

**TOWN OF PATTERSON
ZONING BOARD OF APPEALS**

June 17, 2015

AGENDA & MINUTES

	Page	
1) Peter Ruisi Case #09-14	1 – 2	Public hearing remained opened; Applicant was not present – Application <u>tabled</u> pending owners of Thunder Ridge filing a Use Variance application.
2) Irene Schech Case #10-15	2 – 7	Public hearing opened & closed; Resolution – Special Use Permit for Accessory Apt. <u>granted</u> .
3) Sarita Chau Case #11-15	7 – 22	Public hearing opened; Application tabled pending site walk; Additional structural details to be submitted by applicant before next meeting date.
4) Dwayne Carpenter Case #12-15	22 – 32	Public hearing opened & closed; Resolution – Area Variances for Pool & Shed in FY <u>granted</u> .
5) Stephanie Fox Case #13-15	32 – 41	Public hearing opened & closed; Resolution – Area Variances for SYSB, RYSB & Impervious Surface Coverage level in order to construct patio <u>granted</u> .
6) Other Business		
A) Regina Bendix – Fee Waiver Request	42 - 44	ZBA unanimously agreed to recommend that the Town Board <u>not waive</u> the fees for the accessory apt. application.
B) Minutes: May 21, 2015	45	Minutes <u>approved</u> as submitted.
C) Site Walk	45 – 50	Site Walk scheduled for Case #11-15 for July 7, 2015 with a rain date of July 8, 2015 @ 4:15 PM.

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**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS

Lars Olenius, Chairman
Mary Bodor, Vice Chair
Marianne Burdick
Michael Carinha
Stephanie Fox

PLANNING BOARD

Thomas E. McNulty, Vice Chairman
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**Zoning Board of Appeals
June 17, 2015 Meeting Minutes**

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

Present were: Chairman Lars Olenius, Board Member Mary Bodor, Board Member Marianne Burdick, Board Member Michael Carinha, Board Member Stephanie Fox, and Nancy Tagliafierro – Attorney with Town Attorney’s Office.

Chairman Olenius called the meeting to order at 7:01 p.m.

There were approximately 6 members of the audience.

Mary Schartau 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 Carinha	-	Here
Board Member Fox	-	Here
Chairman Olenius	-	Here

1) Peter Ruisi (Liberty Paintball) Case #09-14

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, June 17, 2015 at 7:00 p.m. at the Patterson Town

Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following applications:

Peter Ruisi (Liberty Paintball Games) Case #09-14 – Area Variance: Held over from the April 16, 2014, May 21, 2014, June 18, 2014, July 16, 2014, August 20, 2014, September 17, 2014, October 15, 2014, November 18, 2014, December 16, 2014, January 21, 2015, February 18, 2015, March 18, 2015, April 23, 2015, and May 21, 2015 meetings

Chairman Olenius: And... apparently to be held over yet again... just to let them straighten everything out, so... we'll grant that.

2) Irene Schech Case #10-15

Two people were present to represent the application.

The Secretary read the following legal notice:

Irene Schech Case #10-15

Applicant is requesting a Special Use Permit for an accessory apartment pursuant to §154-105 of the Patterson Town Code; Accessory apartments. This property is located at 423 Cornwall Hill Road (R-4 Zoning District).

Mrs. Schech Forbes: *[From the audience]* Hey.

Chairman Olenius: Do you want to come up?

Mrs. Schech Forbes: Oh, sure.

[Laughter.]

Mrs. Schech Forbes: I haven't done this before, so I don't know...

Chairman Olenius: It's okay.

Mrs. Schech Forbes: What to do. I feel like I'm in school again.

Chairman Olenius: You've just got to state your name and address for the record.

Mrs. Schech Forbes: Irene Schech Forbes, uh... 423 Cornwall Hill Rd, Patterson, New York.

Chairman Olenius: Perfect. So, you're looking to construct an accessory apartment that you haven't started yet, it sounds like.

Mrs. Schech Forbes: Correct.

Chairman Olenius: That's nice. That's unusual.

[Laughter.]

Mrs. Schech Forbes: My father would roll up there if we started beforehand.

[Laughter.]

Chairman Olenius: It looked like Mr. McCarthy [the Building Inspector] has been out there already.

Mrs. Schech Forbes: Yes.

Chairman Olenius: I believe I saw your Health Department approvals already.

Mrs. Schech Forbes: Hopefully.

Chairman Olenius: I think they were in here.

Board Member Burdick: Yes.

Nancy Tagliafierro: Yes.

Board Member Burdick: They are.

Chairman Olenius: They are. Basically, you meet all the requirements of the Town Code. I didn't see anything questionable on the application at all. I'm just double checking. You are aware that you'll have to get it re-inspected every 5 years?

Mrs. Schech Forbes: No, I didn't know that. But, that's fine.

Chairman Olenius: It's part of the, uh... protocol of the... this Town Code now.

Mrs. Schech Forbes: Okay.

Chairman Olenius: It's just – just another application every – [to the Secretary] do they send out reminders about that?

The Secretary: Um...

Chairman Olenius: Or...

The Secretary: I don't know if Building [Department] does. They – I'm sure that they would remind you...

Mrs. Schech Forbes: Yeah?

The Secretary: Every five years, and I think, uh...

Board Member Fox: I just have one quick question. Is this going to have a separate entrance, or are you going to only be able to access it from inside the house?

Mrs. Schech Forbes: It actually already has two entrances, so we're leaving those two...

Board Member Fox: Okay, well...

Mrs. Schech Forbes: Like, we're not adding on. It's actually like – it was my father's original office, garage, and playroom...

Board Member Fox: Okay.

Mrs. Schech Forbes: So – if she chooses to – she will have her own entrance, and, like, eventually, patio one day maybe, um...

Board Member Fox: Okay.

Mrs. Schech Forbes: But, those two doors were already there.

Board Member Fox: Okay.

Mrs. Schech Forbes: It's to – it – so there's no stairs for her.

Board Member Fox: Oh, okay.

Board Member Bodor: It's at ground-level now...

Mrs. Schech Forbes: Yeah.

Board Member Bodor: Yeah.

Chairman Olenius: Looks like a nice setup.

Board Member Bodor: Mm hmm.

Board Member Carinha: Yeah.

Chairman Olenius: Anyone in the audience have a comment on this case? I'm hearing none.

Board Member Burdick: I make a motion to close the public hearing.

Chairman Olenius: I'll second.

Board Member Burdick: All in favor?

Board Member Carinha: Aye.

Chairman Olenius: All in favor? Sorry.

Motion passed by a vote of 5-0.

Chairman Olenius: I told you I was sleepy.

[Laughter.]

Chairman Olenius: Okay.

Chairman Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Irene Schech, Case #10-15
For a Special Use Permit for an Accessory Apartment

WHEREAS, *Irene Schech* the owner of real property located at 423 Cornwall Hill Road (R-4 Zoning District), also identified as ***Tax Map Parcel #13.7-1-55.1***, and

WHEREAS, *Irene Schech* has made application to the Patterson Zoning Board of Appeals for a Special Use Permit as set forth in §***154-105*** of the Patterson Town Code; Accessory Apartments in order to allow for an accessory apartment, and

WHEREAS, §*154-105* of the Patterson Town Code states that an accessory apartment must be subordinate to a single-family dwelling, have no more than one bedroom, be greater than 400 sq. ft. but less than 600 sq. ft., have a floor area of no more than 35% of the entire livable floor area of the dwelling, have a proper entrance from the side or rear of the structure, and be within the same structure as the principal unit, and

WHEREAS, the 540 sq. ft. apartment will exist in the basement of the applicant's 3,374 sq. ft. single-family dwelling, which serves as her primary residence, and consists of one bedroom, two bathrooms, a kitchen, and a living room, (as shown in submitted plans), with a separate side entrance, and

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

WHEREAS, a public hearing was held at the Patterson Town Hall, 1142 Route 311, Patterson, New York on ***June 17, 2015*** to consider the application; and

WHEREAS, the Applicant has submitted the Compliance Checklist which was in fact duly endorsed by a Code Enforcement Officer for the Town of Patterson, Robert McCarthy, and

WHEREAS, The Patterson Zoning Board of Appeals finds that the Applicant ***has*** met the requirements and ***has*** received the appropriate area variances for the issuance of a Special Use Permit in accordance with §***154-105*** of the Patterson Zoning Code; Accessory Apartments, subject to any conditions contained herein.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby determines that the proposed action ***will not*** have significant effects on the environment and issues a negative SEQRA declaration for the following reasons:

1. There ***will not*** be substantial change in existing air quality, ground or surface water quality or quantity, traffic or noise levels.
2. There ***will not*** be substantial increase in potential for erosion, flooding, leaching or drainage problems.

3. There **will not** be removal or destruction of large quantities of vegetation or fauna.
4. There **will not** be substantial increase in traffic or the use of existing infrastructure.
5. There **will not** be significant impairment of the character or quality of architectural or aesthetic resources of the existing neighborhood character.

BE IT FURTHER RESOLVED, the Patterson Zoning Board of Appeals wishes to **grant** the request of Irene Schech for a Special Use Permit **to allow for an accessory apartment in the R-4 Zoning District as set forth in §154-105** of the Patterson Zoning Code; Accessory Apartments, and

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

1. All of the provisions required for approval of a special use permit for an Accessory Apartment under §154-105 of the Patterson Zoning Code, which include a renewal in five years, are hereby incorporated as a conditions applicable to the approval of this special use permit.

Board Member Burdick: Second.

Board Member Bodor: Do – do we want...

Board Member Burdick: Oh. I'm sorry.

Board Member Bodor: Do we want to in – that's alright. We need a second – do we want to include the, um, Department of Health provisions, too, as a...?

Chairman Olenius: It's part of the Compliance Checklist, so...

Nancy Tagliafierro: That's part of their renewal in 5 years.

Chairman Olenius: It's part of the renewal packet...

Board Member Bodor: Oh, alright.

Chairman Olenius: To be in compliance...

Board Member Bodor: Well... because there's quite a list here of things. Okay.

Board Member Burdick: Second.

Board Member Bodor	-	Yes
Board Member Burdick	-	Yes
Board Member Carinha	-	Yes
Board Member Fox	-	Yes
Chairman Olenius	-	Yes

VOTE: Resolution carried by a vote of 5 to 0.

Chairman Olenius: Good luck.

Mr. Forbes: *[From the audience]* Thank you.

Mrs. Schech Forbes: Thank you.

Chairman Olenius: Start swinging those hammers.

[Laughter.]

Mrs. Schech Forbes: We will.

The Secretary: *[To Nancy Tagliaferro]* Mm hmm. I had a paper copy, too, and I marked it, and I just never...

[Laughter.]

3) **Sarita Chau Case #11-15**

One person was present to represent the application.

The Secretary read the following legal notice:

Sarita Chau Case #11-15

Applicant is requesting a Special Use Permit and area variances pursuant to §154-106 of the Patterson Town Code; Accessory buildings, in order to construct a 28' x 32' two-car garage with a one bedroom accessory dwelling above. Patterson Town Code §154-106 states that an accessory building for residential occupancy may be permitted by special use permit in the R-4 Zoning District. Patterson Town Code §154-106C states that the parcel of property containing the structure is 5 or more acres; Applicant can provide 4.488 acres; Variance requested is for 0.512 acres. Patterson Town Code §154-106D states that total floor area of the accessory building shall be no more than 1/3 the size of the principal building; Principal building is 3,577 sq. ft.; Code allows for the accessory building to be 1,192.3 sq. ft.; Proposed accessory building will be 2,224.5 sq. ft.; Variance requested is for 1,032.2 sq. ft. over total floor area allowed. Patterson Town Code §154-106E states that the principal dwelling shall be occupied by the owner of the property; Property owner wishes to reside in the accessory dwelling. This property is located at 264 Ice Pond Road (R-4 Zoning District).

Chairman Olenius: Mrs. Chau.

Mrs. Chau: Just state my name?

Chairman Olenius: State your name and address. Please.

Mrs. Chau: Okay, uh, my current address, right? Sarita Chau, and, um, uh, our current address is 25C Patterson Village Court in Patterson, New York 12563.

Chairman Olenius: Did we miss anything in the legal notice that you notice when you listen to it?

Mrs. Chau: Um... I think that's it.

Chairman Olenius: I think that's it. Okay.

[Laughter.]

Chairman Olenius: So, the purpose of your application, I'm guessing, is you're going to vacate the Patterson Village and relocate to this property? That's your intention?

Mrs. Chau: Yes and yes. We actually own the property.

Chairman Olenius: And you – you rent the main house?

Mrs. Chau: It's not really a rental...

Chairman Olenius: Okay.

Mrs. Chau: It's a home swap.

Chairman Olenius: Okay.

Mrs. Chau: Because we're living in their, uh, condo right now...

Chairman Olenius: Oh, okay.

Mrs. Chau: And they're living in our house.

Chairman Olenius: Okay. Gotcha. Is there a garage on the existing home?

Mrs. Chau: There is a garage.

Chairman Olenius: This – so this additional garage space would be for yourself...?

Mrs. Chau: Yes.

Chairman Olenius: And the...

Mrs. Chau: Yes, and probably also, like a – I should probably have wrote "garage/workshop"...

Board Member Bodor: The planned structure is – is it attached to the existing residence, or is it...

- Mrs. Chau: No...
- Board Member Bodor: Detached?
- Mrs. Chau: It's going to be detached.
- Board Member Bodor: Okay.
- Mrs. Chau: So, the driveway comes down and there – the, the house is here with 2 garage doors – we would have like... the driveway come right into the... the additional – the additional dwelling, 2 garage doors.
- Board Member Bodor: Alright, so there's 2 – there's 2 garage doors in the house...
- Mrs. Chau: Current – yes.
- Board Member Bodor: Currently, and you're going to have a two – two garage door garage...
- Mrs. Chau: Yes, yes.
- Board Member Bodor: Now with the building?
- Mrs. Chau: With a – with the, um, upstairs...
- Board Member Bodor: Okay, and you'll have 4 of them. Okay.
- Board Member Bodor: Mm hmm.
- Board Member Carinha: And how far away from the, uh... the principal dwelling and the house is it going to be?
- Mrs. Chau: Um, I'm estimating about, like... 15, 20 feet or something like that. 15 – maybe 15 feet? It's not going to be too far.
- Board Member Carinha: And the – just out of curiosity, which way are the garages going to be? Are they going to be facing like the backyard – the septic field – or are they going to be facing, like, if you were coming up towards the house?
- Mrs. Chau: Yah. You would come into the driveway...
- Board Member Carinha: Okay.
- Mrs. Chau: Into the garage.
- Board Member Carinha: Okay.
- Mrs. Chau: Like, so, if there's 2 garage doors here...

Board Member Carinha: So...

Mrs. Chau: By the main house, and then two garage...

Board Member Carinha: Alright...

Mrs. Chau: So, it would be like...

Board Member Carinha: So, it's deeper than wider. I got it.

Mrs. Chau: Yes.

Board Member Carinha: Okay.

Mrs. Chau: Yes.

Nancy Tagliaferro: I have a question.

Mrs. Chau: Sure.

Nancy Tagliaferro: Um... right now you said it's a housing swap...

Mrs. Chau: Yes.

Nancy Tagliaferro: So, you're not collecting income...

Mrs. Chau: No...

Nancy Tagliaferro: As a rental.

Mrs. Chau: No.

Nancy Tagliaferro: So, what happens if you relocate into the apartment on your property? Will it be a rental in...

Mrs. Chau: No, but they...

Nancy Tagliaferro: Will it be income-producing property?

Mrs. Chau: They might – they're probably going to rent out Patterson Village, and they probably will start paying the utilities, because we – we actually never swapped utilities either, so, like, we're paying the utilities for the house at Ice Pond and they're paying whatever maintenance utilities at...

Nancy Tagliaferro: So, it's...

Mrs. Chau: In Patterson Village. So...

Nancy Tagliaferro: It's not going to be an income-producing property?

Mrs. Chau: No. It's not going to be income-producing at all. It's just – they're just going to start, um, paying for the utilities there, so...

Nancy Tagliafierro: Okay.

Chairman Olenius: Sorry, there's just a lot to absorb, but, um...

Mrs. Chau: Yes, I know...

Chairman Olenius: I wanted to read...

Mrs. Chau: it's a lot of information.

Chairman Olenius: Reread it.

Board Member Carinha: Also...

Mrs. Chau: I was in the office a lot.

[Laughter.]

Board Member Carinha: Uh... [inaudible – papers shuffling] does it say how tall it's going to be and all that?

Board Member Fox: Pardon me?

Board Member Carinha: How tall it's going to be?

Board Member Fox: Yeah, I was curious about the height, as well...

Board Member Carinha: Yeah.

Board Member Fox: In relation to the existing house. Do you have any idea how big that's going to be?

Mrs. Chau: I'm not sure, no. It's like the – it was like a sketch, so it's like an upstairs and a...

Board Member Fox: Right, and you haven't...

Mrs. Chau: Um.

Board Member Fox: You haven't pursued anything with the Health Department yet, right?

Mrs. Chau: I do have an application in with the Health Department.

Board Member Fox: But, you haven't gotten approval yet?

- Mrs. Chau: I haven't heard back from them yet.
- Board Member Burdick: When did you submit the application?
- Mrs. Chau: Uh, about 2 ½ weeks ago, I think.
- Nancy Tagliafierro: It's dated May 15th.
- Mrs. Chau: Oh.
- Nancy Tagliafierro: Oh, that's when the Building Inspector signed off in it.
- Mrs. Chau: It might have been 3 weeks.
- Board Member Fox: And how do you plan on accessing this attic, storage, and loft space?
- Mrs. Chau: It's a, um... it's a ladder. So, we're planning to put, um, ladder, um, in the living room area. We're rock climbers, so we were thinking about putting, like, some rock holds up there and also doing it that way, but, um... but, mainly, a ladder.
- Board Member Fox: So, is this going to be modular?
- Mrs. Chau: I'm sorry?
- Board Member Fox: Is this going to be modular?
- Mrs. Chau: Not sure. I'm actually looking for pricing for that, as well as, um, for traditional stick.
- Board Member Fox: Okay, because my concern is that this could be a 3 story structure, and then you might have to sprinkler it. Just thought I'd let you know.
- Mrs. Chau: Oh, really? Oh, no. No.
- Board Member Fox: So...
- Mrs. Chau: Yeah, no – I'm not planning for the loft to be too big, I guess.
- Board Member Fox: If you're going to – I guess it sort of depends on how big that attic is, and if you're going to occupy it and whatnot.
- Mrs. Chau: At – at most, it would probably be just like an artist kind of loft kind of thing... do crafty kind of things. I can show you what I'll be looking at.
- Board Member Fox: And is that attic and loft space included in that square footage. That – that calculation that's...

Mrs. Chau: Actually, that calculation is different from what I...

Board Member Fox: It's not...

The Secretary: No.

Board Member Fox: That's not included.

The Secretary: It's not included because it's ladder access. So the Building Department – it doesn't...

Board Member Fox: Its' not...

The Secretary: It's not included in the square footage.

Board Member Fox: So, that's potentially more space.

Chairman Olenius: I'm going to need to go out to this property and see this for myself...

Board Member Burdick: Me, too.

[Other Board Members assenting.]

Chairman Olenius: There's just way too much going on, um... something that jumps out at me before you get into the design phase, there's also limitations in Town Code with regards to height of the subordinate structure...

Mrs. Chau: Okay.

Chairman Olenius: To the primary structure. There's – there's a lot of... in my mind, I see a lot more than is actually written up right, so I – I need to see it for myself to get a visual...

Board Member Carinha: Yeah.

Chairman Olenius: You know, what everything looks like... um... actually, before I stop, does anybody from the audience have a comment on this case... before... just got to – can you come up?

Mrs. Ticehurst: Yeah.

Chairman Olenius: And you've got to give your name and address.

Mrs. Ticehurst: Sure.

Chairman Olenius: I get too far ahead of myself.

[Laughter.]

Mrs. Ticehurst: I'm Julie Ticehurst, um, I'm at, um, 267 Ice Pond Road. Um... which is directly – well, not – a little bit catty-corner from Sarita and David.

Board Member Fox: Okay.

Mrs. Ticehurst: Is that...

Chairman Olenius: Good. You're alright...

Mrs. Ticehurst: Okay.

[Laughter.]

Chairman Olenius: Don't...

Mrs. Ticehurst: I really am just here because I had a few concerns, um... I'm mostly concerned about the size of the dwelling, um, as well as the usage, um... and really how that will impact the, um –I'm sorry, I have to look at my notes – the character of the neighborhood, um... it's a beautiful, single-family, residential neighborhood, and I just want to ensure that architecturally it fits in, um... I was also concerned about the height, um, and... the size, um, being a lot more over the allotted amount – the 1/3 – was a concern, um... basically the size itself. Um... also, the usage. I did have a question for the Board, and maybe you can answer, um, for me, um... if they did go to sell it – Sarita and David went to sell the home – would it then be sold as a two-family home? Would it be sold as a home with an auxiliary apartment? Would that be grandfathered in? Would the new owners then have to seek a permit to then have an auxiliary dwelling that they could rent out, um... how would that look? Um... and, um... that's – that was basically it.

Chairman Olenius: Counselor will correct me, but if the variances were to be approved...

Mrs. Ticehurst: Yes.

Chairman Olenius: It wouldn't be, necessarily a two-family. It would be...

Nancy Tagliaferro: An accessory building.

Chairman Olenius: An accessory building, because that's...

Nancy Tagliaferro: That can be...

Chairman Olenius: How the application is presented to us.

Mrs. Ticehurst: Okay. Okay, so, that was my misunderstanding then. So, an auxiliary apartment is separate from a two-family dwelling because it's a separate building in the Code...

Board Member Carinha: Yes.

- Mrs. Ticehurst: Basically. Like, it's not attached.
- Chairman Olenius: Yes.
- Mrs. Ticehurst: Okay. But, it can still be rented out, so, if Sarita and David chose to live in the main building, they could then rent out the auxiliary, or choose to live in the auxiliary or rent out the main?
- Nancy Tagliaferro: Yes.
- Mrs. Ticehurst: Okay... okay...
- Board Member Fox: And then put...
- Chairman Olenius: If – if the variances are approved.
- Board Member Fox: Right.
- Chairman Olenius: The way the Code reads, they're supposed to live in the principal dwelling.
- Mrs. Ticehurst: Okay.
- Chairman Olenius: Um...
- Mrs. Ticehurst: Okay.
- Chairman Olenius: But, they requested a variance for the opposite...
- Mrs. Ticehurst: Okay.
- Chairman Olenius: So...
- Mrs. Ticehurst: Okay, and so, then, if the... the property is then sold – the home and the two dwellings – that stays with whatever's sold...?
- Nancy Tagliaferro: I think it does.
- Board Member Burdick: The variance goes with the land, I believe.
- Nancy Tagliaferro: It does. There's a distinction in the Code between an accessory apartment specifically doesn't go on to the next owner without the – the application process – and there's nothing in the Code to limit it here, so, I do think it goes on to the next owner.
- Mrs. Ticehurst: Okay. So, that's a third concern I do have.
- Chairman Olenius: Perpetuity.
- Mrs. Ticehurst: That David and Sarita have been wonderful neighbors – I'm not

worried about that. I just worry about the future. I plan to stay there a while. [Laughter.] So... thank you very much, Board.

Chairman Olenius: Thank you.

Board Member Carinha: Thank you.

Board Member Fox: Thank you.

Mr. Rothacker: Hi. My name is Dusty Rothacker. I live at 146 Tommy Thurber Lane, which is kind of on the corner there, and, um... I just... kind of want to echo what, uh, Julie had mentioned. Um... I certainly want to be a good neighbor, and, uh, allow for, um, the Chaus to do what they'd like to do. And I certainly have no problem – uh, they're very close with the acreage of property square footage requirements – that's very close, and... and that seems to be – that's certainly no issue for me. Um, but I – I do also agree with Julie and have a concern. Number One: with the size of this building, um... clearly it – it's almost twice what the Code allows. Um... there are a lot of homes in Patterson that are the size of this – this, uh, proposed building. Um, there's – as you're all well-aware – there's planned 37 houses down the street from us that are this size. So, I'm very concerned that somehow this is going to become a two-family piece of property in a neighborhood which is all single-family homes, um... I certainly would have no problem at all if the Chau's were, um... uh, going to conform to the rules. I think the intent of... of the Code – and correct me if I'm wrong – is, um... these are... are limited accessory apartments, perhaps for an elderly parent, an elderly family member. I mean, this could be a 2-bedroom home. And – I'm in the building business myself down in Westchester – and, um, I know there's a lot of maneuvering that happens with the Health Department, and they show family rooms and dens and T.V. rooms that, uh... to avoid, uh, um, uh... bedroom counts, um... but this is clearly a 2,300 sq. ft. building on 4 ½ acres, um, that could be a three-family – a three-bedroom home, and... and I'm concerned that, uh, it certainly will affect, uh, um... our very bucolic neighborhood.

Chairman Olenius: Thank you.

Mr. Rothacker: That's it.

Chairman Olenius: No, thank you very much.

Mr. Rothacker: Thank you.

Chairman Olenius: Accessory buildings also don't have to deal with the five year...

Nancy Tagliaferro: No.

Board Member Burdick: No.

Chairman Olenius: Compliance Checklist or anything? Okay. That was for me, because I didn't think so. I was double-checking. Was there anyone else? I'm sorry. Okay, so I'm going to make a motion to hold this over.

Mrs. Chau: Okay.

Chairman Olenius: We're going to come out and take a site walk. Um... are there any – would you be able to meet us there?

Mrs. Chau: Yes.

Chairman Olenius: Just so...

Mrs. Chau: Yes. Uh, I can.

Chairman Olenius: Is there any days or times that are bad for you? We typically come in the evening around 5:00...

Board Member Burdick: We can do 4:15 now...

Chairman Olenius: Okay.

Mrs. Chau: Okay.

[Laughter.]

Chairman Olenius: 4:15?

Mrs. Chau: Okay.

Chairman Olenius: Um... does that work for your schedule? Otherwise, we'll try and arrange it at a better time.

Mrs. Chau: Yes. No, that's fine. It's fine.

Chairman Olenius: It will be fine?

Mrs. Chau: Yes.

Chairman Olenius: Okay. The Secretary will be in touch with you then, um...

Mrs. Chau: Okay.

Chairman Olenius: And we'll get out there before the next meeting...

Mrs. Chau: I do have a...

Chairman Olenius: You know, so...

Mrs. Chau: I do have a question, actually.

Chairman Olenius: Sure.

Mrs. Chau: Um, I wondering, um... so, like, I didn't really understand, like,

when we were going through, like, the plans I kind of, like, sketched up myself, and, um, so, I wasn't, um – I was trying to conform to, like, the – because when we were talking about it, it was like 1,250 – like within 1,250 [square feet of] livable space, so, um, the garage was not going to count into it. The garage was going to be something separate, so, I was a little – I guess, like, when... when it all came together, it was kind of like a shock to me, too, that this place is so big, so, I did not, like, you know, realize it would be...

Chairman Olenius: There – something I think that was missed here is there's a bulk area...

Mrs. Chau: Mm hmm.

Chairman Olenius: Clause in the Code that the subordinate structure can only be X-amount, that's a percentage of the main residence...

Mrs. Chau: Okay...

Chairman Olenius: And I don't see those numbers in here...

Nancy Tagliafierro: Yeah, I don't have the bulk chart – I don't think I have those with me either.

Chairman Olenius: Um, but I would probably...

Mrs. Chau: Because, in actuality, when we were calculating it out, it was like 900 square feet, so...

Chairman Olenius: Yeah.

Mrs. Chau: Which to me, like, sounded, like...

Chairman Olenius: Maybe I could ask the Secretary...

Mrs. Chau: More reasonable as well, so...

Chairman Olenius: To forward you that information when she forwards you the exact page from the Code...

Mrs. Chau: Okay.

Chairman Olenius: With that information in it, um...

Mrs. Chau: Okay...

Chairman Olenius: When we choose a date...

Mrs. Chau: Because, I don't want to mess with the look of the neighborhood, either...

Chairman Olenius: Mm hmm.

Mrs. Chau: So, that's not, like, not my intention at all, and I can – now I can understand, like, when people is looking at it, that it's like saying 2,000 square feet. Like our house: it also says 3,000 sq. ft. for our house, but when it was sold to us, it was called 1,850 sq. ft. for the main house, so, it's kind of like... you know, it's kind of like, you know, our – our house is considered 1,850 sq. ft., so now that, you know, something that's – you calculate everything, it's like...

Chairman Olenius: Yeah, this...

Mrs. Chau: A lot different.

Chairman Olenius: This – this conversion is different, because it's the bulk...

Mrs. Chau: Yes.

Chairman Olenius: Area of the building, um...

Mrs. Chau: Yes, I understand, so...

Chairman Olenius: You know, like...

Nancy Tagliaferro: Not just the livable space...

Mrs. Chau: Yeah, not just the livable space...

Chairman Olenius: It's not just the livable space, yeah.

Mrs. Chau: *[Speaking to Mrs. Ticehurst and Mr. Rothacker]* Yeah, so that's why I'd, like, you know, um... I wanted to like, you know, meet with you guys' needs. Like, you know, 18 – like what consider my – our – main house right now is 1,850 square feet, so that's what our house looks like. That 1,850. This house – this... this is not even close to... to that, because um, you know, I don't know, like...

Mr. Ticehurst: The garage space.

Mrs. Chau: Yeah, the garage space. So, it's like, it's not even – like, it's not even close to looking like... like... it doesn't even – it doesn't look as big as our house, which is 1,850 supposedly-livable space. So, um... and we have, like, a 3-bedroom, 2-bath – it's not like... it's not like a mansion. You know, you see, like – so, this is not, like, going to be, like, much bigger than that, so... and, actually, I would definitely not want to mess with the neighborhood, either... so, I would take it smaller, and that's fine...

Chairman Olenius: Well, the Secretary – when she calls you with the date for our site walk – she'll give you the information...

Mrs. Chau: Okay.

Chairman Olenius: On the bulk area requirements, um... so, maybe – we'll try and schedule the site walk as close to the next meeting as we can...

Mrs. Chau: Okay.

Chairman Olenius: Which will allow you more time to...

Nancy Tagliaferro: Refine your plans.

Chairman Olenius: Refine your plans, because you'll have a better idea of what the other requirements that I think...

Mrs. Chau: Okay...

Chairman Olenius: Were not here...

Mrs. Chau: And, so, we just do the same things. We just, like re... redo it and re... draw up the plans?

Chairman Olenius: Yeah, if you have any ideas when we come out on the site walk...

Mrs. Chau: Okay.

Chairman Olenius: You can certainly share them with us so we can absorb them, you know...

Mrs. Chau: Okay.

Chairman Olenius: Prior to the next meeting, or you can submit them to the office – you know, the Secretary needs a copy, as well...

Mrs. Chau: Okay.

Chairman Olenius: And she'll disseminate them to us so we...

Mrs. Chau: Okay.

Chairman Olenius: Have time to review them.

Mrs. Chau: And then I would just need to, like, redraw the picture and everything. Okay.

Chairman Olenius: Yes.

Mrs. Chau: Alright.

Board Member Burdick: And if you could stake out the area for us – the 4 corners – so we can see where the building's going to be...

Mrs. Chau: Okay.

Board Member Burdick: You know, you just put...

Mrs. Chau: That might be a little...

Board Member Burdick: You can put rocks there, or something for it...

Chairman Olenius: Yeah, you could just take a...

Board Member Bodor: Anything.

Board Member Burdick: Just anything, you know...

Chairman Olenius: A brick, or, you know, some...

Board Member Carinha: Sticks.

Board Member Burdick: Paint. Stick. Anything.

Mrs. Chau: Okay.

Board Member Burdick: Just to give us a visual.

Mrs. Chau: So, I'll just have to figure out...

Chairman Olenius: Just so we have an idea...

Mrs. Chau: Yeah...

Chairman Olenius: For visually where...

Mrs. Chau: Do it. Okay.

Chairman Olenius: The site is.

Board Member Fox: Where you'd – where you'd like it to go. Yeah.

Mrs. Chau: Okay.

Board Member Burdick: And – and, if possible, the height. If you, you know – if you could, as you're reworking the plans, if you could give us a height on the building, it would be helpful.

Mrs. Chau: Okay. Alright.

Chairman Olenius: Yeah, the overall. Right.

Mrs. Chau: I'll try to work out – work that out, too.

Chairman Olenius: Alright?

Mrs. Chau: Alright.

Chairman Olenius: Well, thank you.

Mrs. Chau: Thank you.

Board Member Burdick: Thank you.

Chairman Olenius: We'll hold that one over until next time... [Inaudible – papers shuffling]... You can go right ahead if you're ready.

4) Dwayne Carpenter Case #12-15

One person was present to represent the application.

The Secretary read the following legal notice:

Dwayne Carpenter Case #12-15

Applicant is requesting area variances pursuant to §154-27A(12)(a) of the Patterson Town Code; Permitted accessory uses, in order to install a 16' x 32' above-ground swimming pool and legalize an existing shed. Applicant's property exists on a corner lot; §154-12 of the Patterson Town Code states that corner lots shall be deemed to have two front yards, two side yards, and no rear yard. §154-27A(12)(a) of the Patterson Town Code states that accessory structures cannot be located in the front yard. Applicant is requesting a variance to allow the above-ground swimming pool to be constructed in the front yard. Applicant is also requesting a variance to legalize the shed currently in existence in the front yard. This property is located at 13 Caldwell Road (RPL-10 Zoning District).

Chairman Olenius: Good evening, sir.

Mr. Carpenter: Good evening.

Chairman Olenius: How are you? Could you just state and address for the record please?

Mr. Carpenter: Yes. My name is Dwayne Carpenter. I live at 13 Caldwell Road, Patterson, New York.

Chairman Olenius: Thank you very much.

Mr. Carpenter: You are so welcome.

Chairman Olenius: So you're another one of these unique properties in Putnam Lake...

Mr. Carpenter: Yes, I am.

Chairman Olenius: That has streets all around you?

Mr. Carpenter: Yes.

Chairman Olenius: I am also...

Mr. Carpenter: Oh.

Chairman Olenius: So, I understand...

Mr. Carpenter: Oh, okay.

Chairman Olenius: Your dilemma.

Mr. Carpenter: Okay.

Chairman Olenius: Um... so, my assumption is – from your packet and everything – the front yard, where you're planning on putting the pool, is not what you consider your front yard.

Mr. Carpenter: Actually, no, um... for example, if you're looking me, this would be the entrance to go into my house, and to my right, going down some yards, this is the area when you guys consider the front yard. So, it will be over to the right, covered around with a bunch of trees as well as bushes. So, it wouldn't be visual to the public. To a – maybe to a degree it would be – but, overall it wouldn't be, because of the bushes and so forth, at least around the area.

Chairman Olenius: Judging by your survey, you don't have much of a...

Board Member Fox: Back – rear yard...

Chairman Olenius: Backyard...

Board Member Carinha: Rear yard.

Board Member Fox: Rear yard.

Mr. Carpenter: Yes.

Chairman Olenius: Rear yard, yeah.

Mr. Carpenter: Yes.

Chairman Olenius: That seems like...

Mr. Carpenter: But, it's a beautiful piece of property.

Chairman Olenius: It – that's actually...

Nancy Tagliafierro: And it's a good size lot for Putnam Lake.

Board Member Carinha: Yeah.

Mr. Carpenter: Yes.

Chairman Olenius: Very good size lot.

Board Member Fox: Yeah, very good. Yeah.

Mr. Carpenter: It is. It really is.

Chairman Olenius: Very unusual, um, shape, but...

Mr. Carpenter: Yes. Well, it was actually two pieces of property that was combined. When I had bought the property, we combined it together.

Chairman Olenius: Oh, okay.

Board Member Fox: Oh, this dotted line. I see it right there.

Chairman Olenius: I gotcha.

Board Member Carinha: Yeah.

Mr. Carpenter: Yes.

Board Member Fox: Right at the corner of the house almost. Right?

Mr. Carpenter: Yes.

Board Member Fox: Yep. That's it.

Mr. Carpenter: Okay.

Chairman Olenius: So, somebody at some point had hoped to build another home, then the restrictions got more stringent...

Mr. Carpenter: That would be...

Chairman Olenius: There wasn't enough to put one on that property, so...

Mr. Carpenter: Right. That was the intention, from what I understand – that someone was going to try to build another piece of property...

Chairman Olenius: Mm hmm.

Mr. Carpenter: Yeah. Yep.

Chairman Olenius: *[To Board Member Fox]* I didn't mean to cut you off... [inaudible – papers shuffling]

Board Member Fox: No, not at all.

Nancy Tagliafierro: That explains why there's so many notations on this survey.

Board Member Carinha: Yeah.

Chairman Olenius: Yep.

[Laughter.]

Nancy Tagliafierro: I was wondering why there was so much on here.

Board Member Fox: It's a good survey. I like this survey.

[Laughter.]

Board Member Fox: Um, uh... in terms of the shed, this is the one you're looking to legalize here? The wood one?

Mr. Carpenter: Um, yes. That's considered in the front yard.

Board Member Fox: [Inaudible – too many speaking at once]...

Mr. Carpenter: It was – it was actually 2 sheds, but I had, uh... it was a metal shed in the back...

Board Member Fox: Right the little – this little one...

Mr. Carpenter: That was on the property line...

Board Member Fox: Okay.

Mr. Carpenter: Of my neighbors, so what I did – I knocked it down. Took it...

Board Member Fox: Oh, it's gone now?

Mr. Carpenter: Yeah, it's no longer there.

Board Member Fox: Okay.

Board Member Bodor: It's not there.

Mr. Carpenter: So, yeah that's gone... and, um...

Board Member Fox: That's no longer an issue? Okay.

Mr. Carpenter: Yes. No longer an issue... uh, to be honest with you, I was actually opposed to this – putting a pool up. But, I have two kids, and, you know, they're pushing me...

[Laughter.]

Mr. Carpenter: Because I know it's going to be a lot of work to maintain it, and, you know, I'm the only one who's going to be maintaining this, so, you know...

Board Member Fox: It's going to be your job.

Mr. Carpenter: Yeah.

Board Member Carinha: It's not that bad.

Mr. Carpenter: It's not that bad? Really?

Nancy Tagliafierro: No.

Mr. Carpenter: Okay. So, if I have any trouble I can come back and get you?

[Laughter.]

Nancy Tagliafierro: You just tell the kids they can't go in until they vacuum it.

Mr. Carpenter: Okay.

Board Member Carinha: Yeah.

[Laughter.]

Mr. Carpenter: That's important to vacuum it. Yeah. Okay.

Board Member Carinha: And skim it. Let them skim it and vacuum it.

Mr. Carpenter: Okay. I've got to remember that.

Board Member Carinha: Yeah.

Mr. Carpenter: I think my biggest problem with me mixing the chemicals and stuff.

Board Member Carinha: Eh. They give you a sheet...

Mr. Carpenter: Yeah, I like this guy...

[Laughter.]

Board Member Carinha: They'll give you a sheet of paper...

Nancy Tagliafierro: It's easy.

Board Member Carinha: Step-by-step...

Mr. Carpenter: Okay.

Board Member Carinha: It's simple.

Mr. Carpenter: You've got to come over some time.

[Laughter.]

Board Member Carinha: The opening and the closing – those are the two hardest things. It's simple.

Mr. Carpenter: Okay.

Chairman Olenius: I see from the pictures you submitted, there's considerable vegetation buffer...

Mr. Carpenter: Oh, yes there is.

Chairman Olenius: You know, around this area.

Board Member Carinha: Yeah.

Board Member Fox: [Inaudible – too many speaking]

Mr. Carpenter: I can actually jog around that area... which my wife tells me I need to do.

[Laughter.]

Chairman Olenius: I was going to ask, uh, if anybody in the audience had comment...

Mr. Carpenter: And...

Chairman Olenius: But, there's no one left, so...

[Laughter.]

Mr. Carpenter: Oh, I have beautiful neighbors.

Board Member Bodor: After you put the pool in, you'll have more.

[Laughter.]

Mr. Carpenter: Hey, believe it or not, they're actually encouraging me.

Board Member Bodor: Uh huh.

Nancy Tagliaferro: I believe it.

Board Member Bodor: Okay.

Board Member Fox: Yeah, they're going to come over.

Board Member: And they're going to help you erect it and maintain?

Board Member Carpenter: Yeah, that's what I was saying. Probably not, but that's okay though. They're more than welcome.

Chairman Olenius: It's a very big lot.

Board Member Bodor: Mm hmm.

Nancy Tagliaferro: It is.

Chairman Olenius: Over a half acre.

Nancy Tagliaferro: Yeah.

Board Member Carinha: Yeah.

Chairman Olenius: I don't have anything else.

Board Member Bodor: No.

Board Member Burdick: Me neither.

Board Member Carinha: No.

Chairman Olenius: So, I make a motion to close the public hearing.

Board Member Carinha: Second.

Chairman Olenius: All in favor?

Motion passed by a vote of 5 – 0.

Chairman Olenius: Okay.

Mr. Carpenter: Thank you, guys. I really appreciate it. Thank you very much.

Chairman Olenius: There's a little more reading yet.

Nancy Tagliaferro: Yeah.

Mr. Carpenter: Okay.

[Laughter.]

Mr. Carpenter: Not a problem.

Chairman Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Dwayne Carpenter, Case #12-15
For an Area Variance to Construct a 16' x 32' Above-Ground Pool in the Front Yard

WHEREAS, *Dwayne Carpenter* is the owner of real property located at 13 Caldwell Road (RPL-10 Zoning District), also identified as **Tax Map Parcel #25.70-1-70**, and

WHEREAS, *Dwayne Carpenter* has made an application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-27A(12)(a) of the Patterson Town Code; Permitted accessory uses, in order to construct a 16' x 32' above-ground pool, and

WHEREAS, §154-12 of the Patterson Town Code states that corner lots shall be deemed to have two front yards, two side yards, and no rear yard, and

WHEREAS, §154-27A(12)(a) of the Patterson Town Code states that accessory structures shall not be located in the front yard; Applicant wishes to construct pool in the front yard, and

WHEREAS, the proposed action constitutes a Type II action under 6 NYCRR Part 617, and therefore requires no further review under 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 ***June 17, 2015***, 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, ***due to the fact that the, uh, proposed area is well-screened.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means, ***due to the fact that he is surrounded on two sides by streets and has no rear yard.***
3. the variance requested ***is not*** substantial, ***in light of the fact that, uh, by Town Code, he does not technically have a rear yard.***
4. the proposed variance ***will not*** have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, ***due to the unusually large size of the applicant's, uh, lot.***
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 ***Dwayne Carpenter*** for ***an area variance*** pursuant to §154-27 A(12)(a) of the Patterson Town Code, Permitted accessory uses, to allow for a 16' x 32' above-ground pool to be constructed in the front yard of the property.

Board Member Burdick: Second.

Board Member Bodor	-	Yes
Board Member Burdick	-	Yes
Board Member Carinha	-	Yes
Board Member Fox	-	Yes
Chairman Olenius	-	Yes

VOTE: Resolution carried by a vote of 5 to 0.

Chairman Olenius: One more, sir.

Mr. Carpenter: Sure, now...

Chairman Olenius: Then you'll be out...

Mr. Carpenter: Hey, take your time. I'm in no rush.

[Laughter.]

Chairman Olenius: Okay.

Chairman Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Dwayne Carpenter, Case #12-15
For an Area Variance to Legalize an Existing Shed in the Front Yard

WHEREAS, *Dwayne Carpenter* is the owner of real property located at 13 Caldwell Road (RPL-10 Zoning District), also identified as **Tax Map Parcel #25.70-1-70**, and

WHEREAS, *Dwayne Carpenter* has made an application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-27A(12)(a) of the Patterson Town Code; Permitted accessory uses, in order to legalize an existing shed in the front yard, and

WHEREAS, §154-12 of the Patterson Town Code states that corner lots shall be deemed to have two front yards, two side yards, and no rear yard, and

WHEREAS, §154-27A(12)(a) of the Patterson Town Code states that accessory structures shall not be located in the front yard; Applicant wishes to legalize an existing shed in the front yard, and

WHEREAS, the proposed action constitutes a Type II action under 6 NYCRR Part 617, and therefore requires no further review under 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 ***June 17, 2015***, 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, *due to the fact that the shed has been there for quite some time.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means, uh, *due to the fact that through Town Code, he has no rear yard and is surrounded on two sides by streets.*
3. the variance requested *is not* substantial, *in light of the way the Town Code is written.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, uh, *due to the fact that, as previously stated, it's been there for quite some time and it's on a... a considerably large lot for the area.*
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 *Dwayne Carpenter* for *an area variance* pursuant to §154-27 A(12)(a) of the Patterson Town Code, Permitted accessory uses, to allow the existing shed to remain in the front yard of the property.

Board Member Burdick: Second.

Board Member Bodor	-	Yes
Board Member Burdick	-	Yes
Board Member Carinha	-	Yes
Board Member Fox	-	Yes
Chairman Olenius	-	Yes

VOTE: Resolution carried by a vote of 5 to 0.

Chairman Olenius: Now, my friend, you are good to go. Good luck.

Mr. Carpenter: Oh, thank you guys...

Board Member Burdick: Good luck.

Mr. Carpenter: I appreciate you guys' time and consideration. Thank you.

Chairman Olenius: You got it.

Mr. Carpenter: Okay.

Board Member Burdick: Enjoy it.

Board Member Carinha: Good luck.

The Secretary: Goodnight.

Mr. Carpenter: Have a good night. Thank you.

Chairman Olenius: Good luck swimming this summer.

Mr. Carpenter: Okay. Hey – and remember, I’m going to come get this guy...

[Laughter.]

Board Member Carinha: I’ll send my kids over.

Mr. Carpenter: Okay. Appreciate it.

Board Member Fox: Every third Wednesday, he’ll be here.

[Laughter.]

Mr. Carpenter: Alright, guys. Take care.

Board Member Carinha: Alright.

Board Member Burdick: Bye.

Nancy Tagliaferro: Buh-bye.

Chairman Olenius: Oh...

5) Stephanie Fox Case #13-15

One person was present to represent the application.

The Secretary read the following legal notice:

Stephanie Fox Case #13-15

Applicant is requesting area variances pursuant to §154-7 of the Patterson Town Code; Schedule of Regulations, in order to construct a 20’ x 25’ patio. Patterson Town Code requires a minimum rear yard setback of 80 ft; Applicant can provide 29 ft; Variance requested is for 51 ft. Patterson Town Code requires a minimum side yard setback of 40 ft; Applicant can provide 37 ft; Variance requested is for 3 ft. Patterson Town Code also allows an impervious surface coverage level of not more than 10%; Applicant will have 12.9%; Variance requested is for 2.9% of impervious surface coverage in addition to what the Code allows. This property is located at 11 Rose Lane (R-4 Zoning District).

Chairman Olenius: For the record, this is Board Member Fox, who is recusing herself from judging this case and... presenting to us now.

Board Member Fox: Yes.

Chairman Olenius: You still have to state your name for the record, though.

Board Member Fox: Stephanie Fox. 11 Rose Lane. Brewster, New York.

Chairman Olenius: Thank you. So what are you planning on doing?

Board Member Fox: I would like to build a 20 [ft] x 25 [ft] patio off the rear of my home. Um... it came about mostly because the house is about 10 years old now, and, um... well, I've lost about 6 inches of dirt in the past 2 years. I have...

Chairman Olenius: Erosion?

Board Member Fox: Yeah, erosion. Yeah. Currently, under the deck, I have, um... some large boulders that are supposed to act like a retaining wall, but everything is running through, and, um... we can't really keep anything there, and we're figuring we need to do some site work to improve that, and while we're at it, we might as well make it look nice, um... part of the work is going to be, um... removing the window well to make, you know, the deck feasible there. It's not going to, uh, affect the egress from my basement. I have two other window wells and a door out there, um... so there will be a... a small retaining wall. It's probably going to have to sit underneath the deck. Um... the design of the... the patio itself for the dimensions. On the side yard, I have a... a wrap-around front porch on the front. I'd like to keep that – the side of the patio – in alignment with that, because on that side – that's where my two A/C units are, and, so, aesthetically, once I have the patio there, I'd like to make a planting area to hide the A/C units. On the rear, if you look at... I'm going to say picture number 3 [*as shown in submitted plans*], I have a buried propane tank. That's what that little green cap is, and the reason for bringing it out the 20 ft is so that I can put a planting bed from the corner of the patio around to the rock and hide the propane tank, because my husband keeps mowing it over with the mower, and whatnot, um... really up towards the window well, which is kind of hard to see in the picture, um... there's not too much grass that grows there. It's pretty muddy. That side of the house doesn't get a whole lot of light, but, um... you know, we've trying to keep the dirt there, but it just keeps washing out underneath the, uh, deck. It's pretty... actually, if you look at the window well, I used to – the ground used to be all the way up to the top of the window, and so, now I'm down almost, you know, a foot on the one side, so I just... it just keeps going away so... that's my little...

Chairman Olenius: That was flush?

Board Member Fox: Pardon me?

Chairman Olenius: The ground was flush with the height of that window well that's...

Board Member Fox: Yeah.

Chairman Olenius: Wow.

Board Member Fox: Almost... maybe one rib, but over time it just keeps – especially on the... on the backside where the, uh, bush is up against the house there, it just keeps washing away. So, um... you know, I'm going to put a retaining wall in there somewhere, hide it, and pretty much take away the necessity of that – those boulders, which are keeping the main earth back, but, not keeping the small stuff back. Yeah, back. So...

Chairman Olenius: Installing drainage, too, underneath, to try and...

Board Member Fox: Well, you know...

Chairman Olenius: Divert it from happening?

Board Member Fox: I have a curtain drains that runs all the way along the... the property line, um, on the Connecticut side, and it actually dumps out – lucky for my neighbor – but, um, behind the shed here. It runs all the way along here and along here...

Chairman Olenius: Wow.

Board Member Fox: And it comes out here, and still – but, I have a... a stream here. I have... I have, I think, uh... springs everywhere.

Chairman Olenius: Okay.

Chairman Olenius: My – my next door neighbor here has an in-ground pool. He has a spring underneath his in-ground pool. We have the pump there that's – well, I don't know if it's still working. You put the pump in, put the pool in, and that's it. So, we have a lot of water around there. Luckily, it doesn't get into the basement, but, um... you know, I think just because the – it used to be such a wooded site. I don't know if you guys were – I mean, I wasn't around really when they subdivided it. I know that that used to be so wooded, and that they really did get all the – I wish they'd left some of my trees – but, they really got rid of all the trees on the property, um... up towards the front we're having a sinkhole problem that we're going to get... have to probably remedy at the same time. Put some gravel there – I'd have to bring in a lot of gravel, but, um... so, we figure, you know, while we're remedying the drainage problem, like I said, really, uh... square it away and get the patio done at the same time.

Nancy Tagliafierro: Your architect is to be commended. These plans are beautiful.

[Laughter.]

Board Member Fox: Well, you know, I'd like to like to lead by example a little, so...

[Laughter.]

Nancy Tagliafierro: I also want to say I noticed on the survey that it's supposed to be called Nancy Lane, it I just want to put on the record that I prefer that one.

[Laughter.]

Board Member Fox: Yeah. Well, I think that was what it was originally called, right? I don't know. And then they changed it to Rose [Lane]. I don't know.

Nancy Tagliafierro: It lacks something.

[Laughter.]

Board Member Fox: I like Nancy, you know. But... but, I think we'd confuse my children, too.

[Laughter.]

Board Member Fox: They've got to learn that for kindergarten. We're drilling that one in over the summer. And, then I should – I guess I should also mention that, obviously, I'm in an R-4 Zone, and I'm only an acre lot in an R-4 Zone. I don't have 4 acres. So, that's probably a... a majority of why I need the variances, especially for the impervious surface. I just don't have the... I don't have the square footage of the lot. Or the setbacks, for that matter.

Chairman Olenius: Is that one of the Zoning Districts that was changed, or...

The Secretary: I...

Chairman Olenius: Was there a variance to build there? On the smaller lot.

Board Member Fox: I think it was a zoning change. It was...

The Secretary: [Inaudible – too many speaking]

Board Member Burdick: I think so.

Board Member Fox: I mean, I can't be in an – can't be in the RPL[-10 Zoning District], because I'm not...

Chairman Olenius: No.

Board Member Fox: You know, um... I think the zoning – the subdivision was 20 years ago, and I think the zoning changed 10 years ago, so...

Chairman Olenius: Oh, Jasper Woods. Now I remember.

Board Member Fox: Yeah.

Chairman Olenius: This was Rudy Wunner's property, right? That he subdivided?
[Inaudible – speaking too softly]

Board Member Burdick: It sounds familiar yeah?

Chairman Olenius: I think he owned this.

Board Member Fox: It took a long time, I know that. To get her to – whoever owned it – to get her to do all the improvements and everything. I mean, even when in and the house, at that time, was 5 years old, the road was still private. There was a lot of... stuff.

Chairman Olenius: Oh, the town's taken over the road now?

Board Member Fox: The town has, yeah. It's been dedicated and everything for about... I don't know, 3 or 4 years now.

Board Member Carinha: [Inaudible – too many speaking]

Chairman Olenius: That's probably when the name got changed.

[Laughter.]

Board Member Carinha: Because mine's not.

Board Member Fox: I have a sign now, so, like, I can't get back to Nancy...

Nancy Tagliafierro: I don't know... this is a cul-de-sac here?

Board Member Fox: It is.

Nancy Tagliafierro: So, this picture number 5, it looks like there aren't really any other houses, at least on Rose Lane, until you get all the way through your front yard, and then, you get – so, it's not like there's another house over here?

Board Member Fox: That's actually Connecticut.

Nancy Tagliafierro: Oh, okay. Well, I don't care about them.

[Laughter.]

Board Member Fox: Yeah, and this is – this is state easement land...

Nancy Tagliafierro: Okay.

Board Member Fox: Um, I guess for utility or whatever...

Nancy Tagliafierro: Yeah, that's usually...

Board Member Fox: And then, um, yeah... there's another house, like up over here, so... and that's my neighbor here, and then... obviously, the patio would be back there and that's my nearest neighbor, who is not here.... Surprisingly.

Chairman Olenius: I don't have anything else.

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

Chairman Olenius: I'll second.

Board Member Bodor: Second.

Board Member Burdick: All in favor?

Motion passed by a vote of 5 – 0.

Chairman Olenius: Three times, huh?

Chairman Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Stephanie Fox, Case #13-15
For an Area Variance to Construct a 20' x 25' Patio 29' From the Rear Property Line

WHEREAS, *Stephanie Fox* is the owner of real property located at 11 Rose Lane (R-4 Zoning District), also identified as **Tax Map Parcel #36.57-1-3**, and

WHEREAS, *Stephanie Fox* 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 construct a 20' x 25' patio 29' from the rear yard property line, and

WHEREAS, §154-7 of the Patterson Town Code requires a rear yard setback of 80'; Applicant has 29'; ***Variance requested is for 51'***, 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 ***June 17, 2015***, 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, ***due to the fact that the patio is well-screened from neighbors on all sides.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means, ***due to the fact that it is a 1-acre property in an R-4 Zoning District.***
3. the variance requested ***is*** substantial, ***however not so much so as to cause a denial of 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 it will actually, uh... stop the effect of the erosion that's currently happening through that area.***
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 ***Stephanie Fox*** for ***an area variance*** pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, ***of 51' from the 80' required for a rear yard setback***, in order to allow for the construction of a 20' x 25' patio 29' from the rear property line.

Board Member Burdick: Second.

Board Member Bodor	-	Yes
Board Member Burdick	-	Yes

Board Member Carinha	-	Yes
Board Member Fox	-	Recused
Chairman Olenius	-	Yes

VOTE: Resolution carried by a vote of 5 to 0.

Chairman Olenius: One.

Chairman Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Stephanie Fox, Case #13-15
For an Area Variance to Construct a 20' x 25' Patio 37' From the Side Property Line

WHEREAS, *Stephanie Fox* is the owner of real property located at 11 Rose Lane (R-4 Zoning District), also identified as **Tax Map Parcel #36.57-1-3**, and

WHEREAS, *Stephanie Fox* 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 construct a 20' x 25' patio 37' from the side yard property line, and

WHEREAS, §154-7 of the Patterson Town Code requires a side yard setback of 40'; Applicant has 37'; ***Variance requested is for 3'***, 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 ***June 17, 2015***, 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, ***due to the fact of the, uh, smallness of the, uh, variance required.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means, ***due to the fact that she is lining up with the existing structure, which is also in noncompliance.***
3. the variance requested ***is not*** substantial, ***due to the fact that it's only 3' on that side and there's no visible neighbor close to the property line.***
4. the proposed variance ***will not*** have an adverse effect or impact on the physical or environmental conditions in the neighborhood [or district], um, ***due to the fact that they'll actually improve some of the environmental conditions by slowing down the continuing erosion.***
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 ***Stephanie Fox*** for ***an area variance*** pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, ***of 3' from the 40' required for a side yard***

setback, in order to allow for the construction of a 20' x 25' patio 37' from the side property line.

Board Member Burdick: Second.

Board Member Bodor	-	Yes
Board Member Burdick	-	Yes
Board Member Carinha	-	Yes
<i>Board Member Fox</i>	-	<i>Recused</i>
Chairman Olenius	-	Yes

VOTE: Resolution carried by a vote of 5 to 0.

Chairman Olenius: Okay.

Chairman Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
Stephanie Fox, Case #13-15
For an Area Variance for Impervious Surface Coverage to Construct a 20' x 25' Patio

WHEREAS, *Stephanie Fox* is the owner of real property located at 11 Rose Lane (R-4 Zoning District), also identified as **Tax Map Parcel #36.57-1-3**, and

WHEREAS, *Stephanie Fox* 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 construct a 20' x 25' patio, and

WHEREAS, §154-7 of the Patterson Town Code requires ≤10% impervious surface coverage in an R-4 Zoning District; Applicant will have 12.9%; ***variance requested is for 2.9%***, 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 ***June 17, 2015***, 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, ***due to the fact that the neighborhood is zoned a 4-acre parcels and this property is 1 [acre], as are most of the neighbors – they're below 4 [acres], too.***

Board Member: Yeah. I – well, certainly on the cul-de-sac.

2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means, ***due to the fact that the applicant has the burden of trying to meet what 4 acres... or what is required for 4 acres with only 1 [acre].***

Nancy Tagliaferro: Yes.

3. the variance requested *is not* substantial, *due to the fact that even with the smaller lot, it's still only 2.9% requested.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district, *because there's still suitable areas of, uh, pervious coverage.*
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 *Stephanie Fox* for *an area variance* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, *of 2.9% over the ≤ 10% impervious surface coverage allowed by Code*, in order to allow for the construction of a 20' x 25' patio.

Board Member Burdick: Second.

Board Member Bodor: I second.

Board Member Bodor	-	Yes
Board Member Burdick	-	Yes
Board Member Carinha	-	Yes
<i>Board Member Fox</i>	-	<i>Recused</i>
Chairman Olenius	-	Yes

VOTE: Resolution carried by a vote of 5 to 0.

Board Member Fox: Phew.

[Laughter.]

Board Member Burdick: Sorry, I zoned out for a second.

[Laughter.]

Chairman Olenius: Very nice application, again...

Board Member Fox: Thank you.

Chairman Olenius: By the way.

Board Member Carinha: Yes.

Board Member Fox: Colored ones...

Chairman Olenius: We should sent you to..

Board Member Fox: Colored pictures.

Chairman Olenius: We should send you to class for teaching applicants how to do this and earn continuing education credits...

Board Member Fox: Yeah.

Chairman Olenius: Whatever you were working for before.

Board Member Fox: [Inaudible – papers shuffling]... or they could hire me.

6) Other Business

Chairman Olenius: You know what I might have missed, Counselor – I'm just going to ask you this – in the Sarita Chau case, I saw there was an environmental impacts survey...

The Secretary: Mm hmm.

Nancy Tagliaferro: Yes.

Chairman Olenius: Or something.

Nancy Tagliaferro: Yes.

Board Member Bodor: Yeah.

Chairman Olenius: Do I have to declare it?

Nancy Tagliaferro: You can do it at the next...

Chairman Olenius: Okay.

Nancy Tagliaferro: Well, it will be in the resolution.

Chairman Olenius: Okay.

The Secretary: Right.

Chairman Olenius: So, I don't even have to declare as lead agency...

Nancy Tagliaferro: No.

Chairman Olenius: Tonight? Okay. I wasn't sure if I had messed up on that because I forgot about it until about 2 minutes ago...

Nancy Tagliaferro: Mary will take care of all that for you.

The Secretary: I'll just need your signature.

Nancy Tagliaferro: Mary, I can't believe I have to ask this question...

The Secretary: Yeah?

Nancy Tagliaferro: But, in a case like the last applicant, when the neighbors are in a different state, if they are within the required radius, do – are – and they come up – do we notify them.

The Secretary: We notify – I send notice to... it's New Fairfield?

Nancy Tagliaferro: Yes.

The Secretary: I send notice to the New Fairfield town hall. If they want to notice...

Nancy Tagliaferro: Okay.

The Secretary: The neighbors, they can. But, we only have to notice... that next town...

Nancy Tagliaferro: The municipality.

The Secretary: Over the line. Right.

Nancy Tagliaferro: Gotcha.

Board Member Fox: I had to submit an extra packet.

The Secretary: You did, but we actually didn't have to use it.

Board Member Fox: Oh, you didn't?

The Secretary: No, we did not.

Board Member Fox: Oh, okay.

Chairman Olenius: Oh, to provide for them?

Board Member Fox: Yeah.

The Secretary: Just in case. Yeah.

Chairman Olenius: Interesting. Hmm.

Board Member Fox: That's what it says on the application.

A) Regina Bendix: Fee Waiver Request

Chairman Olenius: Uh, the Mrs. Bendix fee waiver request? I know there was some paperwork going back and forth. What are they looking for from us, because it sounded like the Town Board was handling it. I...

The Secretary: They...

Nancy Tagliafierro: Probably just want a recommendation from us, as usual...

The Secretary: Exactly...

Nancy Tagliafierro: As to what we would recommend.

The Secretary: She's looking to waive – there's – we don't have an application in for the accessory apartment...

Chairman Olenius: Mm hmm.

The Secretary: She's looking to waive the fees so that when she applies, she will not have to submit a fee, as opposed to having it reimbursed.

Chairman Olenius: And judging by Mr. McCarthy, this project's already commenced... without us knowing.

The Secretary: From what he saw on inspection in his letter, that's what he says.

Chairman Olenius: I, I'm...

Board Member Burdick: I'm against it.

Chairman Olenius: I'm against waiving the fees also. I'm... I don't know, are we supposed to take a vote on that, or, is this just...

Nancy Tagliafierro: Uh, no...

Chairman Olenius: This is just personal input so that...

Nancy Tagliafierro: It's just a recommendation, so just take the general consensus and then Mary will send, uh, a memo to the Town Board.

Board Member Burdick: I'm against it.

Board Member Bodor: I'm against it.

Chairman Olenius: Me, too.

Board Member Carinha: There you go. It's settled.

Chairman Olenius: Okay.

The Secretary: Unanimous.

Chairman Olenius: It's unanimous.

Nancy Tagliafierro: I don't think Stephanie's chimed in yet. She's back on the board now, you know...

Chairman Olenius: No, she did say.

Nancy Tagliafierro: She's not an applicant.

Board Member Fox: Yeah.

Chairman Olenius: She said it [inaudible – too many speaking]...

Board Member Fox: [Inaudible – too many speaking]...

Nancy Tagliafierro: Oh, she said something?

Board Member Fox: I – yeah...

[Laughter.]

Nancy Tagliafierro: Oh, sorry.

Chairman Olenius: It – I – the other part was, in that packet...

The Secretary: Mm hmm.

Chairman Olenius: They had already gotten a...

Nancy Tagliafierro: Yeah.

Chairman Olenius: Fee waiver...

Nancy Tagliafierro: Fee waiver...

Chairman Olenius: In the past for something else that was started...

Board Member Carinha: Yeah.

Chairman Olenius: Prematurely or something, so...

Board Member Fox: And the fact is that she's had all these improvements on her property for many years that she hasn't been taxed on or anything...

Chairman Olenius: Correct.

Board Member Fox: So... or assessed on or anything, so... there's your cost of savings.

[Laughter.]

B) Minutes: May 21, 2015

Chairman Olenius: And I did read through the minutes. I didn't notice anything...

Board Member Carinha: Yeah.

Board Member Fox: No.

Chairman Olenius: But, as you can tell, I'm not the sharpest tack today.

[Laughter.]

Board Member Carinha: I looked through them also. I didn't notice anything.

Chairman Olenius: Okay. Then I'm going to make a motion to approve the minutes from May 24th – er, May 21st – meeting.

Board Member Bodor: I'll second that.

Chairman Olenius: All in favor?

Motion passed by a vote of 5 – 0.

C) Site Walk

Chairman Olenius: And... site walk.

Board Member Fox: Oh.

Chairman Olenius: I haven't done this in awhile.

Board Member Fox: [Inaudible – speaking too softly]

Board Member Bodor: Yeah, the last one we did must have been that icy driveway. What's his name...?

Board Member Carinha: No, I think it was the rain.

Board Member Bodor: Oh was it the rain?

Chairman Olenius: Oh, the...

Board Member Carinha: The rain – for the warehouse.

Board Member Burdick: Oh, by the barber, right?

Board Member Carinha: Yeah.

Chairman Olenius: Yeah, by the barber.

- Board Member Bodor: Oh, yeah.
- Chairman Olenius: Forgot about that one.
- Board Member Bodor: That's right, that's right.
- Board Member Carinha: Yeah.
- Chairman Olenius: So, our next meeting is July 15th... um... I don't know, is anybody...
- Board Member Fox: I can't do the 13th.
- Chairman Olenius: Okay.
- Board Member Carinha: You have the – yeah, the – that week, actually, of the meeting is a little tough for me, because I'm going to be working late.
- Chairman Olenius: Honestly, that week is pretty tough for me, too.
- Board Member Fox: So, we'll go with the week before?
- Board Member Carinha: If you want to go the week before, any day with me is fine.
- Chairman Olenius: Is anybody around the week before? Is everybody around the week before?
- Board Member Fox: Oh, I can't do the 10th. I'm going to Taylor Swift, okay?
- Chairman Olenius: Oh.
- [Laughter.]
- Chairman Olenius: Is the 6th good? Monday, the 6th?
- Board Member Burdick: It's fine with me.
- Board Member Fox: Uh, Monday the 6th... aw, come on. That's my first day back from vacation. But, yeah, I can do it.
- Chairman Olenius: Do you want to do Wednesday the 8th? I was going to the 8th as a rain date. But, we could...
- Board Member Fox: Well, that's... 7th, 8th? Could we do 7th, 8th?
- Chairman Olenius: Hang on. Let me see what the 7th is. Oh, I can do the 7th. I just had a bunch of dots there, but it's just a meeting at the school. Does the 7th, 8th work for everybody else?

Board Member Burdick: Mm hmm.

Chairman Olenius: 7th first choice? 8th second? 8th rain date?

Board Member Bodor: Okay.

Board Member Burdick: Sure.

Board Member Bodor: And what time did we say is okay?

Board Member Burdick: We're on summer hours, so 4:15 would work if that's good for everybody.

Board Member Fox: 4:15? Sure.

Board Member Bodor: And that's down on...?

Board Member Burdick: Ice Pond.

Board Member Bodor: Ice Pond.

Board Member Fox: Can you get there that early? 4:15?

Board Member Burdick: From Bullet Hole...

Board Member Bodor: Yeah.

Board Member Carinha: I'm not working that week...

Board Member Burdick: Go left on 312...

Board Member Bodor: Down by – by the, um...

Board Member Carinha: I only have to work when...

Board Member Burdick: The camp.

Board Member Carinha: One week, and then...

Board Member Bodor: The camp.

Board Member Burdick: Mm hmm.

Board Member Bodor: Alright.

Board Member Carinha: One whole week and then two other days and I'm good...

Board Member Burdick: I just don't know how far down...

- Board Member Fox: Oh.
- Board Member Carinha: For the summer.
- Board Member Burdick: But, the – that gentleman mentioned Tommy Thurber, so it's...
- Chairman Olenius: Can't we make it at like 4:02 now, because, I mean, that is...
- Board Member Burdick: You – well, you would be able to...
- Chairman Olenius: On your way home from work.
- Board Member Burdick: It is. I didn't want to say, because that just kind of implies I drive fast...
- [Laughter.]
- Board Member Burdick: But, yes I probably will be early rather than late.
- Board Member Fox: Site walk... where is it?
- Chairman Olenius: Uh, off of Ice Pond Road.
- Board Member Fox: Ice Pond. Alright.
- Chairman Olenius: Behind where NYSEG is.
- Board Member Burdick: It...
- Chairman Olenius: It's by the train tracks, I should say.
- Board Member Burdick: It – well, it's up this way, but it must be pretty close to the division between, um, Tommy Thurber and Ice Pond, because that one gentleman said he's right on the corner.
- Board Member Bodor: Yeah. That's true.
- Chairman Olenius: Okay.
- Board Member Fox: [Inaudible – too many speaking]
- Board Member Burdick: So, the Ice Pond Preserve is there. There's a little parking area... it must be right after...
- The Secretary: That parking area abuts her... her property, yeah.
- Board Member Burdick: Right after that.

Chairman Olenius: Okay [inaudible – speaking too softly...]

Board Member Fox: 264 Ice Pond Road. July 7, 4:15, right? That's not that far away.

Board Member Carinha: What is it, 254 Ice Pond?

Board Member Fox: 264.

Board Member Carinha: 264.

Chairman Olenius: And we're good.

Board Member Fox: I'd better give myself a whole day's notice.

Board Member Carinha: [Inaudible – speaking too softly]

Nancy Tagliafierro: While you guys are fiddling with your calendars, I'll just give a quick update on the Tavano case.

Board Member Fox: Oh, yes.

Nancy Tagliafierro: I put my answer in on the 22nd, and last week I received, um, the reply papers to my answer, which... the... the way that I see it, contained new information that was not presented to this board during the public hearings. So, I asked, uh, the Supreme Court for permission to make a motion to strike their reply. One of the things – there were two of the – both attorney's in a firm submitted affirmations. One of them was from Mr. Shilling, it – it was just all – it was more as a factual witness than a legal affirmation, so, um... of course, they wrote back to the court and said that it was nonsense and that it was not new information, and that they just had to respond to statements that I had made. So, we're waiting to hear back from the Supreme Court if we're going to deem it submitted or move to strike.

Chairman Olenius: Interesting.

Board Member Bodor: Mm.

Nancy Tagliafierro: I thought so.

Chairman Olenius: Hmm.

Nancy Tagliafierro: Hmm.

Chairman Olenius: Hmm.

Board Member Bodor: Hmm.

Board Member Fox: I think I heard gunshots coming out [inaudible – too many laughing]...

[Laughter.]

Board Member Fox: But, that's a whole different story.

Chairman Olenius: Is everybody good?

Board Member Fox: Good.

Chairman Olenius: We're good.

The Secretary: So, 4:15?

Chairman Olenius: 4:15, uh...

The Secretary: 4:15. Okay.

Board Member Fox: 4:15 sharp.

Chairman Olenius: With the rain date of the...

The Secretary: 8th.

Chairman Olenius: I make a motion to adjourn.

Board Member Bodor: Okay, I'll second that.

Chairman Olenius: All in favor?

Motion passed by a vote of 5 – 0.