

**TOWN OF PATTERSON  
ZONING BOARD OF APPEALS  
June 19, 2013**

**APPROVED**

**AGENDA & MINUTES**

	Page	
<b>1) Kathleen Pettey Case #01-11</b>	1 – 7	Public hearing closed; ZBA found Kathleen Pettey failed to prove residence is a legal 3-family residence
<b>2) Michael Gromwaldt Case #07-13</b>	7 – 20	Public hearing opened & closed; Area variances granted: 34’ variance for front yard setback and a variance for a 36 KW generator to be placed in front yard
<b>3) Michael Cammarota Case #08-13</b>	20 – 26	Public hearing opened & closed: Granted area variance of 8.5’ for a front yard setback for a 8’ x 5’ front deck
<b>4) Denise &amp; Daniel Opromolla Case #09-13</b>	26 – 36	Public hearing opened & closed; Area variances granted: 22’ variance for front yard setback and an area variance to allow a 16’x28’ above-ground pool to be located in the front yard
<b>5) John Donohue Case #10-13</b>	36 – 40	Public hearing opened & closed; Area variance granted for enlarging a nonconforming building
<b>6) Jean Schnibbe Case #11-13</b>	41 – 49	Public hearing opened; Application tabled pending site walk.
<b>7) Dru Allard Case #12-13</b>	49 – 57	Public hearing opened; Application tabled pending site walk
<b>8) Other Business</b>		
<b>a) Minutes</b>	57	May 15, 2013 Minutes approved
<b>b) Site walks</b>	57 – 63	Site walk scheduled for 7/9/13

**PLANNING DEPARTMENT**

P.O. Box 470  
1142 Route 311  
Patterson, NY 12563

Michelle Lailer  
Sarah Mayes  
*Secretary*

Richard Williams  
*Town Planner*

Telephone (845) 878-6500  
FAX (845) 878-2019



**TOWN OF PATTERSON  
PLANNING & ZONING OFFICE**

**ZONING BOARD OF APPEALS**

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

**PLANNING BOARD**

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

**Zoning Board of Appeals  
June 19, 2013 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 Gerald Herbst, Nancy Tagliaferro, Attorney with Town Attorney’s Office and Richard Williams Sr., Town Planner.

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

There were approximately 8 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 Herbst	-	here
Chairman Olenius	-	here

**1) KATHLEEN PETTEY CASE#01-11**

No one was present to represent the application.

Chairman Olenius stated you can read the first.

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 19, 2013 at 7:00 p.m. at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following application:

**Kathleen Pettey Case #01-11 – Interpretation – Rehearing; Held over from the May 15, 2013 meeting**

Chairman Olenius stated is anybody here to represent Ms. Pettey. Okay, well being that this is held over once already, I think we're going to move forward with this today. I actually wanted to have Mr. Williams do a little background, fill in.

Board Member Bodor stated here he is.

Chairman Olenius stated Mr. Williams.

Rich Williams stated Sir.

Chairman Olenius stated could you fill us in a little bit, please, on the details of the Kathy Pettey case. No one's arrived to...

Rich Williams stated sure. Most certainly.

Chairman Olenius stated represent her.

Rich Williams stated as you know, this was a previous case before the Zoning Board. Subsequent to the case, I was provided a box of very old files by the building department because they didn't know exactly what to do with them. They had the old tax map numbers. They didn't know how to classify them...refile them. In going through that box of ancient files, I found an actual building permit that was issued to a Mr. William Bubineck for a two-room addition on to the existing structure. In filling out the application, they didn't make any indication, although there was adequate room to do so, to indicate that there was ever any intent to have an apartment. There were boxes where, you know, apartment rooms and apartment and multiple dwellings; and none of those boxes were checked. This was simply, clearly, for the building permit, a single-family...A two-family dwelling that they were adding two rooms on to, which goes to support, you know, what we...what the assessor found in 1964, which was also that this was simply a two-room...two-family dwelling with an addition that they were putting on for that dwelling.

Board Member Buzzutto stated she's aware of this new finding.

Rich Williams stated yes she is.

Board Member Buzzutto stated she is. Okay.

Rich Williams stated we provided her that. We've provided her all the information and we've given her every opportunity to come, you know...

Board Member Buzzutto stated yeah.

Rich Williams stated before the Board and explain it.

Nancy Tagliafierro stated what happened was she originally appealed the Board's determination and...

Board Member Buzzutto stated right.

Nancy Tagliafierro stated the Supreme Court agreed with her. We found this document later on and we made a motion to renew and reopen the case. The Supreme Court saw the new document and is sending it back to you to make a determination...well, not to make a...Just to allow her an opportunity to create a record...

Board Member Buzzutto stated which is fair.

Nancy Tagliafierro stated with respect to the new document. So we've been here twice and she hasn't been here so we're moving forward.

Board Member Buzzutto stated she didn't notify you in any way: call or anything, that she would be her.

Rich Williams stated office has received no notification.

Board Member Buzzutto stated no notification.

Rich Williams stated no additional information. No inquiries, anything.

Board Member Buzzutto stated well, there's nothing much more we can do except act on it.

Nancy Tagliafierro stated no. And in addition, her attorney has been given a copy of the Supreme Court decision and she was aware that this would be happening.

Board Member Buzzutto stated okay, fine.

Nancy Tagliafierro stated and she hasn't made any inquiry either.

Board Member Bodor stated was contact made between the last meeting and this meeting to advise her that she was on again.

The Secretary stated yes.

Board Member Bodor stated thank you.

The Secretary stated and her attorney.

Board Member Bodor stated yes. Thank you.

Chairman Olenius stated so, I believe enough notice has been given.

Nancy Tagliafierro stated I would agree.

Chairman Olenius stated the new information I believe bolsters our initial determination. Does anybody have anything else.

Board Member Buzzutto stated no.

Board Member Herbst stated I need a pen though.

Board Member Buzzutto stated did you...

Board Member Herbst stated thank you.

Board Member Buzzutto stated was that a motion to proceed with the...

Board Member Herbst stated you didn't bring one for me (referring to the Secretary bringing a pen for him).

The Secretary stated yes I did.

Board Member Herbst stated oh, you did.

Chairman Olenius stated I'm going to make a motion to close the public hearing now and read the...

Board Member Buzzutto stated okay.

Board Member Bodor stated I'll second.

Chairman Olenius stated read the resolution.

Board Member Bodor stated I'll second that motion.

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  
*Kathleen Pettey, Case #01-11 Rehearing*  
*For an Interpretation on an Appeal of a Determination by the Code  
Enforcement Officer***

**WHEREAS, *Kathleen Pettey* is the owner of real property located at 35 South Street (R-1 Zoning District), also identified as **Tax Map Parcel #3.20-2-8, and****

**WHEREAS, Kathleen Pettey** made application on January 4, 2011 to the Patterson Zoning Board of Appeals seeking an interpretation on an appeal of a determination of the Codes Enforcement Officer pertaining to **§154-26** of the Patterson Town Code, Permitted principal uses in a residential district, and

**WHEREAS, Nicholas Lamberti, Director of Codes Enforcement,** had made the determination that the legal status of Kathleen Pettey's property is a two-family residential dwelling only, and

**WHEREAS, the Applicant** sought a determination that her residence is a legal pre-existing, nonconforming, three-family dwelling, and

**WHEREAS, by resolution dated June 15, 2011 the Zoning Board of Appeals** made a determination (the "Determination"), agreeing with the Director of Codes Enforcement that the above-mentioned property is a pre-existing, non-conforming two family dwelling, which Determination was based on the testimony, facts, evidence and information in the record as presented at public hearings on the matter which were conducted on January 19, 2011, February 16, 2011, March 16, 2011, April 25, 2011, May 18, 2011 and June 15, 2011 (collectively, the "Public Hearing"); including the property records card which showed that in 1964, after construction in 1961 of a two-room extension , the structure appeared to have continued being used as a two-family home, and

**WHEREAS, Kathleen Pettey** appealed the Determination to the Supreme Court, Putnam County, contending that the 1961 construction on the subject premises was for a third, municipally approved dwelling unit, and on January 6, 2011, the Supreme Court, Putnam County annulled the ZBA Determination; and

**WHEREAS, in October of 2012, the Town** located the original Building Permit Application from 1961 which was signed and submitted by William Bubineck, Kathleen Pettey's father and predecessor-in-interest, regarding the subject premises, which Building Permit Application described the 1961 construction as a two-room extension having a total construction cost of five hundred (\$500) dollars; and

**WHEREAS, based upon the 1961 Building Permit Application and the other items in the Certified Record in this matter, the Supreme Court by Decision and Order dated March 29, 2013,** vacated its decision annulling the ZBA Determination, and remanded the case back to the Zoning Board of Appeals for further proceedings in order to give Kathleen Pettey an opportunity to challenge or make a record relative to the 1961 Building Permit Application, which was not evidence during the original Public Hearing; and

**WHEREAS, a public hearing was held on the Application and the 1961 Building Permit Application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on *May 15, 2013 and June 19, 2013*** to consider the Building Permit Application; and

**WHEREAS, Kathleen Pettey** has been provided notice for the two public hearings for the Building Permit Application and has failed to appear or be represented at either meeting, and

**WHEREAS, the Zoning Board of Appeals** has given careful consideration to the 1961 Building Permit Application, the information contained therein, as well as all of the facts

presented by the Applicant and testimony taken at the Public Hearing, and hereby supplements its prior Determination of June 15, 2011 and finds that the 1961 Building Permit clearly states that it was issued for a two-room extension to the existing structure and specifically notes that the Petitioner's predecessor-in-interest had an opportunity to, but did not, check off the boxes on the Building Permit Application indicating that the extension was an apartment or apartment rooms; and as such, the 1961 Building Permit Application constitutes clear, convincing and irrefutable evidence that the Applicant's predecessor-in-interest in 1961 intended and sought municipal approval for a two room extension; that the premises was a legal, pre-existing, nonconforming two family dwelling, and that sometime after the 1964 assessment, the property was illegally converted into a three family dwelling without any of the required municipal approvals or permits; 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);

**NOW, THEREFORE BE IT RESOLVED**, based upon the Record before it, the evidence and testimony presented at the Public Hearing and the May 15, 2013 and June 19, 2013 Public Hearings, and based upon the findings set forth in its June 15, 2011 Resolution, which are incorporated herein, and based upon the information contained in the 1961 Building Permit Application, the Patterson Zoning Board of Appeals hereby finds that Kathleen Pettey has failed to prove that the subject premises received municipal approvals to become a legal three family dwelling at such a time when such a use was permitted on said lot by the Town of Patterson Zoning Code, and

**BE IT FURTHER RESOLVED** that the Zoning Board of the Town of Patterson finds that the afore-mentioned property owned by Kathleen Petty is therefore not a legal pre-existing, non-conforming three-family dwelling.

Board Member Buzzutto stated just one question I wanted to ask. This document that showed up, was this document examined by someone other than the Town that it was legitimate, bonified application.

Nancy Tagliafierro stated your question, was it examined by someone other than the Town.

Board Member Buzzutto stated yes. Other than the Town. If this was...The application...

Nancy Tagliafierro stated well, it wasn't submitted to an expert or anything, but the Supreme Court took judicial notice of the fact that it was an official municipal record of the Town Patterson.

Board Member Buzzutto stated that's all I wanted...that it was...Okay. That's what I wanted to hear.

Nancy Tagliafierro stated yes.

Board Member Buzzutto stated that the Supreme Court said it was. Not just the Town...We didn't just say it was and that's it.

Nancy Tagliafierro stated that's correct.

Board Member Buzzutto stated well, okay, fine. That's all. As long as somebody up there said it was...Okay, fine.

Board Member Bodor stated I'll second that motion.

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

Resolution carried by a vote of 5 to 0.

Board Member Buzzutto stated that was for the denial. I just want to make sure.

Board Member Herbst stated save us about a half hour at least.

Board Member Buzzutto stated yes.

**2) MICHAEL GROMWALDT CASE#07-13**

Mr. Michael Gromwaldt and Mr. Michael Jaffee were both present.

The Secretary read the following legal notice:

**Michael Gromwaldt Case #07-13 – Area Variances**

Applicant is requesting area variances pursuant to §154-27 (A)(12)(a) and §154-7 of the Patterson Town Code; Permitted accessory uses and Schedule of regulations, in order to place a 36KW generator in his front yard 6' from the property line. The Patterson Town Code does not permit accessory structures in the front. The Code also requires a 40' front yard setback; Variance requested is for 34'. This property is located at 451 Mooney Hill Road (R-4 Zoning District).

Chairman Olenius stated Mr. Gromwaldt.

Mr. Michael Gromwaldt stated yes.

Chairman Olenius stated can you please come up to the mic.

Mr. Gromwaldt stated yes.

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

Mr. Gromwaldt stated my name is Michael Gromwaldt. I'm with Essential Power Systems.

Chairman Olenius stated and you're representing the homeowner.

Mr. Gromwaldt stated yes. Mr. Michael Jaffee.

Chairman Olenius stated okay. Do you swear the testimony you proved tonight will be the truth and the whole truth.

Mr. Gromwaldt stated yes.

Chairman Olenius stated thank you. Can you explain to us a little bit about...

Mr. Gromwaldt stated yes. The reason why we're putting it in this location...I do have pictures. I believe you have them in front of you. They clearly state that...show that the location of the generator will not be seen from any angle from the road or even, possibly, the property line. There is a fence, stockade fence, on the road side and an old stone foundation wall which will cover it from the property location. Just a few things, too, is that it's really in an inconspicuous spot. And one of the other reasons why...Mr. Jaffee went to a big extent to pay a lot of money for this generator. This generator is actually is one of the quietest generators you can have. It sounds lower than our voice at 23'. It's almost like a car engine idling. It's very, very quiet. It's quite an importable generator.

Chairman Olenius stated what's the decibel rating on it.

Mr. Gromwaldt stated it's, I think, it's 68 at 23'.

Board Member Buzzutto stated is it propane or gasoline.

Mr. Gromwaldt stated it's going to be propane. That's another thing is, Mr. Jaffee is going to bury the tank in the ground so it's not even going to be seen either; the fuel tank.

Board Member Buzzutto stated propane.

Mr. Gromwaldt stated the propane tank.

Board Member Buzzutto stated yeah.

Mr. Gromwaldt stated because it will be buried in the ground.

Board Member Buzzutto stated okay.

Chairman Olenius stated what size tank, sorry.

Mr. Gromwaldt stated 500 gallon, I believe.

Mr. Michael Jaffee stated 500 [gallons].

Mr. Gromwaldt stated that's Mr. Jaffee. 500 gallon, in the ground tank. So that won't be seen either. So the location that we picked, one of the reasons what it's near the electrical service. If you look at the pictures of his property, if we decided to put it anywhere else, the trenching involved and the amount of work and tearing up of his property and his lawn to get the pipes in the ground are going to be tremendous. Where we're locating the generator's right near the service where it comes in the building. The transfer switch would be on his property and it would be attached to his existing meter which is near the property line, also. So the location is just very, very good for everything. Again, you know, I can't emphasize enough of what this generator doesn't...It sounds lower than my voice right now at 23'. That's how quiet it is.

Board Member Buzzutto stated how big is the unit. How many...

Mr. Gromwaldt stated 36KW.

Board Member Buzzutto stated 26...

Mr. Gromwaldt stated 36 [KW].

Board Member Buzzutto stated 36.

Mr. Gromwaldt stated yes.

Board Member Buzzutto stated wow. That's big.

Mr. Gromwaldt stated bigger than the one you have here.

Board Member Buzzutto stated wow, yeah. Thirty-six...

Chairman Olenius stated this property in question, too, has two front yards...

Mr. Gromwaldt stated yes.

Chairman Olenius stated according to the survey.

Mr. Gromwaldt stated yes, according to the survey. It's because it's on the corner lot.

Chairman Olenius stated but the driveway entrance is from Mooney Hill [Road].

Mr. Gromwaldt stated Mooney Hill, yes. I do have pictures if you don't have them. I do have pictures.

Chairman Olenius stated no, I do.

Mr. Gromwaldt stated you do.

Chairman Olenius stated it's just...We do. Yes.

Mr. Gromwaldt stated okay.

Chairman Olenius stated back in here.

Mr. Gromwaldt stated yes. I think it does show the location. That is the specifications that you see there of the generator right there.

Board Member Buzzutto stated Generac...

Mr. Gromwaldt stated it's a Generac generator, yes.

Board Member Buzzutto stated yes.

Mr. Gromwaldt stated I don't know if you know our company also, we've done a lot of work in the Town Patterson. We've been installing generators here in this Town for a long time. Customers are very happy with the work we do. We do a good job. Professional and it's done right.

Board Member Buzzutto stated this stockade fence, this goes around the property.

Mr. Gromwaldt stated it goes along Mooney Hill.

Board Member Buzzutto stated along Mooney Hill.

Mr. Gromwaldt stated yes. And it would be behind that fence.

Board Member Buzzutto stated it would be...

Mr. Gromwaldt stated yes.

Board Member Buzzutto stated let's see.

Chairman Olenius stated how often does the unit exercise.

Mr. Gromwaldt stated it exercises once a week for twelve minutes. Mr. Jaffee would pick the time and day. It actually exercises at a lower rpm, also.

Chairman Olenius stated okay.

Mr. Gromwaldt stated it's even lower on the exercise. The 1800rpm only runs when it's actually power outage. Otherwise it goes down to about 1200rpms. You almost don't even hear it.

Chairman Olenius stated and that can be set.

Mr. Gromwaldt stated yes.

Chairman Olenius stated is it...

Mr. Gromwaldt stated any time...Yes.

Chairman Olenius stated is it like a battery backup time clock.

Mr. Gromwaldt stated it is. There's a car battery in there that takes over during the power outages. But when it's running, the generator itself, you know, recharges the battery.

Chairman Olenius stated that was my question. It wouldn't lose time once...

Mr. Gromwaldt stated no.

Chairman Olenius stated it's initially programmed.

Mr. Gromwaldt stated no.

Chairman Olenius stated I wouldn't want it to start going off at five in the morning...

Mr. Gromwaldt stated no.

Chairman Olenius stated or four in the morning.

Mr. Gromwaldt stated no. And I don't believe any of the houses are within 100' or so. I don't even think they would hear the generator running even with a power outage.

Board Member Buzzutto stated it's all automatic, though, when the power...

Mr. Gromwaldt stated 100% automatic. Twelve...Fifteen seconds after power outage for transfer.

Board Member Buzzutto stated yes.

Mr. Gromwaldt stated yes. It's pretty good.

Board Member Bodor stated there are two structures on that property.

Mr. Gromwaldt stated yes.

Board Member Bodor stated are they both residence.

Mr. Gromwaldt stated umm...

Board Member Bodor stated residential...

Mr. Michael Jaffe stated no. The main house is where my wife and I...

Board Member Buzzutto stated you want to come up to the mic, Sir, and...

Mr. Jaffe stated live. But there is...

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

Mr. Jaffee stated you want me to come up.

Board Member Buzzutto stated yes.

Board Member Bodor stated yes, please.

Mr. Gromwaldt stated I'm not sure what his...

Mr. Jaffee stated I don't know, do we have photos of the two buildings.

Mr. Gromwaldt stated I just have...I don't know.

Chairman Olenius stated could you just state your name for the record, Sir.

Mr. Jaffee stated Michael Jaffee.

Chairman Olenius stated thank you.

Mr. Jaffee stated my wife couldn't come tonight. Her name is Kay.

Board Member Bodor stated okay.

Mr. Jaffee stated but, actually, the generator, if you do approve the location...

Mr. Gromwaldt stated that's the house [referring to a picture]. And then...

Mr. Jaffee stated okay.

Mr. Gromwaldt stated this is, you know, that's from the road.

Mr. Jaffee stated yes. I assume you have this photo. This is our house.

Board Member Bodor stated yes. We do.

Mr. Jaffee stated okay.

Board Member Buzzutto stated yes.

Mr. Jaffee stated there's another building which I guess we didn't take a picture of.

Mr. Gromwaldt stated what I do have is the, yes, the sketch of the location.

Board Member Bodor stated yes.

Mr. Gromwaldt stated it shows it near the structure.

Board Member Bodor stated well, there's a...

Mr. Jaffee stated and that's...

Board Member Bodor stated two-story frame is your residence.

Mr. Jaffee stated correct.

Board Member Bodor stated correct.

Mr. Jaffee stated yes.

Board Member Bodor stated and attached to that is a one-story block structure.

Mr. Jaffee stated yes. That's our garage.

Board Member Bodor stated that's your garage. Alright, then there's an independent one-story frame with a deck. What is that structure for.

Mr. Jaffee stated we use that as a studio. There's a piano there. It's not... We don't live in it. I don't think it's been approved for septic and there is no septic. There's no water.

Board Member Bodor stated oh.

Mr. Jaffee stated it's just simply... We have some electric heat in there. We have electricity; lights. But, actually, we rarely use it because it's just the two of us and our house is pretty big.

Board Member Bodor stated it's not occupied.

Mr. Jaffee stated unoccupied. Yes.

Board Member Bodor stated and my other question is you have a large parcel there. What, seven plus acres.

Mr. Jaffee stated yes.

Board Member Bodor stated and you're asking for quite a variance to put this generator only 6' from the line, your property line.

Mr. Jaffee stated correct.

Board Member Bodor stated it can't go in any further to negate some of that variance.

Mr. Gromwaldt stated no. The reason why is the stone wall...

Board Member Bodor stated yes.

Mr. Gromwaldt stated I have to have some working clearances by the code, New York State Electrical Code; I need 36" around it. So I can't get it back any further than 6 feet.

Board Member Bodor stated the stone wall could be moved...it could be taken down...

Mr. Gromwaldt stated no.

Board Member Bodor stated a bit, no.

Mr. Gromwaldt stated no, it's a foundation.

Board Member Bodor stated it's a foundation.

Mr. Gromwaldt stated yes. It's an old foundation. It would be a tremendous job to take that down. It's pretty high, too. I think it's, what: 6 or 8 feet high.

Mr. Jaffee stated yes. And it continues on...It actually is part of the foundation to the other building you inquired about.

Board Member Bodor stated okay.

Mr. Jaffee stated it's just an extension of the...

Mr. Gromwaldt stated and the other side of that is filled. I mean, it's one side is opened. The other side is backfilled. So it's just like a...

Chairman Olenius stated it's like a retaining wall.

Mr. Gromwaldt stated yes. Yes. I think I have pictures of that wall, too.

Nancy Tagliafierro stated you do.

Mr. Gromwaldt stated you do, okay. Alright.

Board Member Buzzutto stated it's an awful big unit. Is there any reason why it is that large a unit.

Mr. Gromwaldt stated well, Mr. Jaffee wants to put his house on the generator. I have to anticipate the working load of the house.

Board Member Buzzutto stated okay.

Mr. Gromwaldt stated he probably could get away with something smaller, but, you know, Mr. Jaffee may not be the last person living there. So the generator is installed with the, you know, intent that it would cover the house.

Chairman Olenius stated the entire load.

Mr. Gromwaldt stated yes. Well, yes. I would say 80% of the load. You would never do 100%. It's a 400 amp service he has right now.

Chairman Olenius stated just for the record too, the Board has a decibel comparison...loudness comparison chart from Gallon Carol Audio, which also states normal conversation is 60 to 70 decibels.

Mr. Gromwaldt stated yes. We've had other situations where we put generators in and decibels are, you know, are something that, you know, to be considered, especially with Southeast...Town of Southeast. And we've been very successful maintaining that decibel. We do have...We do, you know, understand that we're not going to put a generator...a loud generator on somebody else's property or near it, to make them, you know, hear this. But again, this generator, if you could hear, it would be amazing. It's like a car idling. It's very quiet. Mr. Jaffee spent, you know, spent a lot of money to get a very quiet generator when in consideration of where he wanted to put it. It's extremely quiet. You can see the decibel readings.

Chairman Olenius stated and you say that the nearest...next closest residence is...

Mr. Gromwaldt stated I'm not 100% sure where...

Chairman Olenius stated it's not directly...

Mr. Gromwaldt stated but it's...

Chairman Olenius stated across the street or anything.

Mr. Gromwaldt stated no. It's not directly across the street. I do have a picture of the...on the other side of the street looking at the...I'm not sure the distance it would be. But it would be over 100 feet, I believe. A couple hundred feet away from the next building. And again, it's 23 decibels. You know, 60...I think it's 65 decibels or whatever, 68 decibels at 23 feet. So, again, that...the person wouldn't hear it where they are.

Board Member Buzzutto stated it's not air cool, it's liquid cool, right.

Mr. Gromwaldt stated it's liquid cool, yes. Something that size.

Board Member Buzzutto stated that's a big unit.

Mr. Gromwaldt stated yes.

Board Member Buzzutto stated yes.

Chairman Olenius stated does anyone in the audience have comment on this case. Hearing none.

Board Member Buzzutto stated to have access to the propane tank to get it refilled, is it sort of easy for...

Mr. Gromwaldt stated well, a truck has about 100, 125 foot hose they would pull into his driveway...

Board Member Buzzutto stated yes.

Mr. Gromwaldt stated and probably full extend....

Board Member Buzzutto stated yes.

Mr. Gromwaldt stated they would probably run out about 100' to get to that tank because it's... You know, it's going to be...

Board Member Buzzutto stated yes.

Mr. Gromwaldt stated I think I have it on the sketch: 20' from the property line, buried.

Board Member Buzzutto stated I think...

Mr. Gromwaldt stated we have secured a propane company: Crown Propane, to do the job.

Board Member Bodor stated would they be filling up from the driveway or from the high...from the road.

Mr. Gromwaldt stated from the driveway. There's really no access from the road because of the stockade fence.

Board Member Bodor stated because of the fence.

Mr. Gromwaldt stated yes.

Board Member Bodor stated if it was closer to the road, then it makes it really hard.

Mr. Gromwaldt stated yes. You would be parking a truck on Mooney Hill Road. There's no pull-off.

Board Member Bodor stated yeah, well, it's done all over, actually.

Mr. Gromwaldt stated I know, but propane companies they like to get off the road.

Board Member Buzzutto stated that name sounds familiar, Jaffee.

Mr. Jaffee stated we've been here since 1992. I've been before the Zoning Board once before.

Board Member Buzzutto stated same Jaffee; was there an actress.

Mr. Jaffee stated and actor Sam Jaffee. No relation.

Board Member Buzzutto stated no relation.

[Laughter].

Mr. Gromwaldt stated no, I don't know.

Board Member Buzzutto stated was he a doctor. A doctor's program or something like that. Before my time.

Mr. Gromwaldt stated before your time.

Board Member Bodor stated you said you were before this Board before.

Mr. Jaffee stated many years ago. We asked permission to install a pond on our property. It was very complicated because it involved a stream that came through the property that had to be slightly diverted...

Rich Williams stated Planning [referring to the fact that Mr. Jaffee was in front of the Planning Board for the pond, not the Zoning Board].

Mr. Jaffee stated to the area, it was a swamp actually, that we dug it out and...And we got the approval but it was an interesting process.

[Laughter]

Mr. Jaffee stated that was probably in...about 1997, something like that.

Board Member Bodor stated it may have been the Planning Board since you're talking about a pond.

Mr. Jaffee stated you know, you're right. It was the Planning Board. Yes.

Board Member Bodor stated just a guess.

Mr. Jaffee stated yes, yes.

Board Member Bodor stated yes.

Board Member Buzzutto stated did Rich Williams have something to say or he said it.

Chairman Olenius stated he was just saying it was the Planning Board.

Board Member Buzzutto stated oh, okay. I couldn't see him. Anybody from the audience. Oh, you said that already. Close the public hearing.

Chairman Olenius stated just making sure. You have anything else, Mary. No. Anything else. Make a motion to close the public hearing.

Board Member Bodor stated second.

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

Chairman Olenius stated okay.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF**  
***Michael Gromwaldt, Case #07-13***  
***For an Area Variance for a Front Yard Setback for a Generator***

**WHEREAS, *Michael Jaffee*** is the owner of real property located at 451 Mooney Hill Road (R-4 Zoning District), also identified as **Tax Map Parcel #13.-1-38, and**

**WHEREAS, *Michael Gromwaldt*** 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 install a 36KW generator, and

**WHEREAS, §154-7 of the Patterson Town Code** requires a 40' front yard setback; Applicant will have 6'; ***Variance requested is for 34'***, 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 19, 2013*** 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 proposed unit is of a very low decibel rating so as not to be disturbing.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***due to the physical contours of the property and the constraints of a relatively elaborate stone foundation wall.***
3. the variance requested ***is*** substantial ***however not so much 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 the generator, itself, is of a relatively small size and the fuel source will be subterranean.***
5. the alleged difficulty necessitating the variance ***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 ***Michael Gromwaldt*** for ***an area variance*** pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, ***for a variance of 34' from the 40' required for a front yard setback in the R-4 Zoning District in order to place a 36KW generator 6' from the front yard property line.***

Board Member Burdick stated second.

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

Resolution carried by a vote of 5 to 0.

Chairman Olenius stated one more, guys.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF**  
***Michael Gromwaldt, Case #07-13***  
***For an Area Variance for a 36KW Generator in the Front Yard***

**WHEREAS, *Michael Jaffee*** is the owner of real property located at 451 Mooney Hill Road (R-4 Zoning District), also identified as **Tax Map Parcel #13.-1-38, and**

**WHEREAS, *Michael Gromwaldt*** has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-27(12)(a) of the Patterson Town Code; Permitted accessory uses, in order to place a 36KW generator in the front yard, and

**WHEREAS,** the Applicant has two front yards, and

**WHEREAS,** §154-27(12)(a) of the Patterson Town Code states that accessory structures shall not be located 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 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 19, 2013*** 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 Applicant is actually on property with two front yards and this is the less intrusive area.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***because ideally this unit should be in the line of where the utility power supply comes through the property.***

3. the variance requested *is not* substantial *due to the fact that the property is situated on a corner with two front yards.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because the pad for the actual unit is small and the fuel source will be underground.*
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 *Michael Gromwaldt* for *an area variance* pursuant to §154-27(12)(a) of the Patterson Town Code; Permitted accessory uses, *in order to place a 36KW generator in the front yard.*

Board Member Burdick stated second.

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

Resolution carried by a vote of 5 to 0.

Chairman Olenius stated alright, gentlemen, good luck.

Mr. Jaffee stated thank you very much.

Mr. Gromwaldt stated thank you very much, guys.

Mr. Jaffee stated thank you.

Chairman Olenius stated sounds like a state-of-the-art machine.

Mr. Gromwaldt stated it is. Thank you.

Chairman Olenius stated thank you.

### 3) MICHAEL CAMMAROTA CASE #08-13

Mr. Michael Cammarota was present.

The Secretary read the following legal notice:

**Michael Cammarota Case #08-13 – Area Variance**

Applicant is requesting an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order to replace and enlarge the existing 6' x 4' front deck with an 8' x 5' deck. The Code requires a front yard setback of 15'; Applicant will have 6.5'; Variance requested is for 8.5'. This property is located at 25 Quebec Road (RPL-10 Zoning District).

Chairman Olenius stated Mr. Cammarota.

Mr. Michael Cammarota stated yes.

Board Member Burdick stated Chairman Olenius, I work with Mrs. Cammarota and I'd like to recuse myself from this case.

Chairman Olenius stated very good. Duly noted. Please state your name and address for the...

Mr. Cammarota stated Michael Cammarota, 25 Quebec Road, Patterson, New York.

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

Mr. Cammarota stated yes.

Chairman Olenius stated thank you very much. Explain to us a little bit about your situation, please.

Mr. Cammarota stated well, I have an old, original deck when I bought the house, 4"x6", and it's starting to deteriorate. So I just want to take it down and build a new one but I just want to make it a little bit larger because the present one, when you open the door it's like you have really no room to move around.

Chairman Olenius stated what's your existing one, I'm sorry.

Mr. Cammarota stated 4"x6".

Chairman Olenius stated 4"x6". And you have a 3' front door.

Mr. Cammarota stated yes.

Chairman Olenius stated 3' wide.

Mr. Cammarota stated the main reason is it's deteriorating. The stairs are like coming out. It's been up there for over 20 years.

Chairman Olenius stated you have a storm door on the front porch.

Mr. Cammarota stated yes.

Chairman Olenius stated so that opens out, so you're really only left with about a foot to stand on.

Mr. Cammarota stated yes. Then you're right at the steps.

Board Member Bodor stated these are pictures of the existing...

Mr. Cammarota stated yes.

Chairman Olenius stated so my question to you is a front yard setback require 15', you can only provide 6.5 [feet]. So I'm only guessing, because I see it's a Putnam Lake house, that the actual road edge is not actually that close to your front porch.

Mr. Cammarota stated no. It's...From the house to the road itself...

Chairman Olenius stated to the actual...

Mr. Cammarota stated is about 29' or something.

Chairman Olenius stated okay. But the right-of-right...

Mr. Cammarota stated yes, with the right-of-way...

Chairman Olenius stated comes in closer.

Mr. Cammarota stated closer, yes.

Chairman Olenius stated but the actual edge of the road is about 29' from the front.

Mr. Cammarota stated 29 feet. I think I had...I don't know if you have it there. I think I had wrote it down.

Chairman Olenius stated yes, actually your site plan kind of reflects that. I just wanted to get it into the...

Mr. Cammarota stated yes.

Chairman Olenius stated oh, I see. The property line actually goes right through the middle of your driveway.

Mr. Cammarota stated yes.

[Laughter].

Board Member Bodor stated what are the measurements on this one.

Chairman Olenius stated so from your proposed porch, you're still going to have almost 22' to edge of road.

Mr. Cammarota stated road, yes.

Chairman Olenius stated are there a lot of vacant lots on Quebec Road.

Mr. Cammarota stated not too many. There's a couple. There's one diagonally to the left of me across the road.

Chairman Olenius stated building sized lots, though.

Mr. Cammarota stated well, it's kind of hilly. I don't think you could put a building there.

Chairman Olenius stated I don't anticipate the Town improving Quebec Road for a new subdivision or anything like that.

Mr. Cammarota stated no. I don't think so.

Chairman Olenius stated any time soon at least.

Mr. Cammarota stated I don't think in my lifetime.

Chairman Olenius stated did you do these sketches yourself.

Mr. Cammarota stated yes I did.

Chairman Olenius stated you're in the business.

Mr. Cammarota stated no. I'm a retired correction officer.

Chairman Olenius stated you do nice work.

Mr. Cammarota stated thank you.

Chairman Olenius stated you're doing the construction yourself.

Mr. Cammarota stated yes.

Chairman Olenius stated this is the primary entrance to your house as well.

Mr. Cammarota stated yes it is.

Board Member Herbst stated is this mine, too [referring to a piece of paper].

Board Member Buzzutto stated I guess so, yes.

Board Member Herbst stated doesn't matter.

Chairman Olenius stated so your proposed porch will give you 2 extra feet for when you open that front door. No.

Mr. Cammarota stated no. One foot. I'm coming out 5' from the house.

Chairman Olenius stated and you're currently 4' from the house.

Mr. Cammarota stated four feet from the house. Yes.

Chairman Olenius stated but you'll still have room to stand there when that storm door opens now as opposed to...Does the walkway lead directly...I saw a walkway in the pictures. That leads directly to the parking area or the street.

Mr. Cammarota stated it leads to the street.

Chairman Olenius stated does anybody in the audience have anything on this case. Hearing none. Anything else, guys.

Board Member Bodor stated no I don't.

Chairman Olenius stated you guys have anything else.

Board Member Buzzutto stated what.

Chairman Olenius stated you have any other questions for him.

Board Member Buzzutto stated no.

Chairman Olenius stated I'm going to make a motion to close the public hearing then.

Board Member Bodor stated and I'll second it.

Chairman Olenius stated all in favor. Motion carried by a vote of 4 to 0.

Chairman Olenius stated okay.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF**  
***Michael Cammarota, Case #08-13***  
***For an Area Variance for a Front Yard Setback for an 8' x 5' Front Deck***

**WHEREAS, *Michael Cammarota*** is the owner of real property located at 25 Quebec Road (RPL-10 Zoning District), also identified as **Tax Map Parcel #25.47-1-14, and**

**WHEREAS, *Michael Cammarota*** 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 replace and enlarge the existing 6' x 4' front deck with an 8' x 5' deck, and

**WHEREAS**, §154-7 of the Patterson Town Code requires a 15' front yard setback; Applicant will have 6.5'; *Variance requested is for 8.5'*, 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 19, 2013* 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 new porch is not much larger, square footage wise, and will look more attractive than the older, more dilapidated porch.*

Mr. Cammarota stated that is my plan, yes.

Chairman Olenius continued to read the following resolution:

2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *due to the fact that the right-of-way line actually cuts through the front yard of the property, thereby encroaching on the front of the house as it currently sits.*
3. the variance requested *is* substantial *but not so much as to cause a denial.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because as previously stated, the actual deck size is only increasing one foot forward and two feet in width.*
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 *Michael Cammarota* for *an area variance* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, *for a variance of 8.5' from the 15' required for a front yard setback in the RPL-10 Zoning District in order to replace the existing 6' x 4' front deck with an 8' x 5' deck.*

Board Member Herbst stated second.

Board Member Bodor	-	yes
Board Member Burdick	-	recused

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

Resolution carried by a vote of 4 to 0.

Chairman Olenius stated good luck with that.

Mr. Cammarota stated thank you very much.

Chairman Olenius stated thank you for coming up.

**4) DENISE & DANIEL OPROMIOLLA CASE #09-13**

Mr. Tom Nejame (representing application), Mr. Daniel Opromolla and Mrs. Denise Opromolla were all present.

The Secretary read the following legal notice:

**Denise & Daniel Opromolla Case #09-13 – Area Variances**

Applicants are requesting areas variances pursuant to §154-27(A)(12) (a) & (b) of the Patterson Town Code; Permitted accessory uses, in order to install a 16' x 28' above ground pool and associated patio. The Applicant has two front yards. The Patterson Town Code does allow accessory structures to be located in the front yard. The Code also requires a 35' front yard setback; Applicant will have 13'; Variance requested is for 22'. This property is located at 29 Mountain View Road (R-1 Zoning District).

The Secretary stated I just want to make note, too, that the Applicant is actually going for §154-7 not §154-27(A)(12)(b).

Chairman Olenius stated what was that, 27... That was what was noticed.

The Secretary stated yes, the (b) was but it's really 7.

Chairman Olenius stated okay.

The Secretary stated 154-7.

Board Member Herbst stated I'm going to...I'll leave.

Chairman Olenius stated you wish to recuse yourself...

Board Member Herbst stated yes I do.

Chairman Olenius stated Mr. Herbst. Okay. You can just sit back then.

Board Member Herbst stated okay. I can stay though.

Chairman Olenius stated you can stay.

Board Member Herbst stated thanks.

Chairman Olenius stated Opromolla, please.

Mr. Tom Nejame stated hi. How are you doing.

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

Mr. Nejame stated yes. Tom Nejame with Nejame & Sons. I'm the swimming pool builder.

Mrs. Denise Opromolla stated Denise Opromolla.

Mr. Daniel Opromolla stated Daniel Opromolla.

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

Mr. Opromolla stated yes.

Mr. Nejame stated yes.

Mrs. Opromolla stated yes.

Chairman Olenius stated okay. just give us a little background on what you're looking to do.

Mr. Nejame stated does everybody have a print. I mean, I have extra here if you want me to hand them out.

Chairman Olenius stated I believe they're part of the packet. Which print are you speaking of.

Mr. Nejame stated the plot plan with the pool.

Chairman Olenius stated I believe I do.

Mr. Nejame stated if not, I have plenty here. Yes. Yes. Okay. So as you guys can see here, the pool is actually going right to, you know, the side of the house and because of the lot and the way it was actually positioned, that side is...Obviously, that's why we are here, considered front of the house right on Mountain View Road there. To actually access...In the actual driveway to the Opromolla's house, you actually have to go up Chestnut [Way]. So...And I know you guys...Everyone was out there, right. So you guys have a good understanding of it. So basically

what we're planning to do is right in that area, 15' off the structure of the house, set the pool, you know, in, you know, right at that elevation there so it really gives a, you know, tuck in look so it's not a totally above-ground look there. But it's a very good look. And did you guys take a look from the road at all on where the...I mean, I have photos here, too, on that.

Chairman Olenius stated no. if you want to submit them that's...

Mr. Nejame stated yes. First one here, that's right from the road and that's like the side of the house where the pool would actually be going there. Here's a very good shot here. This actually, you know, is...That's probably about the middle of the road and it hides the, you know, the whole house nice. So it would be very hard and very hidden. It would be very hidden.

Chairman Olenius stated as I recall, there was kind of a steep sloping topography to that. So that's what you were saying about the screening process.

Mr. Nejame stated yes.

Mrs. Opromolla stated yes.

Chairman Olenius stated to screen the pool itself it's kind of built into the landscape.

Mr. Nejame stated yes.

Chairman Olenius stated you intend to leave all these shrubs and everything remaining for screening.

Mrs. Opromolla stated yes.

Mr. Opromolla stated yes.

Mrs. Opromolla stated probably add some more.

Mr. Daniel stated going to add more.

Mr. Nejame stated these last two here are actually, when you guys were out there that's exactly where the pool...

Board Member Bodor stated it's roped off.

Mr. Nejame stated yes. And then here's the last one. Another road shot [referring to pictures]. It's actually very similar to Crivelli's. I don't know if you guys...I mean, you guys have a lot of these, but last year the Crivelli's in Patterson.

Chairman Olenius stated in Putnam Lake.

Mr. Nejame stated yes.

Chairman Olenius stated the one that was on like the hillside with all the different tiers.

Mr. Nejame stated yes, yes. With roads or, you know...

Chairman Olenius stated the stone walls.

Board Member Burdick stated yes.

Mr. Nejame stated same scenario as the...where the house was.

Board Member Bodor stated I know that property.

Board Member Buzzutto stated oh, yeah.

Chairman Olenius stated and I have to admit, I drive past there every day and you really can't see it...

Mr. Nejame stated you can't, right.

Chairman Olenius stated because of the way it...

Mr. Nejame stated yes.

Chairman Olenius stated blends in right there.

Mr. Nejame stated yes.

Board Member Buzzutto stated okay.

The Secretary stated do you want these back or can I have them for the file [referring to pictures].

Mrs. Opromolla stated you can have them for the file.

Board Member Buzzutto stated this pool you're putting in is larger than the original.

Mr. Opromolla stated uh...

Mrs. Opromolla stated by...

Mr. Opromolla stated I think one foot. The other, existing, was 15' x 24'. This one's 16' by twenty...

Board Member Buzzutto stated okay. It's not that much bigger.

Mr. Nejame stated 28'.

Mr. Opromolla stated 28'.

Board Member Buzzutto stated okay.

Board Member Bodor stated for the record, there had been a pool on the property in the past. Why are you not placing your new pool in the same location since it's already a sand...sandy base for it.

Mrs. Opromolla stated because the pool...Do you want to...

Mr. Opromolla stated so it doesn't flood my house again.

Mrs. Opromolla stated because the pool is above the house.

Mr. Opromolla stated the pool is...was set right behind the house, so I don't want it to flood my basement again.

Board Member Bodor stated okay, it's no longer there.

Mrs. Opromolla stated no.

Mr. Opromolla stated it's no longer there.

Board Member Bodor stated and what happened.

Mr. Opromolla stated it flooded.

Board Member Bodor stated why is it no longer there.

Mrs. Opromolla stated because it...

Mr. Opromolla stated it flooded the basement and I had...

Mrs. Opromolla stated flooded the basement; it broke and...

Board Member Bodor stated it was higher than the...

Mrs. Opromolla stated yes.

Mr. Opromolla stated higher than the house.

Mrs. Opromolla stated it was higher than the house.

Mr. Nejame stated yes.

[Laughter].

Board Member Buzzutto stated was that...How old was that pool that was there.

Mrs. Opromolla stated I want to say it was at least ten...

Mr. Opromolla stated it's got to be about ten years.

Mrs. Opromolla stated fifteen.

Mr. Opromolla stated no.

Mrs. Opromolla stated no. Ten.

Mr. Opromolla stated it's about ten.

Board Member Buzzutto stated well, it's pretty old, really.

Mrs. Opromolla stated yes.

Board Member Buzzutto stated okay.

Board Member Bodor stated and you're planning a patio around the...partially around...

Mrs. Opromolla stated yes.

Mr. Opromolla stated yes.

Board Member Bodor stated and that will be on the high side.

Mr. Opromolla stated yes.

Mrs. Opromolla stated yes.

Board Member Buzzutto stated well, if this pool gave out, too, your house would still be flooded, right.

Mrs. Opromolla stated no because...

Mr. Opromolla stated it's on the side of it so...

Mrs. Opromolla stated the angle, it goes...It's off the side of the pool...of the house on this side and...

Board Member Buzzutto stated yes.

Mrs. Opromolla stated and the angle of the hill goes down that way.

Board Member Buzzutto stated okay.

Mr. Nejame stated the whole property kind of pitches...

Mrs. Opromolla stated down.

Mr. Nejame stated that way in regards to even surface water. If you ever saw it there when it was raining, that's where it all...water comes down right on the side of the house. So it all pitches on the side of the house right there, right where the pool's going.

Mrs. Opromolla stated and he's going to put a lot of drainage in on the sides. Right.

Mr. Nejame stated oh, yes.

Chairman Olenius stated and I think from my understanding from the site walk, also, most of the...I think you actually said all of the pool patio area would not be actually encroaching more on the front yard setback because it was going to be on the long side.

Mrs. Opromolla stated right.

Chairman Olenius stated it would remain with the initial...

Mrs. Opromolla stated right. It would be on the...

Chairman Olenius stated variance request. It's not going to surround the pool all the way around.

Mrs. Opromolla stated no.

Board Member Buzzutto stated the property almost looks like a circle.

Mrs. Opromolla stated yes. Peninsula someone said.

Board Member Buzzutto stated how do you find that. Pie is 7 over 15 to get the circumference of the...

Mr. Opromolla stated 3.14.

Board Member Buzzutto stated 3.14. Seven over 15...What was it. Pie over.

Chairman Olenius stated  $\pi r$  (squared).

Mr. Opromolla stated  $\pi r$  (squared).

Board Member Buzzutto stated  $\pi r$  (squared), yes.

Mr. Opromolla stated 3.14.

Board Member Buzzutto stated if I can remember that far back. Okay.

Chairman Olenius stated anybody from the audience have comment on this case. Hearing none.

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

Chairman Olenius stated I'll second. All in favor. Motion carried by a vote of 4 to 0.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF  
*Denise & Daniel Opromolla, Case #09-13***  
***For an Area Variance for a Front Yard Setback for a 16' x 28' Above-Ground  
Pool***

**WHEREAS, *Denise & Daniel Opromolla*** are the owners of real property located at 29 Mountain View Road (R-1 Zoning District), also identified as **Tax Map Parcel #23.12-1-16, and**

**WHEREAS, *Denise & Daniel Opromolla*** have 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 install a 16' x 28' above-ground pool and associated patio, and

**WHEREAS, §154-7 of the Patterson Town Code** requires a 35' front yard setback; Applicant will have 13'; ***Variance requested is for 22'***, 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 19, 2013 and a site walk was conducted on June 12, 2013*** 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 pool will actually blend into the landscape and not be obtrusive visually.***
2. the benefit sought by the applicant ***cannot*** be achieved by any other feasible means ***because of the fact that they technically have three front yards: Chestnut Road and the way Mountain View Road wraps around the house.***
3. the variance requested ***is*** substantial ***however not so much so as to cause a denial due to the fact that the variance requested is from the right-of-way, not the actual edge of the roads. There actually is a larger gap than what the resolution states.***
4. the proposed variance ***will not*** have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district ***because as the Applicant has stated, they did previously have a pool on the property almost identical in size so the impervious coverage is not increasing dramatically.***
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 ***Denise & Daniel Opromolla*** for ***an area variance*** pursuant to

§154-7 of the Patterson Town Code; Schedule of regulations, *for a variance of 22' from the 35' required for a front yard setback in the R-1 Zoning District in order to install a 16' x 28' above-ground pool and associated patio 13' from the front property line.*

Board Member Burdick stated second.

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

Resolution carried by a vote of 4 to 0.

Chairman Olenius stated I got one more.

Mrs. Opromolla stated thank you.

Chairman Olenius stated I have one more for you guys. Yes, for the front yard. That was for the distance. This is for the front yard.

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF**  
***Denise & Daniel Opromolla, Case #09-13***  
***For an Area Variance for an Above-Ground Pool in the Front Yard***

**WHEREAS, *Denise & Daniel Opromolla are*** the owners of real property located at 29 Mountain View Road (R-1 Zoning District), also identified as **Tax Map Parcel #23.12-1-16, and**

**WHEREAS, *Denise & Daniel Opromolla*** have made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-27(12)(a) of the Patterson Town Code; Permitted accessory uses, in order to install a 16' x 28' above ground pool and associated patio in the front yard, and

**WHEREAS,** the Applicant has two front yards, and

**WHEREAS,** §154-27(12)(a) of the Patterson Town Code states that pools shall not be located 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 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 19, 2013 and a site walk was conducted on June 12, 2013* 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 said location is well screened by a considerable amount of foliage, which the Applicant may increase also.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *in light of the fact that, as the resolution states, it has two front yards. But in fact, one of the road frontages actually does a 90 degree turn around the property, giving the illusion of almost three front yards.*
3. the variance requested *is not* substantial *due to the fact the property in question is surrounded by road frontage.*
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 replacing a pool of similar size.*
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 *Denise & Daniel Opromolla* for *an area variance* pursuant to §154-27(12)(a) of the Patterson Town Code; Permitted accessory uses, *in order to install a 16' x 28' above-ground pool and associated patio.*

Board Member Burdick stated second.

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

Resolution carried by a vote of 4 to 0.

Chairman Olenius stated now you're good to go.

Mrs. Opromolla stated now I can say thank you. Thank you.

Mr. Nejame stated thank you.

Chairman Olenius stated now you can.

Mr. Opromolla stated thank you very much.

Chairman Olenius stated start digging and order the water truck.

Mrs. Opromolla stated thank you.

Chairman Olenius stated heat's coming.

Mr. Nejame stated yes. Thank you guys. Have a good one.

Chairman Olenius stated good luck.

Mr. Opromolla stated thanks.

Mr. Nejame stated thank you.

Board Member Buzzutto stated no Jerry, you cannot use that pool.

[Laughter]

Board Member Buzzutto stated I know what you're thinking.

[Laughter]

Board Member Buzzutto stated hurry up. Hurry up.

Board Member Herbst stated that will be their day.

Board Member Buzzutto stated you say hurry up and get that pool built. Truck's on already.

Board Member Herbst stated and my neighbors across the street....

## **5) JOHN DONOHUE CASE# 10-13**

Mr. Brett Holliday was present.

The Secretary read the following legal notice:

### **John Donohue Case #10-13 – Area Variance**

Applicant is requesting an area variance pursuant to §154-58 of the Patterson Town Code; Enlargement of nonconforming buildings. The Applicant changed the roof design on the attached garage from a flat roof to a gable roof. The Code requires a minimum side yard setback of 40';

Applicant has 34'. This property is located at 225 Route 292 (R-4 Zoning District).

Chairman Olenius stated Mr. Donohue.

Mr. Brett Holliday stated I'm just standing in for Mr. Donohue.

Board Member Bodor stated and your name for the record.

Mr. Holliday stated Brett Holliday.

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

Mr. Holliday stated yes.

Chairman Olenius stated your name, for the record Mr. Holliday, is authorized within the application to speak for Mr. Donohue. So explain to us your situation, please.

Mr. Holliday stated he was trying to sell the house and years ago his sons, his two sons, and John Donohue changed a flat roof because it was leaking into the garage and the raised it into a peak. And the only thing is it has an overhang on it and that's what is disturbing the variance because now it's...It goes from like one foot up to two foot at the peak to make it look like a chalet to match the house.

Chairman Olenius stated oh, I see. So the flat roof was flush to the edge...

Mr. Holliday stated it was a flat roof. It was a flat roof.

Chairman Olenius stated and now there's a soffit installed.

Mr. Holliday stated now there's a soffit when he put a gable on it.

Chairman Olenius stated okay.

Mr. Holliday stated so now it's overhanging. But the garage had a CO on it but it didn't have it for the thing. And I thought it was 30' setback when I went through the thing but it's not. They changed I guessed from when he said. He did it like 15 years ago I think he said. It was him and his sons that did it and he...The Town Inspector came up and checked it all out and everything was okay.

Chairman Olenius stated the Codes have changed over the years.

Mr. Holliday stated yes. With the setback that's what the trouble was.

Chairman Olenius stated so it's only the side yard setback. It's not the...

Mr. Holliday stated yes, it's on the side.

Board Member Bodor stated

Chairman Olenius stated this is actually the house in question, that picture [referring to the property description]. Sometimes the pictures aren't...

Mr. Holliday stated yes.

Chairman Olenius stated accurate.

Mr. Holliday stated yes.

Chairman Olenius stated that's the one.

Mr. Holliday stated that's it.

Board Member Bodor stated these almost all look (inaudible – papers shuffling). The date is 2001.

Chairman Olenius stated so Mr. Donohue isn't even the area anymore. I thought I saw Florida...

Mr. Holliday stated he's in Florida; Vera, Florida. Vera Beach, Florida. He's just...He's trying to close on the house because he's got a buyer to do it and that it was the bank, the buyers bank, which is why this happened.

Chairman Olenius stated and it looks to me like the soffit that was installed matches the soffit on the existing home.

Mr. Holliday stated yes. I know that because I did the siding.

Chairman Olenius stated one measurement a bunch of cuts.

[Laughter].

Mr. Holliday stated no, it actually had...is, you know, like foundation. The garage is all foundation. We putting siding right on it.

Chairman Olenius stated does this house also have like a tall tree line on the property line.

Mr. Holliday stated the...It has all pine trees...

Chairman Olenius stated pine trees.

Mr. Holliday stated in the front. It's not...

Chairman Olenius stated okay.

Mr. Holliday stated there's a couple on the one side and then there's a couple in the front. He had them moved when he first moved there he was telling me.

Chairman Olenius stated okay. I recognize...

Mr. Holliday stated and there's no other houses...The house next door wasn't there when he did this and the other one on the other side wasn't there...

Chairman Olenius stated okay.

Mr. Holliday stated when they did all this work. But it didn't matter.

Chairman Olenius stated right. I...In looking at the picture, I recognize the (inaudible).

Mr. Holliday stated he had had a for sale sign in there for a couple of years.

Chairman Olenius stated does anyone in the audience have comment on this case. Hearing none.

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

Chairman Olenius stated I'll second that. 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**  
***John Donohue, Case #10-13***  
***Enlargement of a Nonconforming Building***

**WHEREAS, *John Donohue & Agnes Darraugh* are the owners of real property located at 225 Route 292 (R-4 Zoning District), also identified as **Tax Map Parcel #3.-1-34, and****

**WHEREAS, *John Donohue* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-58 of the Patterson Town Code; Enlargement of a nonconforming building, in order to legalize the change in the roofline on the attached garage from a flat roof to a gable roof, and**

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

**WHEREAS, §154-7 of the Patterson Town Code requires a 40' side yard setback; Applicant has 34'; 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 19, 2013*, 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 project has been in place for a considerable amount of time.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *dues to the fact that a good portion of this encroachment is through soffit, not through actual structure.*
3. the variance requested *is not* substantial *due to the fact that it's only less than eighth of the requirement.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because said garage has always had a roof on it and the same impervious coverage still remains.*
5. the alleged difficulty necessitating the variance *was self-created but is not sufficient* so as to cause a denial of the requested variance.

**NOW, THEREFORE BE IT RESOLVED**, that the Patterson Zoning Board of Appeals hereby *grants* the application of *John Donohue* for *an area variance* pursuant to §154-58 of the Patterson Town Code; Enlargement of nonconforming buildings, in order to legalize the changed roof design of the attached garage from a flat roof to a gable roof.

Board Member Burdick stated second.

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

Resolution carried by a vote of 5 to 0.

Chairman Olenius stated good luck, Mr. Holliday.

Mr. Holliday stated thank you very much.

Chairman Olenius stated you do fine work. Thank you. You're all good to go.

Mr. Holliday stated have a good night.

Chairman Olenius stated you, too.

**6) JEAN SCHNIBBE CASE #11-13**

Ms. Jean Schnibbe was present.

The Secretary read the following legal notice:

**Jean Schnibbe Case #11-13 – Area Variances**

Applicant is requesting area variances pursuant to §154-58 and §154-7 of the Patterson Town Code; Enlargement of nonconforming buildings and Schedule of regulations, in order to replace the existing rear deck. The Code requires a 15' side yard setback; Applicant has and will have 2.7' and 8.35'. The Code also requires a rear yard setback of 20'; Applicant currently has 3'; Applicant is proposing 7'; Variance requested is for 13'. This property is located at 68 South Lake Drive (RPL-10 Zoning District).

Chairman Olenius stated Ms. Schnibbe.

Mr. Charles Minozzi stated hi.

Chairman Olenius stated how are you.

Mr. Minozzi stated my name's Charles Minozzi and I'll be assisting Ms. Schnibbe with her application tonight.

Chairman Olenius stated what was your name again, I'm sorry.

Mr. Minozzi stated Charles Minozzi.

Chairman Olenius stated okay.

Mr. Minozzi stated this is Jean Schnibbe.

Ms. Jean Schnibbe stated I'm Jean Schnibbe.

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

Mr. Minozzi stated yes.

Ms. Schnibbe stated yes.

Chairman Olenius stated thank you. So tell us a little about your situation.

Mr. Minozzi stated well, after Ms. Schnibbe's mom's death in 2009, Ms. Schnibbe has inherited the house and as you all know comes with the inherent problems of that house as well. Some forty some odd years ago, Ms. Schnibbe's step-father built a nonconforming, undocumented deck on the rear of their house which they had been enjoying for four generations now. Since Ms. Schnibbe has taken over the house, the deck is in disrepair. It needs to be replaced.

Unbeknownst to Ms. Schnibbe, her step-father had built it undocumented and nonconforming and now would like to both build a new structure, exactly same size in the same place as it is now and also now legalize the construction of the deck and to make everything right with the Town. Unfortunately all these years, Ms. Schnibbe did not know her step-father had gone ahead and done this without proper documentation or permits. And here we are.

Ms. Schnibbe stated a big shock.

Chairman Olenius stated how many lots is this property on (inaudible).

Ms. Schnibbe stated I believe two.

Chairman Olenius stated two, okay. So this is one of the tight...

Ms. Schnibbe stated one of the tight ones, yes.

Chairman Olenius stated okay. Ms. Schnibbe stated situated right there on the property it's so close to water. It's just an extraordinary area.

Mr. Minozzi stated I believe you all received the pictures that Ms. Schnibbe has taken. You can see the incredible views from this deck. I mean, her family has really enjoyed the views and the comfort of the rear deck on the house. Like I said, this...One four generations now. A single deck it's got a pretty good life pan on that structure.

Chairman Olenius stated facing your house from the street...

Ms. Schnibbe stated yes.

Chairman Olenius stated from Lake Shore [Drive], it's Park District to the left of you.

Ms. Schnibbe stated correct.

Chairman Olenius stated there's not actually a residence right there.

Ms. Schnibbe stated yes.

Chairman Olenius stated how close is the residence on the right side.

Ms. Schnibbe stated he's right there.

Chairman Olenius stated right there.

Ms. Schnibbe stated he assumed two houses or owned two houses and made one very large structure.

Board Member Buzzutto stated excuse me [referring to his coughing].

Ms. Schnibbe stated it's close. All those little pieces are tight. Forty-something years ago, this were all summer cottages enjoying the great Putnam Lake area and people had to move up to

make them year round. Get away from Westchester, I know, I live there. And this is my wonderful season getaway.

Board Member Bodor stated in looking at this application, however, e was some type of activity before one of the Town Boards and whatever that request was denied. Is that correct.

Ms. Schnibbe stated yes.

Board Member Bodor stated was that for the deck.

Ms. Schnibbe stated yes. From what I believe...

Mr. Minozzi stated we believe it was for the deck, yes.

Ms. Schnibbe stated yes. It was a permit, I believe, and all things were filed which I just found out about going through papers.

Board Member Bodor stated so application was made for a variance or...

Ms. Schnibbe stated yes. I believe so.

The Secretary stated yes.

Ms. Schnibbe stated I think...

Mr. Minozzi stated we believe that...

Board Member Bodor stated it was denied but the deck building went on anyway.

Mr. Minozzi stated yes, we believe they did build it a little bit...

Board Member Bodor stated is that what I...Am I...

Ms. Schnibbe stated yes. He did...He did put it up.

Board Member Bodor stated he went on with putting it up anyway.

Mr. Minozzi stated we believe they built it a little bit smaller than they had originally anticipated. And we believe that it was denied possibly because of hard...her did not try to show hardship. We think...

Nancy Tagliaferro stated that used to be the standard for granting a variance but they've changed that since then and they've now enacted the laws where you do the balancing test that you do every time that you consider one of these: is the benefit to the applicant outweighed by the adverse impacts to the neighborhood.

Mr. Minozzi stated we think that he might have thought that hardship meant monetary not physical back then. We're really not sure why he didn't try to state a case of hardship.

Ms. Schnibbe stated we never knew until the paperwork surfaced when...

Mr. Minozzi stated this was all news.

Ms. Schnibbe stated we originally came here the first time a year ago and ran into the snafu of, ah, what do I do next.

Chairman Olenius stated I'm not going to...I just don't want to...Does anybody in the audience have comment on this. Hearing none. Because of the variances and how large they are, I 'd really feel more comfortable coming out to look at the property before I made a decision on this.

Ms. Schnibbe stated well, Mr. Lamberti came and I believe Mr. Williams was there also checking it. And I sat with him, Mr. Lamberti, for a long time and then we came back here to complete this.

Nancy Tagliafierro stated it's pretty standard for the ZBA to do a site walk.

Ms. Schnibbe stated yes, yes. Well, I knew that. I just wanted him to see what we were trying to do.

Nancy Tagliafierro stated right.

Chairman Olenius stated he's given us some information but it's difficult...They're just telling you where you're at. We kind of have to see what your hardship is and what the surrounding house...Are you guys against that. I'm sorry.

Board Member Bodor stated no.

Board Member Burdick stated no, I would like to see it as well.

Ms. Schnibbe stated sure.

Board Member Bodor stated I think it's a good idea.

Ms. Schnibbe stated yes, absolutely.

Chairman Olenius stated it just gives us a better lay of the land and how the other houses are laid out there and it kind of helps us justify in our minds that, you know, what the impact is going to be to the neighbors, you know, if you're doing this. Is there...I know you live in Westchester.

Ms. Schnibbe stated yes.

Chairman Olenius stated I'm not sure...

Mr. Minozzi stated yes. We both live in Hastings-on -Hudson.

Ms. Schnibbe stated yes we both...Well, we're co-workers together. We work for the Village of Hastings.

Chairman Olenius stated is there a better time. I mean, typically we do our site walks in the evening during the week.

Ms. Schnibbe stated I'm flexible. I can...I have good bosses so I can...

Chairman Olenius stated okay.

Ms. Schnibbe stated I can easily accommodate and come up...

Chairman Olenius stated we just prefer that somebody is there...

Ms. Schnibbe stated absolutely.

Chairman Olenius stated just to show us, you know...

Ms. Schnibbe stated yes. Absolutely.

Chairman Olenius stated this is where my step-father did this.

Ms. Schnibbe stated I'm more than welcome to show you.

Chairman Olenius stated this is how this went on. You know, it makes it a little easier.

Ms. Schnibbe stated yes. Absolutely. You just...

Chairman Olenius stated is the existing deck still in place.

Mr. Minozzi stated yes.

Ms. Schnibbe stated everything is still in place.

Chairman Olenius stated okay. So we will be physically able to see exactly what...

Mr. Minozzi stated yes.

Ms. Schnibbe stated oh, absolutely.

Chairman Olenius stated is going on.

Ms. Schnibbe stated yes.

Chairman Olenius stated okay. We usually decide on the site walk later in the meeting. The Secretary will be in touch with you.

Ms. Schnibbe stated okay. Yes.

Chairman Olenius stated we usually give....Actually, we've been giving two dates now for a rain date just to...

Ms. Schnibbe stated well, yes. I know that feeling.

Chairman Olenius stated being that you're coming up from Westchester we try and make that call early for you so...

Ms. Schnibbe stated that's okay.

Chairman Olenius stated wouldn't, you know, be on the way or anything.

Ms. Schnibbe stated just let me know what day it is and just come on over.

Chairman Olenius stated are you traveling this summer or anything. Any dates we should avoid.

Ms. Schnibbe stated just September maybe.

Chairman Olenius stated okay. Because our next meeting is...

Ms. Schnibbe stated I would like to get it, you know, if possible and you approve the variance, is to get it in the process.

Chairman Olenius stated our next meeting is July 17<sup>th</sup>. So the site walk would obviously be prior to that.

Ms. Schnibbe stated yes.

Mr. Minozzi stated alright.

Ms. Schnibbe stated okay.

Chairman Olenius stated we'll be in touch so...

Ms. Schnibbe stated great.

Chairman Olenius stated I'll make a motion to hold this over in light of the site walk.

Ms. Schnibbe stated do whatever I need to do to get it right. That's most important.

Rich Williams stated being that you're going to go out there, there's one issue that I just want to bring to everybody's attention and that is that along with this application, there is a retaining wall out there. It is a very small wood retaining wall.

Ms. Schnibbe stated yes.

Rich Williams stated the wood retaining wall is actually on the PLC...the former PLCC property now Park District property. The deck could be built independent of that wall so it's really two separate issues. And the wall being on somebody else's property doesn't have to meet back but, you know, it is over on the Park District property and the Park District is going to have to deal with that at some point.

Ms. Schnibbe stated yes.

Rich Williams stated I just...When you're looking at the drawings, I want to make sure you understand that really those are two separate issues.

Ms. Schnibbe stated you have that picture.

Chairman Olenius stated is the current...

Ms. Schnibbe stated I'll show you the...

Chairman Olenius stated deck attached to that retaining wall that's in question.

Rich Williams stated no.

Ms. Schnibbe stated no.

Rich Williams stated no.

Chairman Olenius stated it is not. Okay.

Rich Williams stated and it's actually just... You know, I was out there briefly as she said, it looked like it was just sitting on the blocks that were set on the ground. Behind the retaining wall there's no footings or anything.

Mr. Minozzi stated there's no footings or anything. I mean...

Rich Williams stated so...

Mr. Minozzi stated the deck was not built to Code.

Chairman Olenius stated got you.

Rich Williams stated we need to get footings under this one way or the other...

Mr. Minozzi stated absolutely.

Ms. Schnibbe stated oh, it's not to Code. We know.

Rich Williams stated you could put the footings in without any encroachment whatsoever.

Chairman Olenius stated okay.

Ms. Schnibbe stated this is the piece in question. It's encroaching, I believe, .82 [feet]...

Chairman Olenius stated oh, okay.

Ms. Schnibbe stated yes. And everything with all the rain and the years has shifted and the patio is, you know, the slabs have cavaliered. You know, it's...It's getting very, very dangerous and I

have a young granddaughter that likes to come and play and use that wonderful lake, you know, just like I did when I was little. So, I want it safe. We put up netting on it because, you know, you go out and you get out the back door and there she is.

Chairman Olenius stated right.

Ms. Schnibbe stated it's obviously not coded, we know that. But we want to make it right. But that's that little piece that...

Chairman Olenius stated this is the retaining wall [referring to the survey].

Ms. Schnibbe stated you know, encroaches. And it has popped so it may...I think we had to redo the survey just to make sure the survey, the older survey...So if you look at it from one angle it looks like it's a straight line like about yay big, so...

Chairman Olenius stated okay.

Ms. Schnibbe stated so maybe...I spoke with Mr. Lamberti and I told him we could shave it, there's not a problem. You know, it's...We can rectify that. Just want to get it safe and be able to get the proper CO for it. That's the most important.

Chairman Olenius stated alright. Well, I thank you.

Ms. Schnibbe stated so my children don't have the hassle then.

[Laughter]

Ms. Schnibbe stated with a lot of other things other than this.

Chairman Olenius stated we'll be in touch.

Ms. Schnibbe stated okay, great.

Chairman Olenius stated and we'll be out in the next few weeks.

Ms. Schnibbe stated great.

Chairman Olenius stated definitely prior to the next meeting and hopefully we can...

Ms. Schnibbe stated that would be great.

Chairman Olenius stated give you some resolution then.

Mr. Minozzi stated thank you.

Ms. Schnibbe stated that'd be great.

Mr. Minozzi stated we appreciate the time.

Ms. Schnibbe stated yes, great. Thanks. Thanks so much.

Mr. Minozzi stated thank you very much.

Chairman Olenius stated thank you.

Board Member Burdick stated thank you.

Ms. Schnibbe stated have a good night.

Board Member Burdick stated you, too.

Chairman Olenius stated you, too.

**7) DRU ALLARD CASE #12-13**

Mr. Dru Allard was present.

The Secretary read the following legal notice:

**Dru Allard Case #12-13 – Area Variance**

Applicant is requesting an area variance pursuant to §154-27 A(12)(b) of the Patterson Town Code; Permitted accessory uses, in order to place the constructed 10' x 14' shed 5' from the side property line. The Code requires a side yard setback of 10'; Variance requested is for 5'. This property is located at 21 Cameron Road (RPL-10 Zoning District).

Chairman Olenius stated Mr. Allard. How are you. Could you just state your name and address for the record, please.

Mr. Dru Allard stated Dru Allard. 21 Cameron Road.

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

Mr. Allard stated I do.

Chairman Olenius stated thank you. Explain to us a little bit about your situation, please.

Mr. Allard stated the purpose of the she is to...multiple. But tool storage also pellet storage over the summer and fall. You know, you get them cheaper in the summer so I can put them in there. Also, various projects around the house that I do and painting and things like that. So that's what it's for. The location is where it is because it has the proximity to the house and the ability to pull up to it and load, unload, materials, whatever.

Chairman Olenius stated so it's like near your driveway or a driveway area or...

Mr. Allard stated yes. You could come up the driveway and go up onto the grass and back the truck up and put stuff into it.

Board Member Bodor stated you have to go onto the grass to access it.

Mr. Allard stated correct. You know, twice...

Board Member Bodor stated the driveway is not like two...

Mr. Allard stated twice in the summer, correct. It's not on the driveway. The other... One of the other reasons that it is where it is is to block this sort of dilapidated barn that my wife, property owner, hates looking at. So, and you can't store tools in a fence, so...

Board Member Bodor stated the barn that you are referring to is not on your property.

Mr. Allard stated that's correct.

Nancy Tagliaferro stated is it that structure there [referring to a picture].

Mr. Allard stated yes. There's a...

Nancy Tagliaferro stated Mary...

Mr. Allard stated better picture of...

Nancy Tagliaferro stated it's that.

Mr. Allard stated the ugly part of it.

[Laughter].

Mr. Allard stated with the graffiti and the broken windows and the...

Board Member Bodor stated on the last page is the other picture.

Mr. Allard stated yes, that's the one.

Nancy Tagliaferro stated that one.

Board Member Bodor stated is there a residence on that property, too, or is it just that barn over there.

Mr. Allard stated you know, I'm not sure. I hear from people who have been here longer than I have that it used to be separate property; that the barn was separate from the house. But I think that it goes with the little house on that other corner lot.

Board Member Bodor stated certainly not a thing of beauty.

Mr. Allard stated no. And there's not much to be done with that little strip either. That's pretty much a wash for that whole block.

Board Member Bodor stated how far is your storage shed from your house. What's the distance.

Mr. Allard stated from the line to the house I'm not sure. But it sits at...If you look at my little drawing I got it about fifteen, you know, I got that 15' clearance.

Board Member Bodor stated separation.

Mr. Allard stated that's what I was really looking for when I...

Board Member Bodor stated so you can get some...

Mr. Allard stated when I located it.

Board Member Bodor stated an emergency vehicle into the backyard. Through there.

Mr. Allard stated I don't know why that's the rule, but...

Chairman Olenius stated the 15' separation is for fire protection.

Mr. Allard stated yes, well I figured...I didn't know, yes, I didn't know if it the thing caught on fire or...

Chairman Olenius stated yes. Well, a little bit of both, actually. Yes. Especially if your storing pellets in there you wouldn't want it burning your main structure down. Your property looks relatively sloping from these photographs submitted here.

Mr. Allard stated well, that's...Yes. I mean, if you look there's the...there's a raised area there. So the septic is right behind the house. The septic tank is right behind the house and then it pumps up to an upper level; there's a retaining wall back there. So it's really as far back as it can go. So to meet the...So if I were to try to meet the 10' and move it over the other 3' and try to go back to get that 15', I'd have to be up into that retaining wall and into that upper level.

Board Member Bodor stated is...This sheet refers to a current location and a desired location.

Mr. Allard stated correct. When I...When Mr. Lamberti first came by we...I hadn't found that little survey that you've got there, I hadn't found it. So he and I talked about it and so I moved it from...

Board Member Bodor stated where you had planned to move it, you put it...you moved it.

Mr. Allard stated I moved it already. And as long I've been brought here, I'd like to move it back.

Board Member Bodor stated you still want to move it.

Mr. Allard stated I want to move it back, yes.

Board Member Bodor stated you want to move it back.

Nancy Tagliafierro stated you moved it to some into compliance with the Code and now you want to move it back.

Mr. Allard stated I tried...I moved it as far as I reasonably could.

Chairman Olenius stated but that still wasn't enough.

Mr. Allard stated correct.

Chairman Olenius stated you just...

Mr. Allard stated then Nick came back out and I found the survey and we got more accurate measurements as to where the property line was. So I think I'm now seven...7' 11" and change...

Board Member Bodor stated 7' 11" and 5/8 it says. What's on the adjoining property over there, on that side where the barn is.

Mr. Allard stated the barn. I mean, what do you...

Board Member Bodor stated oh, that's where that dilapidated barn is.

Mr. Allard stated correct.

Board Member Bodor stated okay. Got you. And that's pretty close to the line.

Mr. Allard stated yes, it's about, according to the survey that I have, it's...I think it's twenty-seven... 3.7' at the furthest.

Chairman Olenius stated you're on a corner lot. I was getting confused here. Cameron and Rhinecliff [Roads].

Mr. Allard stated correct.

Board Member Bodor stated it's not clear to me, you know, what you're going to gain by moving this two feet closer to the side line.

Mr. Allard stated moving it back to where I want it.

Board Member Bodor stated yes.

Mr. Allard stated well, it gives me more room between the house and the thing. And there is a...I don't know if it shows up in any of the pictures. There's an existing concrete pad back there that right now it overhangs the concrete pad. I'd like to move it back so that I have that whole pad to put things on.

Board Member Bodor stated part of that concrete pad is under the little storage barn.

Mr. Allard stated correct.

Board Member Bodor stated and you want to clear that.

Mr. Allard stated correct.

Board Member Bodor stated for what reason.

Mr. Allard stated I built... Two years ago, I put in a whole row of cabinets in our house that I built in our basement. And I think I have a permanent scar from hitting my head down there. So I'd like as much room as I have to lay out whatever I might have to make for the house. We're doing a lot of... We're planning to redo a lot of cabinets and stuff, so as much layout area as I have.

Chairman Olenius stated oh, you want it for like a work area.

Mr. Allard stated correct.

Board Member Bodor stated you want to free it up. You want everything off that concrete pad, pretty much. As a space to work on. Is that what I'm understanding.

Mr. Allard stated correct. Correct. To put like my saw horses and...

Board Member Bodor stated oh.

Mr. Allard stated table saw and...

Board Member Bodor stated is your driveway paved.

Mr. Allard stated I wouldn't call it paved.

[Laughter]

Board Member Bodor stated it looks like...

Mr. Allard stated I put about 100 gallons of that stuff you get from Home Depot on it last year.

Board Member Bodor stated that's a good work site.

Mr. Allard stated then I have to haul my project up from my... Well, I'd settle for... I'd settle for keeping it where it is.

Board Member Bodor stated I'm sorry.

Mr. Allard stated I'd settle for keeping it where it is.

Board Member Buzzutto stated kind of confusing to me. I can't make it...

Board Member Bodor stated this is sitting where it is and if you move it towards the side line, you're going to create a violation to be corrected with a variance if we go that way.

Nancy Tagliaferro stated it's currently in violation...

Board Member Bodor stated yes.

Nancy Tagliaferro stated by about 2.5' so...

Board Member Bodor stated well, it is. Yes.

Nancy Tagliaferro stated they need a variance.

Board Member Bodor stated and it's just going to be even worse violation.

Nancy Tagliaferro stated right.

Board Member Bodor stated that's why...

Mr. Allard stated well, my thinking was if I have to ask for a variance, then I'd like to ask for the variance to get what I really want. And yes, we are talking about two feet either way.

Chairman Olenius stated you want to take a look at it.

Board Member Bodor stated maybe it will convince me one way or the other.

Chairman Olenius stated I don't know. I'm just throwing it out there. We're going to...

Board Member Bodor stated yes.

Chairman Olenius stated RPL-10 anyway.

Board Member Bodor stated that's true, we are. I have a problem with moving it over to the sideline and creating a larger violation. That's what I have a problem with. You know, why move it over there and get it closer to the sideline when there's space to leave it in. You don't have to be there.

Chairman Olenius stated we try to minimize the variance as much as possible.

Mr. Allard stated well, like I said, if we can resolve it and I can leave it where it is, then I will leave it where it is.

The Secretary stated he might need to go for a variance if he moves it back to the current location for the 15' separation between the house and the shed.

Mr. Allard stated if I try to move it the 10', I won't have the 15'. If I leave it where it is, I have the 15'.

Board Member Buzzutto stated leaving it where it is, what problems does that create for you, if you leave it where it is.

Mr. Allard stated I just...

Nancy Tagliafierro stated he still needs a 2.5' variance.

Board Member Buzzutto stated oh, you still would need it. Oh, I see.

Nancy Tagliafierro stated yes.

Mr. Allard stated yes.

Board Member Buzzutto stated okay.

Chairman Olenius stated but instead of a 5' variance...

Board Member Buzzutto stated yes, that's right.

Chairman Olenius stated it would only be a 2.5' [variance].

Board Member Buzzutto stated go take a look at it.

Mr. Allard stated right, I know I show it as 15'. I think it is.

Board Member Bodor stated yes, I think we ought to take a look at it. That's my thought.

Chairman Olenius stated Buzz, you want to take a look, too. Alright, we'll...I'll close the public hearing and are you available for us to come out for a...to explain to us the situation.

Mr. Allard stated yes.

Chairman Olenius stated any time better than another.

Mr. Allard stated other than Wednesdays and Fridays.

Chairman Olenius stated anything other than Wednesday and Friday.

Mr. Allard stated correct.

Chairman Olenius stated okay. Any trips planned or anything.

Mr. Allard stated no, we're back.

Chairman Olenius stated okay. Alright. Secretary will be in touch then. We'll pop out one evening and you can just walk us through it just so we can get a better idea of what the limitations are out there. We just try to minimize, especially in RPL-10, variances because everything's so clustered to begin with.

Mr. Allard stated yes.

Chairman Olenius stated you know. Because other properties are much larger than (inaudible). So I'll make a motion to hold it over pending a site walk to be determined.

Board Member Bodor stated sounds good.

Chairman Olenius stated alright, so we'll be in touch...

Mr. Allard stated take care.

Chairman Olenius stated and get back to you . Thank you very much. Did he say Wednesdays and Fridays weren't good.

Board Member Bodor stated yes.

Chairman Olenius stated yes. So it's Monday, Tuesday, Thursday. And the other lady didn't care.

Board Member Bodor stated she did not. She said she was flexible.

Chairman Olenius stated yes.

Board Member Herbst stated is this mine or yours.

Board Member Buzzutto stated I've got mine.

Board Member Herbst stated you've got yours. Okay.

Chairman Olenius stated part of my thing is I didn't realize that it's got two front yards, so I'm wondering if there's access from that other road. Putnam Lake, and he's got 9 lots. That's a big...

Board Member Bodor stated yes, yes.

Chairman Olenius stated property in Putnam Lake.

Board Member Bodor stated right.

Chairman Olenius stated there could be other locations; feasible.

Board Member Bodor stated just to see. He wants to move it anyway, he might be able to move it.

Chairman Olenius stated yes.

Board Member Bodor stated a million miles away.

Nancy Tagliaferro stated yes.

**8) OTHER BUSINESS**

**a) Minutes**

Chairman Olenius stated do we have any other business.

The Secretary stated not besides site walk and minutes.

Chairman Olenius stated I want to make a motion right now to approve the minutes from May 15<sup>th</sup> because they were a pleasure to read.

[Laughter]

The Secretary stated glad. They're a pleasure to type as well.

Chairman Olenius stated I'm sure. Can I get a second on that.

Board Member Bodor stated I'll make a...I'll second that.

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

**b) Site Walks**

Board Member Buzzutto stated I'd like to ask you a question.

Nancy Tagliaferro stated sure.

Board Member Buzzutto stated on the one with the swimming pool on... You've got two front yards.

Nancy Tagliaferro stated right.

Board Member Buzzutto stated once he designates one part of that as a front yard now, does he have to use that all the time now, that that would be the part that's considered the front yard. If he comes up with something else, he's got to say he's got two front yards. He's already designated one part of the property as front yard.

Nancy Tagliaferro stated he's always going to have two front yards.

Board Member Buzzutto stated he still has to have two...

Nancy Tagliaferro stated always, yes.

Board Member Buzzutto stated always. So that one decision that...

Nancy Tagliaferro stated no.

Board Member Buzzutto stated Mountain View [Road] will be another...Okay. I was just wondering about that.

Chairman Olenius stated all right. I am gone fourth of July week. I'm just throwing that out there. I'm pretty free before that, but that whole week I'm out of town.

Board Member Bodor stated the week of the first or the week of the eighth.

Chairman Olenius stated the week of the first I'm gone.

Board Member Bodor stated the first.

Chairman Olenius stated I come back on the eighth, actually. But if you wanted to do it the eighth, I would be home early enough to do it in the evening, God willing. I'm driving.

[Laughter].

Nancy Tagliaferro stated you don't want to do that.

The Secretary stated no.

Board Member Buzzutto stated when is the next meeting. July...

The Secretary stated 17<sup>th</sup>.

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

Board Member Buzzutto stated July 17<sup>th</sup>.

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

Board Member Buzzutto stated is the meeting.

Board Member Herbst stated so that's the meeting.

The Secretary stated yes.

Board Member Buzzutto stated that's the meeting date.

Board Member Herbst stated okay.

Chairman Olenius stated how does your book look there.

Board Member Burdick stated I'm good. If everybody wanted to shot for Tuesday, the 9<sup>th</sup>, and then the alternate on Thursday because that guy said Wednesdays and Fridays weren't good for him, right.

Board Member stated yes.

Board Member Burdick stated I'm pretty open at this point. I just got back from vacation so my calendar hasn't filled up yet.

Chairman Olenius stated oddly enough, looking at my calendar right here, the 9<sup>th</sup> and the 11<sup>th</sup> are the only days without dots on them right now.

Board Member Burdick stated well, see that.

Chairman Olenius stated so apparently they're wide open, too.

Board Member Bodor stated I have nothing written in those yet.

Chairman Olenius stated does that work for you guys: the 9<sup>th</sup> and the 11<sup>th</sup>.

Board Member Buzzutto stated 9<sup>th</sup> and... Yes.

Board Member Herbst stated the 9<sup>th</sup>.

Chairman Olenius stated the 9<sup>th</sup> and then the 11<sup>th</sup> would be a rain date.

Board Member Herbst stated yes. Of what. July.

Board Member Burdick stated July.

Chairman Olenius stated July.

Board Member Herbst stated okay.

Chairman Olenius stated is that okay.

Board Member Bodor stated yes.

Board Member Buzzutto stated oh, this is on a Tuesday, right. That's okay.

Chairman Olenius stated it's a Tuesday and a Thursday. The 9<sup>th</sup> is a Tuesday, that's when we're planning on going.

Board Member Buzzutto stated right. Okay.

Chairman Olenius stated unless it rains then we can... They're pretty close to each other.

Board Member Burdick stated which one are we going to first.

Chairman Olenius stated we would probably go to Schnibbe first.

Board Member Burdick stated okay.

Chairman Olenius stated I think, because I have to go by Cameron Road, but I think I know where it is, but Lake Shore we've been out to a couple of times. That's South Lake Shore out there.

Board Member Burdick stated yes.

Chairman Olenius stated it's the one where you go down by the...

Board Member Bodor stated the dam.

Chairman Olenius stated what do you call it, the nursery.

Board Member Bodor stated oh.

Board Member Burdick stated so the road that her house is on.

Board Member Bodor stated okay. Oh, it's one of those houses right along by the end of the lake there.

Chairman Olenius stated yes. Remember you go past the house that we did...

Board Member Bodor stated we were there one...

Board Member Burdick stated I just going to say that.

Chairman Olenius stated a couple of them we've been to.

Board Member Burdick stated yes.

Board Member Bodor stated yes. Yes, a couple of them.

Chairman Olenius stated you can also drive straight down and turn before the dam...

Board Member Bodor stated okay.

Chairman Olenius stated and that's South Lake Shore.

Board Member Burdick stated yes.

Chairman Olenius stated you know, on the way to Connecticut.

Board Member Bodor stated yes. No, we go by our house and go down the hill...

Board Member Burdick stated yes.

Chairman Olenius stated that's the easier way, I think.

Board Member Bodor stated right.

Board Member Burdick stated okay.

Board Member Buzzutto stated just don't...Go straight past the monument. Don't make a left there.

Chairman Olenius stated no. The easiest way is to make a left at the monument...

Board Member Buzzutto stated make a left at the monument.

Chairman Olenius stated make a right where...to go down where the nursery is, and then the house that you guys had moved is right in front of you.

Board Member Buzzutto stated I'll never forget it.

Chairman Olenius stated yes.

[Laughter].

Chairman Olenius stated just drive up that hill, that's South Lake Shore.

Board Member Buzzutto stated okay.

Chairman Olenius stated just go all the way to the top of the hill and...

Board Member Herbst stated okay.

Board Member Buzzutto stated yes, I'll...

Board Member Herbst stated that's the house where they had the pool and everything.

Chairman Olenius stated we just did the pool last year for that same house. Yes.

Board Member Bodor stated yes. But initially, we moved that house.

Board Member Buzzutto stated how far are these site walks apart.

Chairman Olenius stated not too far. I don't know exactly, but they're not too far.

Board Member Bodor stated and what time are we doing. The County's on summer hours.

Board Member Burdick stated yes, but I have a hard time getting out at 4 [o'clock].

Board Member Bodor stated okay.

Board Member Buzzutto stated what time.

Board Member Burdick stated 4:20 p.m.. 4:30p.m.

Board Member Bodor stated 4:30 p.m.

Chairman Olenius stated 4:30's fine.

Board Member Bodor stated 4:30.

Chairman Olenius stated 4:30's fine by me. Is that good by you guys: 4:30.

Board Member Buzzutto stated yes.

Board Member Burdick stated thank you.

Chairman Olenius stated I would...

The Secretary stated 4:30. Five, 5:15.

Chairman Olenius stated I would say it sounds like the Lake Shore is going to have a little bit more to look at with the retaining wall and stuff, so maybe... Yes. I would say 4:30 and then 5:15, did you say.

The Secretary stated yes.

Chairman Olenius stated say 5:15, 5:30, tell them.

The Secretary stated okay.

Chairman Olenius stated somewhere in there.

Rich Williams stated South Lake.

Board Member Buzzutto stated we're going to change that from 4:30 to 5:15.

Chairman Olenius stated we need more time than...

Rich Williams stated no, South Lake.

Board Member Burdick stated South Lake not South Lake Shore.

Rich Williams stated South Lake is the little side road that wraps around the south end of the lake by the dam.

Chairman Olenius stated right. Where the house that the Zoning Board had moved is on the end of it.

Rich Williams stated it's...

Chairman Olenius stated it comes back out by the nursery there.

Rich Williams stated yes.

Board Member Burdick stated yes.

Chairman Olenius stated okay, I'm in the right spot.

Board Member Burdick stated yes, we're in the same...

Chairman Olenius stated okay.

Board Member Burdick stated yes.

Chairman Olenius stated I'm sorry, I...In my mind, they're all lake shore's...

Board Member Buzzutto stated time's still 4:30.

Chairman Olenius stated 4:30 for that one.

Board Member Buzzutto stated (inaudible – papers shuffling).

Chairman Olenius stated and roughly 5:15 for this last guy.

Board Member Buzzutto stated got you.

Board Member Herbst stated (inaudible)

Board Member Buzzutto stated well...

Chairman Olenius stated can I make a motion to close here. Are we done.

Board Member Buzzutto stated this one is 4:30...

Board Member Burdick stated second.

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

Meeting was adjourned at 8:47 p.m.