible).

Board Member Carinha stated because...

Mr. Downey stated more than likely.

Board Member Carinha stated because I have something going in my head, too, about a detached. So that's why.

Mr. Downey stated pardon.

Board Member Carinha stated I'm thinking about doing a detached also. That's why.

Mr. Downey stated alright. Thank you.

Board Member Carinha stated thank you.

Board Member Bodor stated good luck.

Board Member Burdick stated good luck.

Board Member Buzzutto stated take care.

Chairman Olenius stated anybody pulling in, Mr. Williams.

Rich Williams stated I don't know. There's somebody that's been sitting in the car reading the paper. And they moved now. So I don't know what they're doing.

Nancy Tagliafierro stated is it a blue car.

Rich Williams stated yes it is.

Nancy Tagliafierro stated that's my...That's my ride.

Rich Williams stated oh.

[Laughter].

Rich Williams stated alright.

Nancy Tagliafierro stated he dropped me off and went to the store for me. Sorry.

Mr. Downey stated I can leave. There's nothing left, right.

Board Member Carinha stated no.

Chairman Olenius stated you're good.

Board Member Bodor stated that's it.

Mr. Downey stated thank you.

Board Member Bodor stated good night.

Board Member Carinha stated good night.

## **6) OTHER BUSINESS**

### **a) Minutes**

Chairman Olenius stated do we have any other business. Nothing. I didn't see any issue with the April minutes. I did read through it this afternoon. I didn't notice...

Board Member Bodor stated I didn't notice anything. They look good as they stand.

Chairman Olenius stated so I'll make a motion to approve the minutes.

Board Member Bodor stated I'll second it.

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

### **b) Dominick Accurso Case #03-14 - continued**

Chairman Olenius stated Mr. Accurso, can we also get a letter to him. Tell him that we'll be making a determination next month and it would be helpful if he was here.

The Secretary stated okay.

Chairman Olenius stated so that's two letters going out, correct. Cowan...

Rich Williams stated if I could make a suggestion on that because I was going to talk to Sarah at the end of the meeting. He's already got the sign up. So I don't know that the incentive is sending a letter.

Chairman Olenius stated okay.

Rich Williams stated or the incentive is sending Nick.

Chairman Olenius stated maybe we should ask Mr. Lamberti to go and pay a visit then. To say it has to be...Because he sent him a notice of violation I believe, right. Already. So maybe he can stop by and just say he's checking on him.

The Secretary stated I will send him.

Chairman Olenius stated thank you. How much longer does he have.

Rich Williams stated Nick.

Chairman Olenius stated Mr. Lamberti.

Rich Williams stated 38 days.

Chairman Olenius stated okay. I'll make a motion to adjourn.

Board Bodor stated second.

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

Meeting was adjourned at 7:25 p.m.