

**TOWN OF PATTERSON
ZONING BOARD OF APPEALS
June 20, 2012**

AGENDA & MINUTES

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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
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**Zoning Board of Appeals
June 20, 2012 Meeting Minutes**

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

Present were: Chairman Lars Olenius, Board Member Howard Buzzutto, Board Member Mary Bodor, Board Member Marianne Burdick, Board Member Gerald Herbst, and Joe Charbonneau, Attorney with Town Attorney’s Office.

Chairman Olenius called the meeting to order at 7:06 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) JAMES CHERRY CASE #12-12

Mr. James Cherry was present.

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 20, 2012 at 7:00 p.m. at the Patterson Town Hall, 1142 Route 311, Patterson, Putnam County, New York to consider the following application:

James Cherry Case #12-12 – Area Variances; Held over from the May 16, 2012

Chairman Olenius stated Mr. Cherry. How are you this evening.

Mr. James Cherry stated good and you.

Chairman Olenius stated thank you for coming back. We did take a walk out to your property. Thank you for being there. We kind of got an overview of your situation. Just for the record, I'd like to reiterate that from what I saw, I think from what the Board saw, you did not expand the existing footprint from when you purchased the home.

Mr. Cherry stated that's correct.

Chairman Olenius stated you just enhanced it...

Mr. Cherry stated the existing...

Chairman Olenius stated in other ways to repair the insect damage and what not. I know there was also...We looked at the shed in the front yard. We did have a letter, submitted as part of the packet from the neighbor directly affected who had no issue with the remaining...And we have a letter from the Department of Health as well stating their approval as long as the total number of bedrooms remains at three. That is the case, I believe you stated. With regards to the shed as well, and so far as being in the front yard we did look at your rear property and it was as you stated, kind of a severe slope upward, which would have made it difficult for relocation.

Board Member Bodor stated and I believe that letter from the neighbor was from the neighbor on the side of the property where the shed is. They had no problem with it remaining there. I can't find the letter either.

Chairman Olenius stated I just saw it. And you've been in contact with the Building Department, obviously, that's why you're here. Looking for your variances so you can continue your construction.

Mr. Cherry stated yes.

Chairman Olenius stated it was pretty obvious from my estimation that you had honored the stop work order. It seemed like everything had ceased and desist until...

Board Member Bodor stated just looking at the condition of the wood...the exterior surfaces, it was obvious that it had not been touched in a while. It's weathered with the boards and all the outside; were weathered...well weathered. So we know they didn't go up yesterday.

Board Member Buzzutto stated how long you think it'd take you to complete that.

Mr. Cherry stated hard to say.

Board Member Buzzutto stated if that's not completed in a year, will you have to get another renewal from the...

Mr. Cherry stated correct.

Chairman Olenius stated you're aware of that. That's where...

Board Member Buzzutto stated you're aware of that, right.

Chairman Olenius stated I was going to go next. It's not like paying the full fee again, but you have to pay...

Board Member Buzzutto stated yes.

Mr. Cherry stated partial.

Chairman Olenius stated the partial, yes. Does anybody in the audience have any further comments on this case. Hearing none.

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

Board Member Bodor stated I'll second it.

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

Board Member Buzzutto stated I can't find the reso.

Chairman Olenius read the following resolution:

IN THE MATTER OF THE APPLICATION OF
James Cherry, Case #12-12
Enlargement of a Nonconforming Building

WHEREAS, *James Cherry* is the owner of real property located at 10 River Road (R-4 Zoning District), also identified as **Tax Map Parcel #36.9-1-10, and**

WHEREAS, *James Cherry* 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 finish the construction of a second story addition to the principal dwelling, 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 14' on the easterly side of his dwelling and 31' on the westerly side of his dwelling; and

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

WHEREAS, a public hearing was held on the application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on *May 16, 2012 and June 20, 2012, and a site walk was conducted on June 11, 2012*, 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 he is basically replacing the structure from circa 1950 with a few modern enhancements.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because he is sticking with the existing footprint of the circa 1950 home that was there that was damaged by insects.*
3. the variance requested *is not* substantial *because the pre-existing home fell within the same setbacks.*
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, he's not expanding the physical footprint of the previous structure.*
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 *James Cherry* for *an area variance* pursuant to §154-58 of the Patterson Town Code; Enlargement of nonconforming buildings, in order to construct a second story addition to his dwelling which is 14' and 31', respectively, from his side property lines.

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.

Board Member Burdick stated do you want me to do the next one, Lars.

Chairman Olenius stated if you don't mind, that would be great. Thank you.

Board Member Burdick read the following resolution:

IN THE MATTER OF THE APPLICATION OF
James Cherry, Case #12-12

For an Area Variance for an Existing 8' x 10' Shed in the Front Yard

WHEREAS, James Cherry is the owner of real property located at 10 River Road (R-4 Zoning District), also identified as **Tax Map Parcel #36.9-1-10, and**

WHEREAS, James Cherry has made application to the Patterson Zoning Board of Appeals for area variances pursuant to §154-27(12)(a) of the Patterson Town Code; Permitted accessory uses, in order to legalize an existing 8' x 10' shed in the front yard, and

WHEREAS, §154-27(12)(a) of the Patterson Town Code states that a shed shall not be located in the front yard.

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

WHEREAS, a public hearing was held on the Application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on **May 16, 2012 and June 20, 2012, and a site walk was conducted on June 11, 2012,** 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 shed has been in its existing location for 15 years and is well screened.**
2. the benefit sought by the applicant **cannot** be achieved by any other feasible means **because of the topography in the backyard.**
3. the variance requested **is** substantial **but not to deny the application.**
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 stated before, the shed has been in its current location for approximately 15 years.**
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 **James Cherry** for an **area variance** pursuant to §154-27(12)(a) of the Patterson Town Code; Permitted accessory uses, **in order to allow for the existing 8' x 10' shed to remain in the front yard.**

Board Member Bodor stated second it.

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 Bodor stated do you want me to do the last one.

Chairman Olenius stated if you want to.

Board Member Bodor stated I'll wing it.

Board Member Bodor read the following resolution:

WHEREAS, James Cherry is the owner of real property located at 10 River Road (R-4 Zoning District), also identified as Tax Map Parcel #36.9-1-10, and

WHEREAS, James Cherry 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 legalize an existing 8' x 10' shed 2' from the side property line in the front yard, and

WHEREAS, §154-7 of the Patterson Town Code requires a side yard setback of 20'; Applicant has 2'; Variance requested is for 18', and

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

WHEREAS, a public hearing was held on the Application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on May 16, 2012 and June 20, 2012, and a site walk was conducted on June 11, 2012, 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 shed is pre-existing for numerous years.**
2. the benefit sought by the applicant **cannot** be achieved by any other feasible means **due to the steep elevation of land behind the residence which would make it very, very difficult to relocate a such shed.**
3. the variance requested **is** substantial **because sideline setback is 20', Applicant has only 2'.**
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 has been in existence for many years.**
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 *James Cherry* for *an area variance* pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, *of 18' from the 20' required for a side yard setback*, in order to allow for the existing 8' x 10' shed to remain 2' from the side 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 thank you, Mr. Cherry.

Mr. Cherry stated thank you.

Chairman Olenius stated just keep up with your...

Mr. Cherry stated thank you.

Chairman Olenius stated permit fees and whatnot. Good luck to you.

Board Member Buzzutto stated good luck to you, and...

Board Member Burdick stated good luck.

Mr. Cherry stated I'll be back for the permit.

Chairman Olenius stated okay. Thank you for being so cooperative.

Mr. Cherry stated thank you.

2) **JOSEPH CUSCINA CASE #13-12**

Mr. Joseph Cuscina and Mrs. Wendi Cuscina were both present.

The Secretary read the following legal notice:

Joseph Cuscina Case # 13-12 – Special Use Permit

Applicant is requesting a Special Use Permit pursuant to §154-107.1 of the Patterson Town Code; Livery and taxicab services, in order to operate a livery

service out of his residence. This property is located at Partridge Lane (R-4 Zoning District).

Chairman Olenius stated good evening.

Mrs. Wendi Cuscina stated hi.

Mr. Joseph Cuscina stated good evening.

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

Mr. Cuscina stated Joseph Cuscina, 2 Partridge Lane, Patterson, New York.

Mrs. Cuscina stated Wendi Cuscina. Same address.

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

Mrs. Cuscina stated I do.

Chairman Olenius stated thank you. Alright, tell us a little bit about your case here. Do you agree with what was read in the minutes there. Just requesting a Special Use Permit.

Mrs. Cuscina stated it is a Special...yes. I'm assuming that's what they call a Special Use Permit. I guess the only thing that I don't agree with as far as the description of it is taxi. We're not a taxi service. We are a single car livery service. It's a black, unmarked, four-door sedan. That we've been in this business, in this house, for almost 15 years. And what we wanted to do is just continue along the lines that we were. We have a home office which is, you know, 10% of the square footage of the house. We answer our phone there. And, you know, we park a car there. That's it. It's just him.

Board Member Buzzutto stated it's nothing...You use it for nothing local.

Mrs. Cuscina stated I'm sorry.

Mr. Cuscina stated no.

Board Member Buzzutto stated nothing local.

Mr. Cuscina stated no, Sir.

Board Member Buzzutto stated like short...

Mrs. Cuscina stated you mean like a call-in.

Board Member Buzzutto stated yes.

Mrs. Cuscina stated I mean, we have customers that are in the Patterson area as far as local.

Mr. Cuscina stated there's nothing from point to point local. No, it's not a taxi service from here to the train station. It's to the airports; the New York airports.

Board Member Buzzutto stated yes.

Mrs. Cuscina stated right. Like you can't call me up and say, Hi Wendi...I mean, you can but...Hi Wendi, can you take me to the A&P.

Mr. Cuscina stated no.

Mrs. Cuscina stated we don't do that type of thing.

Mr. Cuscina stated right.

Board Member Buzzutto stated no, you don't do that.

Board Member Bodor stated you only do...

Chairman Olenius stated it's pre-scheduled.

Board Member Bodor stated long trips.

Mrs. Cuscina stated yes.

Mr. Cuscina stated yes.

Board Member Buzzutto stated well, that's what I mean.

Mrs. Cuscina stated yes. Yes.

Mr. Cuscina stated yes, right.

Chairman Olenius stated like pre-scheduled.

Mrs. Cuscina stated pre-scheduled. You have to pre-schedule them. It's from your house, let's say, to New York City. From your house to JFK, LaGuardia, Westchester Airport. It's no, hey, can you come get me now.

Board Member Bodor stated is that how a livery service differs from a taxi service.

Mr. Cuscina stated yes.

Mrs. Cuscina stated I think so, yes.

Chairman Olenius stated you said there's no marking on the vehicle.

Mrs. Cuscina stated no. I gave...

Chairman Olenius stated no advertising markings.

Mrs. Cuscina stated did you get my pictures.

Chairman Olenius stated I thought I did see pictures. But I didn't see an actual picture...

Mrs. Cuscina stated I have them on my phone...

Chairman Olenius stated of the vehicle. I think it was pictures of the...

Mrs. Cuscina stated it's in the drive[way].

Chairman Olenius stated home.

Mrs. Cuscina stated oh. The car is in the driveway, I think.

Mr. Cuscina stated and it's not visible, that's why...It's way up in the driveway. The driveway's 100' long.

Chairman Olenius stated so in this photo [referring to a picture] it's the rear car.

Mrs. Cuscina stated it's right there.

Mr. Cuscina stated yes.

Mrs. Cuscina stated it's the rear car.

Chairman Olenius stated it's the rear car.

Mr. Cuscina stated right.

Mrs. Cuscina stated it's the rear car.

Mr. Cuscina stated it's always in the back.

Mrs. Cuscina stated and it's just a black, four door sedan. There's...We don't have any signage on the car. No signage in the windows. No signage on our house. No signage on our mailbox, nothing.

Board Member Buzzutto stated just the one vehicle.

Mrs. Cuscina stated just the one vehicle.

Mr. Cuscina stated just the one vehicle.

Board Member Buzzutto stated okay.

Board Member Bodor stated and that's routinely where the vehicles kept.

Mrs. Cuscina stated yes.

Board Member Bodor stated way up in the driveway...

Mrs. Cuscina stated yes.

Board Member Bodor stated as opposed to near the end...

Mrs. Cuscina stated yes.

Board Member Bodor stated by the road.

Mrs. Cuscina stated yes.

Mr. Cuscina stated exactly. Right.

The Secretary stated I have colored photos if you wanted those.

Chairman Olenius stated would you share.

Board Member Bodor stated I was going to say, they're the same just in color.

Chairman Olenius stated yes. Just they're colored.

Mrs. Cuscina stated they're on my phone if you want my phone. You can pass it around.

Board Member Buzzutto stated is this the same as what you've got there.

Board Member Bodor stated we have pictures.

Mrs. Cuscina stated okay.

Chairman Olenius stated this is fine.

Board Member Buzzutto stated the difference is the color. Are these the same as the...

Chairman Olenius stated it's a little clearer that there are no markings on the vehicle.

Board Member Buzzutto stated they're the same as what you just had.

Chairman Olenius stated yes.

Board Member Bodor stated yes. These are the colored...

Board Member Buzzutto stated oh, I see.

Board Member Bodor stated version of our black and whites.

Chairman Olenius stated how many years.

Mrs. Cuscina stated fifteen.

Chairman Olenius stated fifteen.

Mr. Cuscina stated 26 [years] in business but there are 15 in Patterson.

Chairman Olenius stated at this address.

Mr. Cuscina stated yes.

Mrs. Cuscina stated at this address, yes.

Mr. Cuscina stated at this address.

Board Member Bodor stated you're 2 Partridge Lane. You're not the first house in.

Mrs. Cuscina stated if you go down Partridge Lane, we are the first house on the left.

Board Member Bodor stated okay.

Mrs. Cuscina stated not the one on the corner, because that's a Haviland address.

Board Member Bodor stated does that face Haviland.

Mrs. Cuscina stated the one on the corner...

Board Member Bodor stated the one on the corner.

Mrs. Cuscina stated faces Haviland.

Board Member Bodor stated okay. Alright.

Mrs. Cuscina stated that's the Moore residence.

Mr. Cuscina stated we're done on the cul-de-sac there.

Board Member Bodor stated yes, but you're not far down in because...

Mrs. Cuscina stated right.

Board Member Bodor stated you're number 2.

Mr. Cuscina stated we're 100 yards...

Mrs. Cuscina stated right.

Mr. Cuscina stated probably 200 yards down.

Board Member Buzzutto stated do you get calls during the night and stuff like that, or is it just...

Mrs. Cuscina stated not really. You mean...what time at night.

Board Member Buzzutto stated yes, well, I mean after hours. Stuff like that.

Mrs. Cuscina stated no. And generally after about 9 o'clock at night...

Board Member Buzzutto stated yes.

Mrs. Cuscina stated we forward the phones to an answering service.

Board Member Buzzutto stated I mean, it's a residential section. Are you going to have an outside ringer.

Mrs. Cuscina stated outside the house.

Board Member Buzzutto stated yes. Outside.

Mrs. Cuscina stated no.

Board Member Buzzutto stated no.

Mrs. Cuscina stated no. It's just a regular telephone.

Board Member Buzzutto stated inside though. Nothing...

Mrs. Cuscina stated yes.

Board Member Buzzutto stated outside the...

Mrs. Cuscina stated oh no. Nothing outside.

Board Member Buzzutto stated okay. Oh, I'm sorry. They're the same as what you got except they're in color [referring to the pictures to Board Member Herbst].

Board Member Herbst stated you're not sorry.

[Laughter].

Board Member Buzzutto stated I'm sorry, Jerry. And the servicing of the vehicle, will that be done at the residence or...

Mr. Cuscina stated no. No, no.

Board Member Buzzutto stated there will be no mechanical service at...

Mr. Cuscina stated none at all.

Board Member Buzzutto stated okay.

Board Member Bodor stated so basically, you're just parking this vehicle in your driveway.

Mr. Cuscina stated exactly.

Board Member Bodor stated and responding with it to pre-arranged long hauls.

Mrs. Cuscina stated absolutely.

Board Member Bodor stated and you've been doing this for 15 years.

Mrs. Cuscina stated out of the Patterson...He's been in business for 26 [years].

Board Member Bodor stated at that location.

Mr. Cuscina stated yes.

Mrs. Cuscina stated at that location, 15 years.

Mr. Cuscina stated yes.

Chairman Olenius stated for the record, as part of the packet, there are three letters of support, all from residents from Partridge Lane and no letters against.

Board Member Bodor stated and you're the only driver, Sir.

Mr. Cuscina stated yes.

Board Member Herbst stated Sarah.

Chairman Olenius stated do I have any input from the audience on this case. Hearing none.

Dave Harrison stated just one. It's not necessarily inconsistent with businesses that have been running in Patterson...

Chairman Olenius stated sorry. I just need for you to...

Dave Harrison stated for a number of years.

Chairman Olenius stated state your name for the record.

Dave Harrison stated oh.

Board Member Bodor stated you need to come up and use the microphone giving us your name and address.

Dave Harrison stated hello, my name is Dave Harrison. I live at 121 Cross Road, Patterson. And when I moved to Patterson about 15 years ago, there was a livery service that was one road behind me up on Mooney Hill [Road]. They were about six house in. They had two big stretched limos and they had a massive garage. And they actually did all the work on the cars there because I've seen them pull engines out. They don't operate there anymore and I don't know if they had a permit. But it was never a problem. My ex-wife actually used them from time to time to go down to New York [City]. So it's kind of a nice cottage industry to have if you think about the, you know, having some kind of diversification in the area.

Board Member Bodor stated thank you.

Mrs. Cuscina stated thank you.

Board Member Buzzutto stated thank you.

Mr. Cuscina stated thank you.

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

Chairman Olenius stated I'll second it. 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
Joseph Cuscina, Case #13-12
For a Special Use Permit for Operating a Livery Service

WHEREAS, *Joseph Cuscina* is the owner of real property located at 2 Partridge Lane (R-4 Zoning District), also identified as ***Tax Map Parcel #25.-1-9.1***, and

WHEREAS, *Elder Arias* has made application to the Patterson Zoning Board of Appeals for Special Use Permit as set forth in §154-107.1 of the Patterson Town Code; Livery and Taxi Cab Services, and

WHEREAS, §154-107.1 states that a special permit may be granted by the Zoning Board of Appeals in the R-4, R-2, R-1 or RPL-10 zoning district, for the accessory use of a parcel or lot to operate a livery service or taxi cab service, subject to the standards and conditions of §154-107.1, and

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

WHEREAS, that the Patterson Zoning Board of Appeals has reviewed the environmental assessment form and other documentation and finds the proposed action ***will not*** have significant effects on the environment for the following reasons:

1. There ***will not*** be substantial change in existing air quality, ground or surface water quality or quantity, traffic or noise levels.
2. There ***will not*** be substantial increase in potential for erosion, flooding, leaching or drainage problems.
3. There ***will not*** be removal or destruction of large quantities of vegetation or fauna.
4. There ***will not*** be substantial increase in traffic or the use of existing infrastructure.
5. There ***will not*** be significant impairment of the character or quality of

architectural or aesthetic resources of the existing neighborhood character.

WHEREAS, a public hearing was held at the Patterson Town Hall, 1142 Route 311, Patterson, New York on *June 20, 2012* to consider the application; and

WHEREAS, the Zoning Board of Appeals finds that there is adequate off-street parking for the vehicles used in the operation of the livery service, which is in addition to the parking required for the single family residence as evidence by submitted photos as part of the application;

WHEREAS, the Zoning Board of Appeals finds that the Application as presented *meets* the Standards and guidelines of §154-93 in so far as;

- (1) The use *is* of a size and character that, in general, it will be in harmony with and conform to the appropriate and orderly general development of the town and, in particular, the district in which it is located.
- (2) The use *will not* increase congestion in the streets; create unsafe conditions; cause an overcrowding of land;
- (3) The proposed use *is* suitable for the character of, and will conserve the values of buildings and property the district in which it is located.
- (4) The location, nature, and size of any building, structure, wall or fence and the nature and extent of any landscaping *will not* adversely affect the use of property in the general neighborhood.
- (5) There *does* exist sufficient capacity within the area for the proposed use.

WHEREAS, the Zoning Board of Appeals finds that the operation of a livery service out of the residence as heretofore set forth is a reasonable use of the property, and

WHEREAS, The Patterson Zoning Board of Appeals finds that the Applicant has met the requirements for the issuance of a Special Use Permit in accordance with §154-107.1 of the Patterson Zoning Code, subject to any conditions contained herein.

NOW THEREFORE BE IT RESOLVED that the Patterson Zoning Board of Appeals and issues a *negative* SEQRA declaration, and

BE IT FURTHER RESOLVED, the Patterson Zoning Board of Appeals wishes to *grant* the request of *Joseph Cuscina* for a Special Use Permit *to allow for the operation of a livery service out of the residence in the R-4 Zoning District as set forth in §154-107.1* of the Patterson Town Code; Livery and Taxi Cab Services, and

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

1. Those conditions and standards as set forth by §154-107.1 of the Patterson Town Code; Livery and Taxi Cab Services, incorporated by reference hereto, which includes a renewal in (5) five years.

Board Member Buzzutto 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.

Mrs. Cuscina stated thank you.

Mr. Cuscina stated thank you very much.

Mrs. Cuscina stated now I can say thank you.

[Laughter].

Chairman Olenius stated mark your calendar. Five years.

[Laughter].

Mrs. Cuscina stated five years.

Chairman Olenius stated you've got to come back.

Mrs. Cuscina stated you've got it.

Mr. Cuscina stated appreciate it. Thank you.

Mrs. Cuscina stated thank you.

Chairman Olenius stated thank you.

Mrs. Cuscina stated thank you very much.

Mr. Cuscina stated have a good evening.

Board Member Burdick stated you, too.

Chairman Olenius stated I haven't read that Special Use Permit thing...

Board Member Bodor stated I know.

Chairman Olenius stated in a long time.

3) NYSEG CASE #14-12 – Area Variance and Use Variance

Ms. Debbie Drake, Supervisor of NYSEG's East Region Real Estate Office, and Mr. Gary Palumbo, Senior Planner with URS Corporation, were both present.

The Secretary read the following legal notice:

NYSEG Case #14-12 – Area Variance & Use Variance

Applicant is requesting a use variance and an area variance in order to expand the existing nonconforming use on the site. Applicant wishes to expand the existing compound in order to install a 12' x 18' control house. §154-53 (A) of the Patterson Town Code states that a nonconforming use shall neither be changed as to area or occupy a different portion of the lot. §154-15 (A) of the Patterson Town Code; Fences, stone walls and masonry walls states that fences shall not be more than 6' in height; Applicant is proposing a 7' fence; Variance requested is for 1'. This property is located at 520 Mooney Hill Road (R-4 Zoning District).

Chairman Olenius stated is there a representative from NYSEG here.

Ms. Debbie Drake stated Debbie Drake, Supervisor of NYSEG's East Region Real Estate Office, and with me tonight I have Gary Palumbo who is our Senior Planner with the URS [Corporation]. I just...

Mr. Gary Palumbo stated (inaudible) to the board.

Chairman Olenius stated pardon.

Mr. Palumbo stated can I pin this to the [referring to pinning a site plan to the cork board]...

Chairman Olenius stated yes. That would be great.

Board Member Bodor stated sure.

Chairman Olenius stated thank you.

Ms. Drake stated just to give you an overview of what the project is for the Brewster Division as a whole first. We have targeted thirteen substations in the area, including Westchester, Dutchess, and Putnam. Out of the thirteen, we've been in front of just about every Board. And in Patterson, a matter of fact, we started out with our Haviland Hollow substation which is, you know, has gotten approval for it. That's one of the substations that we're upgrading. The thirteen substations, what's proposed, is what we're proposing to you tonight, is a 12 [foot] x 18 [foot] control house. A control house is a...will be housing equipment...technical equipment, that will radio or signal back to our control center in Binghamton, New York, where everything is dispatched or changed or whatever. And all our transmission lines are like on a big, like, Star

Wars board. And those signals will tell if there's a problem on any of the lines...on any of the transmission lines or distribution lines. If there's anything that got into the substation like a squirrel or a deer or something like that, we'll be notified of that through this control house. We bought the property in 1936. We built the substation probably the early '40s. It's where our transmission line comes in to bring the power to the Town of Patterson, to this particular area. And from the substation what they do is they drop the power down and then it's distributed to all the residents in the area. This substation is the main substation that feeds that area. And that's just normal for different areas like if you had a substation like in York Town, it would be for that particular area. So it's not unusual to have in certain areas. But, that's what this one's for.

Mr. Palumbo stated you want to go over the site plan.

Ms. Drake stated yes. And what we'll do now is kind of like go over what we've done in planning and what's at the control house...what's at the substation now. So...

Mr. Palumbo stated the original property is...

Chairman Olenius stated excuse me for just one second. Could you just take the microphone out of there so it all gets on the record because she has type the minutes after and sometimes it's missed...

Mr. Palumbo stated now I can't talk with my hands.

[Laughter].

Mr. Palumbo stated the original substation is 100' x 75' deep. The existing transformers and the base structure, the steel structure, that all the conductors tie into are right up here up front. The control house is proposed to the rear. There's the existing fence, is right here. It's not in yellow. The rest of the existing fence is in yellow and the proposed fence is in the solid yellow line here. This piece of fence will be removed. The control house will go behind the transformer. There's 20 feet between the control house and the existing transformer. Typically the design has that at 30'. We moved it in to minimize the impacts of the site to get a little farther away from...There's a little designated...This is the map creek. The creek itself, it channels about a foot and a half wide. It is running. Today it was running. It's less than a foot and a half and not measureable in depth. That's back here. This dark blue line is a silt fence that...I believe the Town Planner's here. We got our comments from the Town Planning Board. We're starting to address those. So we've added a silt fence and a detailed silt fence. And we also will add...or we've added a landscape plan where we're going to plant between the proposed fence and where the silt fence is indicated right in here, we'll plant maples and birches and some service spirit to add some more canopy and shade to the creek. The area to be...To make up for the area that's going to be disturbed. And that's from somewhere inside the fence area to where the fence is, that's the area to be disturbed, which is about 1,800 square feet. The fence itself I know is in question. That is...It's a 6' fence with one additional foot of barbed wire. That's the same as the fence that's out there now. It's just what we're doing is removing this piece and extending this. The net difference, I believe, there's about 280' of fence. Now we're adding 83' and they're removing 56'. There's about a 27' difference in linear difference in the fence. The fence itself, at one foot, is a 16% variance. We also put on here for presentation purposes the setbacks. And if we use the setbacks for an accessory structure, and I know that's one of the questions the Planning Board had, with 20', 40' and 25' at the rear. We had in the original lot, we had a 10' x 60' area right in the middle where we can't put the control house because there's already

equipment. Given the type site, the adjoining owner was approached to purchase a 35' deep piece, and that's the property line modification that's requested. From there, the control house will be 46' from that line and 20' from the sideline. Regarding the substantiality of the variance, as I said, it's about 16' for the height of the fence and the setbacks... We can meet the setbacks if this is treated as an accessory structure. If this is treated as a primary building, we wouldn't meet that. The way we look at we look at the structures is that the control house is a new addition. It's for monitoring and switching of all of the existing equipment. The nonconformity has been here... the use, as Deb said, the property was purchased in 1936. The substation's been there for decades. This control house is just a structure to house monitoring and switching equipment that is necessary now with today's technology to improve system reliability. But it is not, you know, we're not generating anything. It's not a transformer. It's not any of that equipment. It's not taking away anything. We're expanding the primary purpose of the substation itself. We looked at alternatives. The first site plan had the control house on this side. There's a couple of issues with that. This gravel yard here, there's a utility pole. There's some overhead lines. And this yard here needs to be open for trucks and to stage the bucket trucks. If we went this far, it would be additional fill. And also, there's part of the creek that goes this way on the site. We looked to go behind and that's when we proposed acquiring the additional land. We also, as I said previously, moved the control house farther away from the creek, as close as we can by the electrical code to the existing transformer. With that, I don't know if there's any questions.

Board Member Buzzutto stated well, the system you have is inadequate. Is that what you're saying.

Ms. Drake stated it's not that it's inadequate, it's just that there's new technology. There's better ways for us to control the reliability if there's a problem. This will signal instantly up to the control center in Binghamton. It's 2012 equipment now that we're changing to.

Mr. Palumbo stated it's a little bit...

Board Member Buzzutto stated you put... Oh, go ahead.

Mr. Palumbo stated it's a little bit different equipment. This equipment is for monitoring equipment in the control house. It's not an additional transformer. It's not allowing additional conductors, additional wires to come in or additional distribution to go up. It's just overseeing how that equipment is working. And because it's high tech electronic equipment, it's going in a building.

Ms. Drake stated it's called remote terminating units. And that's the newest thing that's going to be going on to New York State Electric and Gassing system. It just happens to start in the Brewster division so that, you know, again, we're looking at reliability; getting people back on sooner than later. And this is going to help. Like I said, there's 13 of them going across all three counties and then they'll start expanding this out across the state.

Chairman Olenius stated so it's an un-manned shelter.

Ms. Drake stated yes.

Mr. Palumbo stated yes.

Chairman Olenius stated just monitoring it.

Ms. Drake stated that's all it is, is monitoring. And...

Chairman Olenius stated kind of like a home having a fire alarm that...

Ms. Drake stated exactly. Yes.

Chairman Olenius stated calls in.

Ms. Drake stated that's exactly how you can think about it.

Mr. Palumbo stated that's a good analogy.

Ms. Drake stated that's a great analogy. And the substation, so everyone knows, it's monitored I would say maybe other every other day. There's always a walk only because, you know, we've just got to make sure everything's intact and no one's broken into the fence or anything like that. But, it's... You put it beautiful. That's what it is.

Mr. Palumbo stated if I can get one thing from the site plan, if you're out there the area is heavily grown up. And there is a small path about two or three feet at the most around the fence. So around the sides and the back, there is still, you know, 10 to 20' of NYSEG property that is still providing screening.

Ms. Drake stated right.

Board Member Buzzutto stated are you purchasing additional property to expand this.

Ms. Drake stated yes we are. Yes. We have to purchase that property...Because we can't fit the control house in. And that will be the second...

Mr. Palumbo stated it's right here [referring to the site plan].

Board Member Buzzutto stated okay.

Ms. Drake stated that's the next variance that we're going to ask for. We approached the neighbor, as Gary said earlier, to see if we could put that there. And you can see that it's really hugging the initial property line. Again, we tried to keep it away from...as far away from Mrs. Dressler's property and her house as possible and keep it as close to our equipment as possible.

Board Member Buzzutto stated oh, that's in the back of the property. So that's not facing...

Chairman Olenius stated no.

Board Member Buzzutto stated not facing Mooney Hill [Road].

Chairman Olenius stated it's behind the existing.

Ms. Drake stated no. Everything will be...When you go to the substation, you know, it is on the road. There's no two ways about it. It's right there. But if you go to the substation and you look into the substation, it's going to be behind...

Board Member Buzzutto stated it's in the back.

Ms. Drake stated in the back.

Board Member Buzzutto stated it's not coming out on...

Ms. Drake stated it's is not going to...

Board Member Buzzutto stated on the Mooney Hill side.

Ms. Drake stated the front of the property will not change at all, okay.

Mr. Palumbo stated the substation is 18' wide, 12' deep, and at the peak it's 13' high.

Ms. Drake stated right.

Mr. Palumbo stated and it will be behind the existing...

Ms. Drake stated behind...

Mr. Palumbo stated equipment.

Ms. Drake stated that box, yes.

Mr. Palumbo stated we started by trying...by mapping the existing equipment and there's a set radius or buffer you have to be away from that. And we tried all sides to see where it would fit. To meet that minimum buffer we ended up being right on the property line and that's when we approached buying a 35' strip.

Ms. Drake stated yes.

Chairman Olenius stated and how does...This building comes in on a truck or a trailer.

Ms. Drake stated it will be a pre-fab building and it will be actually, you know, pre-fab. You know, walls, everything will be built in except for the actual sensitive equipment. And they'll actually just build it right there on the site.

Chairman Olenius stated and does it have to sit on a concrete pad.

Mr. Palumbo stated yes.

Ms. Drake stated yes it will. Yes.

Chairman Olenius stated so you'll be expanding the gravel (inaudible) straight towards this building as well.

Mr. Palumbo stated yes.

Ms. Drake stated yes.

Mr. Palumbo stated everything inside this fence will be gravel as it is today.

Ms. Drake stated yes, right.

Mr. Palumbo stated so as the fence goes out about 20'...

Ms. Drake stated yes.

Mr. Palumbo stated the gravel will go out about 20'.

Ms. Drake stated right and there'll be, you know, like...as you know, there's no vegetation within the substation and then there is that 2' parameter around so they can actually can walk around to visually look at it. This...We have really studied this substation to try to find the best location, you know, to have it work all around the vegetation as he said. You know, if you've been out there or went past it, there's vegetation all over. And we plan on keeping it that way. We will also be screening around where the silt fence is. But we'll also be screening Mrs. Dressler's area, too, because she'll be directly looking at it. But we will screen that for her.

Board Member Buzzutto stated the existing tower that shows here, is that going to be changed at all. This one here.

Mr. Palumbo stated no.

Board Member Buzzutto stated this...

Ms. Drake stated oh, none of that changes.

Board Member Buzzutto stated none of that changes.

Mr. Palumbo stated the transformers and the structure are part of the existing substation equipment. They're not part of this proposal.

Ms. Drake stated no.

Mr. Palumbo stated this is just the 12 x 18 x 13 feet tall control house which is in the back of the property.

Board Member Bodor stated the existing fence, if I heard you correctly, is 6' with a one foot barb on top. And that's exactly what you're going to replicate.

Mr. Palumbo stated yes. Yes. And we've added that detail to a landscape plan that is going to show the plantings at the rear.

Chairman Olenius stated I'm going to open it up to the audience now if you have any comments or questions. You've just got to come up, state your name one more time.

Dave Harrison stated yes.

Chairman Olenius stated new case.

Dave Harrison stated hello. My name's Dave Harrison. I live at 121 Cross Road. I happen to be across the street from this unit. And I'd like to address a couple of points. I don't know, do any of you have a picture of what the substation looks like in front of you. Okay.

Chairman Olenius stated well, a smaller picture.

Dave Harrison stated okay, well, when you look at the size of the building they're putting in there, I mean, the technology they're talking about...I work electronics and I don't understand why you don't have a box that's 1' x 1' that can do this, right.

Ms. Drake stated no. No it cannot.

Dave Harrison stated well, I mean, that's what you guys have. I mean...

Ms. Drake stated oh, yes. I'm sorry. Yes.

Dave Harrison stated but in theory, I mean, right now...Is open yard warehousing allowed use in this site. Because for years they store, you know, excess equipment there. It's not stuff that gets put in there. So I'm trying to figure out do they have a nonconforming use for this.

Board Member Bodor stated are you saying that they're storing...They're bringing things in, mobile things, and storing stuff.

Dave Harrison stated not mobile things, equipment. Transformers, I mean it's like a warehouse now. And that's what makes me think we're that we're putting a warehouse in here now because the switching equipment and the monitoring equipment, in today's technology, small stuff. You can do most of what they're talking about with a cell phone, right. I mean, higher voltages, right. But I would tell you that there's a need to do something in our area because we live through last year and since I sit across from there, they have guys there four and five times a week. I mean, that station in particular must have over a dozen over an hour outages. Now, I happen to have a lot of friends that used to work for Central Hudson and they would tell you that the reason we have outages is because the lines aren't maintained. Right, so...The monitoring equipment, I don't know what it's going to give us as far as reliability and service ability. But I think you ought to get that documented before you have some kind of variance because I don't know what the root cause, and I don't know if this equipment, will actually tell you that we've had a vine growing on the pole that's gone to the hotwire for six months and hasn't been addressed. I don't know if it's smart enough to do that. I might, but I think you ought find that piece of information out. And I don't understand why the unit has to be that big. I understand that they do have a buffer of property around and here's what the site actually kind of looks like on one side [referring to a picture that he took]. I mean, you see the kind of nasty, rusty fence and the bramble, right. I don't think that's really in the character of what you want as screening. It looks like, you know, I'm next door to a tentament in the Bronx, right. There are a lot booster stations. The one on Haviland Hollow Road looks very, very nice. If you're going to upgrade this one I would say, you know, put a buffer around and actually dress it up. You know, and have a maintenance clause on the site plan to maintain the fence. But I would agree with NYSEG that you got to do something about the station. I mean, I'm relatively luckily because I understand the unit is split in half. And the Town half suffers more than I do. But I went and bought a generator, right. And you'll see someone that's on your list tonight [referring to the agenda] going to do a generator, right. So, the service ability and the reliability of what we have

in the Town clearly needs help, right. So I'm not saying there shouldn't be something done here but as far as what you've got sitting in front of you, I mean, are we going to have manufacturing...are we going to have warehousing here, right. Because that appears to be what we've got already. And it's open yard and if they put it in a building it's a little better. But, I wouldn't think that's the character that you want to do. I also don't understand why the technology has to have a building that big. But, If you look at the footprint of the unit, a lot of it's going to be screened in behind the equipment that's already there, right. Because if you look dead on to the thing, I think you're looking at transformers that, I think they're standing at 9' tall. I don't know 100%. But say you're looking at an additional 3' over the top of it. I would like to see what the house looked like. Do you have one of those units out on Haviland Hollow.

Ms. Drake stated no. But what you could look at...

Dave Harrison stated oh, okay. That [referring to plans].

Mr. Palumbo stated we have the building elevations for the 12' x 18' structure here. There is just...There's one man door. It's a steel building. The color Deb knows.

Ms. Drake stated it's beige and white.

Mr. Palumbo stated beige with a white roof.

Ms. Drake stated right.

Dave Harrison stated so it's kind of like the equipment that is there.

Ms. Drake stated yes it is.

Dave Harrison stated I mean it's kind of grey.

Ms. Drake stated yes.

Dave Harrison stated but it's not like it's pink.

Ms. Drake stated no.

Dave Harrison stated which that would shock people.

Ms. Drake stated yes right. Exactly.

Dave Harrison stated so that's alright. And interesting, did you get your wetlands variance already.

Ms. Drake stated no. We're in front of the Planning Board now and we've filled out the EAF and we haven't been...It hasn't come back to us yet.

Dave Harrison stated oh, okay. So the you're going to be back.

Mr. Palumbo stated the Planning Board.

Ms. Drake stated we're not...

Dave Harrison stated they have me coming back in July for a variance on wetlands, right, so that's the only reason I know because...

[Laughter].

Ms. Drake stated yes. We're still in front of the Planning Board and as Gary said, we did get feedback from the Planning Board about the silt fencing but we needed to around that stream. The stream. Like Gary said earlier, was probably a foot wide, unmeasurable water flowing through there right now.

Dave Harrison stated and it's going to be that way all summer.

Ms. Drake stated it will be. We agree. And we're happy with that. And I can address...

Board Member Buzzutto stated so basically you're not objecting to the plans. You just want the stipulations is what you're...

Dave Harrison stated well, I think something has to be done because, I mean...

Board Member Buzzutto stated yes.

Dave Harrison stated for the community you have to do something.

Board Member Buzzutto stated the upgrade...

Dave Harrison stated right. An upgrading is good and I'm just worried about it because it's part of the SEQRA process you have the capability of, I mean, of actually...

Board Member Buzzutto stated right.

Dave Harrison stated work with these type of boards where you can layout the flora and fauna, within reason, right. I mean, you don't need anything terribly fancy. You're just trying something that looks nice. Alright, and that's with...I realize it's subjective but...

Ms. Drake stated yes.

Dave Harrison stated but you know, just a few plantings that actually keep some of the barrier away. And there is a deer crossing right through there. So giving people a little bit of headlights. I know that Simone [Ehmann] and Joachim [Zink] who live on the north side of this have done a fair amount of work on their driveway to try to make it look nice. And it would be nice if we could be, you know, kind of consistent over there. I'd actually be willing to spend more time with a weed whacker on that side just if it would match. Right now it doesn't seem to be worth the time. So that's kind of my questions and, you know, concerns. Is that the site actually be maintained; fence painted routinely, every 10 years or so. It doesn't look like it and, you know, the gates kind of fixed every once in a while. But I happen to know it was middle of winter when that gate got damaged and there was nothing the guy could do. He was backing up and he just missed it by 6 inches and nailed it really good. We all...I just happened to be standing outside and I just...Bang. And they fixed it pretty good. I mean, it still hangs there.

And that's... Those are the type of things that I would be concerned about as well as, you know, what's the reliability that we're going to have. Because, you know, most of the time when the power goes out here, if we're done, we're the first to call. And I think most of the people in the village are the people who actually report these things. I would be nice if the monitoring equipment actually gave you a view of that type of stuff as well as thinking, you aren't the Planning Board, but the Planning Board ought to think about what's the critical path of the power that comes to the village. I mean, we don't have a hospital here, so that type of planning probably... might not have been done, but it's good to think about where are the trunks that are coming through and what lines really do need to be maintained and the process you're going through right now is the only way I know of, as a mere mortal, to have those kind stipulations put in to something that's legally binding. Because there are... You will find problems with people who like to hug their trees. It's just that when your beautiful tree falls down and it takes three weeks to restore power to the guy at the end of, you know, subdivision, it's not necessarily fair that you keep your tree in its position. And that's all stuff that has to be done very delicately in code. And I'm clearly not a legal, bright enough mind to do it. But it has been done in a number of communities that would give, you know, NYSEG an opportunity to go in and deal with trees that they otherwise might have a fair amount resistance to. Because we... you could see all around. I mean, we were lucky the storm brought a lot of that stuff down and it had to be temped and fixed but some of the flora and fauna we have the vineage is extremely aggressive. The bittersweet here, I don't know how it evolved but it's just unbelievable because, you know, it will go 9 and 10 feet in the air. So the line maintenance is, I think, is also something to think about. And those would be my public comments.

Board Member Buzzutto stated could you address the situation of storing extra parts or...

Ms. Drake stated I'll address all of that.

Board Member Buzzutto stated can you explain that or...

Ms. Drake stated yes. I absolutely can.

Board Member Buzzutto stated if that's customary...

Ms. Drake stated yes.

Board Member Buzzutto stated or it's something...

Ms. Drake stated it's not. And what you'll see at all of our substations... Haviland Hollow's a great example. We are having equipment delivered to all our substations. These thirteen right now are getting a lot of equipment delivered. They'll be in the boxes or the, you know, they're protected but they are being delivered. They're being delivered I'd probably say...

Board Member Buzzutto stated well, that's just temporary. They'll be used.

Ms. Drake stated right. Exactly. This is definitely not a warehouse. And we would not have it as a warehouse because it's unprotected. Okay, that's number one. The actual control house is 12' x 18'. That has to be the size for the equipment that's going in there. This equipment will not address the vines or the trees that fall or anything like that. It's not... But it will respond to the fault or the outage that's on a line. We will be able to say that something happened on that line. What it is, we might not be able to tell right away unless someone gets out there. But if

there's a capability of switching it to another circuit, they'll have the capability of doing that up there at the control center.

Chairman Olenius stated remotely.

Ms. Drake stated remotely. Okay. But again, it will definitely never do the vines or the trees, okay. And they do grow. I mean, it's horrible. I mean, it's just constant. For the Brewster division what I can tell you for sure, and we're part of it because we're the Real Estate Department, is that they are forester and it's been a mandate to clear lines huge in this area. Southeast is one of the Towns if, you know, if it's close to where you are that corridors are being cleared and it's all part of what happened last year twice to the Brewster Division and there is a campaign to get those distribution lines clear. The transmission lines are on a five year cycle. And believe me, in five years, all those trees grow right back up. It's just a never ending cycle. What else did you say. The fence, the actual chain link fence, it's natural. We don't paint them. You know, if we do find... That's why they walk around. If they do find, like say, some of those links are starting to break they will replace. It is a security issue for us so we will do that. We do our best to respond when there's an outage or something. Again, you know, it's unforeseen. A lot of the stuff that happens that we're responding to is acts of nature, so to speak. And I really don't like using that but, I mean, if there's a tree that comes down or there's a heavy wind, sometimes it will just take it... I mean, a car could take a line out and it's just something that we've got to respond to.

Chairman Olenius stated so with this new system that you're intending to put in place here, my assumption now is Binghamton is going to get a light that says there's a problem on...

Ms. Drake stated right.

Chairman Olenius stated circuit 429. So you would be able to dispatch a line crew prior to actual residents having to call in and say I have no power. Like...

Ms. Drake stated no because everyone calls in. As soon their lights go out, you're calling in.

Chairman Olenius stated but you would already know about it.

Ms. Drake stated we would probably already know about it.

Chairman Olenius stated okay.

Ms. Drake stated okay. And we would definitely know about the transmission lines. Like I said, there is a Star Wars board that as soon as there's a fault, it's there. But also, you know, and I don't know the technical stuff. If I really had to get technical I'd have to bring in one of our substation guys. But his equipment is high tech. And it's like I said, this Brewster Division is the first that's getting it out of the thirteen substations that I mentioned earlier. You're on the cutting edge right now.

Board Member Buzzutto stated you still didn't address what you're going to do about the storage of the extra transformers.

Mr. Palumbo stated they're not transformers.

Ms. Drake stated no, no. This is...

Board Member Buzzutto stated well, whatever you...

Ms. Drake stated going to be part of the...Oh, yes. I'm sorry. That's all going to be stuff that we're going to be actually working on the equipment that's there now just, just upgrade it and maintain it. That's just our routine change out. And a matter of fact, we have a letter here that I can share with you. Part of the equipment that's being delivered, that's in the substation right now, will be opened, used and installed on those...

Board Member Buzzutto stated right. Okay.

Ms. Drake stated the stuff that's there now, okay.

Mr. Palumbo stated separate from the control house.

Ms. Drake stated separate from the control house.

Board Member Buzzutto stated yes.

Ms. Drake stated okay. This is a routine maintenance. So, probably by year's end or before the weather actually hits, that will already be...that will be out of there, okay. And again, we do not store equipment on our substations. And I said it, and I know I'm just repeating myself again, but you go to Haviland Hollow you can see that we have a lot of equipment delivered there only because it's a bigger footprint right now so we have to move it around. We can move it around. But our SPC Foreman, we are going to be taking out some of the breakers right now because one of the letters that a resident did send in to the Board that asked about PCBs; there's no PCBs in any of our substations. Everything changed in the industry to mineral oil. And you might already know this but mineral oil. Anyway, that's also going to started to be moved out and that's part of the equipment that's being delivered. So what they're going to go to is a vacuum system now and not. You know, (inaudible) PCB for all the substations, you know, all over the place. Then they went to mineral oil and now they're going to a vacuum system, so that will be out of there, too.

Chairman Olenius stated so it's more environmentally friendly.

Ms. Drake stated absolutely.

Mr. Palumbo stated yes.

Board Member Buzzutto stated communication back to Binghamton, will that be landline phone or will it be radio or...

Ms. Drake stated it will probably be a signal.

Board Member Buzzutto stated signal.

Ms. Drake stated you know, it will be a signal.

Board Member Buzzutto stated will that interfere with television.

Ms. Drake stated it shouldn't .

Board Member Buzzutto stated it shouldn't.

Ms. Drake stated no.

Mr. Palumbo stated it's not point-to-point microwave.

Ms. Drake stated yes.

Board Member Buzzutto stated it won't interfere with that for the...

Ms. Drake stated no.

Board Member Buzzutto stated local residents.

Mr. Palumbo stated no.

Ms. Drake stated and we don't want anything to even interfere with any of our communication because we have our own...

Board Member Buzzutto stated yes.

Ms. Drake stated radios for emergencies and stuff like that. None of our equipment interferes with anything because if our guys were working there and there was an incident...

Board Member Buzzutto stated right.

Ms. Drake stated you know, they're going to their truck, they're radioing out. There cannot be no static at all.

Board Member Buzzutto stated okay.

Ms. Drake stated so... Yes.

Board Member Buzzutto stated I don't have any more.

Chairman Olenius stated and you did discuss a, I can't think of the word now, but a planting...

Mr. Palumbo stated yes.

Chairman Olenius stated that's what you're submitting to the Planning Board though.

Mr. Palumbo stated yes.

Chairman Olenius stated that is not our prevue.

Ms. Drake stated yes.

Chairman Olenius stated I just...

Mr. Palumbo stated correct. I just wanted...

Chairman Olenius stated I know he [referring to Mr. Dave Harrison] remarked about it and I just wanted to make sure that he...

Mr. Palumbo stated we didn't know.

Chairman Olenius stated we don't have prevue over that. That...

Mr. Palumbo stated because...

Chairman Olenius stated will be submitted to the Planning Board for those type of things.

Mr. Palumbo stated because we got comments from the Planning Board before we were here. We didn't want to ignore that.

Chairman Olenius stated right.

Mr. Palumbo stated but there is going to be a landscape plan. It is showing enhanced landscaping between the fence and the creek and, as Deb said, unrelated to any action of the Board, but the neighboring property is going to be able to plant back here for their own screening.

Ms. Drake stated and we do prefer, you know, I mean, we want to make sure that, you know, we're trying to be residential friendly. I mean, we're in a lot of residential...Haviland Hollow happens not be in a residential area, but we're sensitive to it and, you know, if we can put the screening up we most certainly would. We prefer everything natural. We don't want to, you know, continue...Like, we wouldn't go and paint a fence or, you know, something along that line. We would, you know, enhance it by, you know, the plantings that we're going to be recommending to the Planning Board that we're going to plant. The plantings that Mrs. Dressler's going to do. They're far enough away that so the height of what she wants will not interfere with even the electric lines. So, you know, we're happy with that. And there's not a lot of room on each side to, you know...The natural foliage, or leaves or plants or whatever they are, pricker...You know, pricker bushes, they just grow up every year and they die down. And I do say, like I said before, we do maintain that 2' or 3' around the substation.

Mr. Palumbo stated and there's just...There is not room between the gates and the right-of-way to plant anything in front.

Ms. Drake stated and if I may just jump...Go ahead.

Chairman Olenius stated I'm just clarifying. You mean between the gate and Mooney Hill Road.

Mr. Palumbo stated correct.

Chairman Olenius stated that parking area.

Ms. Drake stated yes, there's just a little...Yes.

Mr. Palumbo stated the right-of-way line, it's too close.

Ms. Drake stated yes.

Mr. Palumbo stated and that kind of goes down to the...The essence of the issue is it's a nonconforming lot. And, you know, with 75 [feet] by 100 [feet], as things have evolved since 1936, it's just not enough room.

Ms. Drake stated yes. And if I may just, you know, take the liberty, you did get a letter today from one of our neighbors [referring to the letter from Mike Quis]. And I did make a phone call to our substation foreman to find out what the problem was. On his first thing about an explosion and a smoky fire. There was a lightning arrester. We do have lightning arresters on top of the equipment. If it gets hit, it's going to have a problem, okay. But it wasn't any equipment inside the sub[station].

Board Member Buzzutto stated that's...

Ms. Drake stated inside...You know, I'm sorry. Not the equipment itself that was hit. It was the actual lightning arrester on the top.

Dave Harrison stated that's not completely accurate because I was out in my yard when that happened. It actually exploded from the equipment, but that's neither here nor there. But Mike's wife saw it also, so you're going to have a really tough time with that one.

Ms. Drake stated yes.

Dave Harrison stated as well as you have a very tough time with this I'm storing stuff on there.

Ms. Drake stated yes.

Dave Harrison stated because I've lived here forever and you use it as a warehouse lot.

Ms. Drake stated okay. I mean, I most certainly...

Dave Harrison stated so I think, I mean, I'll take it up with the Planning Board if that's their prerogative because I think we need to get to a fact based discussion.

Ms. Drake stated yes. And I most certainly will, whatever the Board's pleasure is, submit a letter to that effect. You know, exactly what, you know, if you want me to look at the incident, I most certainly will. And if what I said about the storage, routine storage at the substation is not true, I'm going to find that, you know, an issue. Okay, but I will certainly come back to you. If there is...

Dave Harrison stated well, here's the thing. If it's spare parts for that unit then that's a reasonable request and it's not...

Ms. Drake stated no, it's not.

Dave Harrison stated a huge building you're going to put in.

Ms. Drake stated no, it's not. It's not normally. What they will do at times, I will say this, is at times if they're working on a line, let's say they're rebuilding a line, and I don't even necessarily believe this is the case, but I know in other substations it has been the case. They will put, like, maybe three or four transformers only because they're delivered in a bunch ready to go to do a line; a reconductory line or something like that. But I will definitely get to the bottom of the storage of what you're saying.

Mr. Palumbo stated right now, those are not transformers in the yard.

Ms. Drake stated no. Not at all.

Mr. Palumbo stated and this purpose of this 12' x 18' building is not to store...

Ms. Drake stated no.

Mr. Palumbo stated the other equipment. It's for the switching equipment and monitoring equipment.

Ms. Drake stated yes. There will definitely be no storage in this building. I can...That's definite.

Board Member Buzzutto stated can you read that into the minutes, Mike Quis.

Chairman Olenius stated sure.

Board Member Bodor stated you want that read into the record.

Chairman Olenius stated I will. I just wanted to...

Board Member Buzzutto stated okay. Go ahead.

Chairman Olenius stated no, I'm not...With the...With respect to what you're saying about this building not being a warehouse...

Ms. Drake stated yes.

Chairman Olenius stated in so far as if the building is indeed what you submitted, I don't see how it could be with the man-sized door in there. I did not see a garage door or a double door.

Ms. Drake stated no.

Chairman Olenius stated it looked like a regular 3'...

Ms. Drake stated it's a regular door.

Chairman Olenius stated yes, door.

Mr. Palumbo stated and there's also the equipment layout plans are available. It's was the Building Department (inaudible).

Chairman Olenius stated okay. Do I necessarily have to read this whole letter in. Can we just submit it to the record.

The Secretary stated and I can put it in, yes.

Chairman Olenius stated put this in there. From the neighbor Mr. Quis.

Dear Members:

We live at 112 Cross Road and look directly at the sub-station. During our 32 years in Patterson this sub station has expanded far more then it should have in a residential neighborhood.

We ask that there cases be denied for the following reasons:

1. Just two weeks ago there was an Explosion and a Smokey Fire at the unmanned location and we had to call the fire and electric company. We lost power all during the episode. This goes on all too frequently at this location.
2. The real estate values of all the residences in the area are reduced because it is an eye sore as well as a danger. This will be a permanent loss of tax dollars to the town.
3. There are children in the area and it causes great risk to the children not only from electric shock but also from the electronic fields it produces.
4. The 7 foot fence will make it even more commercial and ugly in a residential neighborhood.
5. You should ask the electric company about the PCB danger in the station and the danger to the stream next to it at the base of the hill.
6. The station should be moved to a remote location away from our families.
7. A control house would be an attraction to the children and teenagers in the area.

Thank you,
Michael Quis
Nancy Quis

Board Member Buzzutto stated I don't know how far he lives from that. How far does Mike live. Just...

Dave Harrison stated okay, his house...I own the lot that's right here, it's one acre [referring to the site]. His wife was sitting in the pool about right here with a straight shot, unencumbered view of the whole thing. So, I mean, and it was very loud because I was working on a light, fixing a light right about here because my house is about here and the light was here. And it sounded like a 12 gauge going off and then there was a plume of smoke that rose instantly at about 60 or 70 feet but then it dissipated. So by the time the fire company got over there, you know, they said, well we're just going to wait till NYSEG comes. And they arrived around two or three hours later, so that's...So if the dispatching equipment actually enhances maybe that, you know...But then, you know, you also got to understand that it was...I don't know why these

things happen on Memorial Day...I think it was Memorial Day Weekend. You know, you never can. It's like when some kid breaks his tooth, the dentist...it's like Saturday afternoon, right. That office is closed. And I spent a lot of time the guys are probably killing themselves to keep this stuff working, so...

Ms. Drake stated just to help me out...

Dave Harrison stated but something...

Ms. Drake stated was there an outage at the same time.

Dave Harrison stated oh, yes.

Ms. Drake stated there was.

Dave Harrison stated it took both sides out.

Ms. Drake stated okay.

Dave Harrison stated because I understand the thing...Because Mr. Quis is on a different side than I am. So I...He doesn't fare nearly as well as I do because I seem to be on the uphill side. But they go out much more than we do and I don't know why that is.

Ms. Drake stated just so the Board knows, this is a permanent record for us. So this is not an issue for me to find out what happened.

Mr. Palumbo stated thank you.

Board Member Buzzutto stated any input from the audience over there. I don't think so.

Chairman Olenius stated anything else.

Board Member Buzzutto stated is there any input from out there.

Chairman Olenius stated did we get all the input from the audience. We did. Okay. Alright, I'll make a motion to close the public hearing.

Board Member Herbst stated second.

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

Chairman Olenius read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
NYSEG, Case #14-12
For an Area Variance for a 7' Fence**

WHEREAS, NYSEG is the owner of real property located at 520 Mooney Hill Road (R-4 Zoning District), also identified as Tax Map Parcel # 3.-1-28, and

WHEREAS, *NYSEG* has made application to the Patterson Zoning Board of Appeals for an area variance pursuant to §154-15 A. of the Patterson Town Code; Fences, stone walls and masonry walls, in order to extend the 7' fence around the proposed 12' x18' control house; and

WHEREAS, §154-15 A. of the Patterson Town Code states that a fence shall not exceed 6' in height from ground level to the highest point of any portion of the fence; Applicant is proposing a fence 7' from grade; *Variance requested is for 1'*, 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 20, 2012* 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 expansion is directly behind the existing structure.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because the fence is necessary for protection of neighboring persons and properties.*
3. the variance requested *is not* substantial *in that it is only a 16% increase.*
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 fence is to protect physical conditions in the neighborhood and in so far as the environmental, the area exposed will be filled with gravel not asphalt; not a fully impervious surface.*
5. the alleged difficulty necessitating the variance *was self-created however is not sufficient* so as to cause a denial of the requested variance.

NOW, THEREFORE BE IT RESOLVED, that the Patterson Zoning Board of Appeals hereby *grants* the application of *NYSEG* for an *area variance of 1' pursuant to* §154-15 A of the Patterson Town Code; Fences, stone walls and masonry walls, in order to extend the 7' fence around the proposed 12' x18' control house.

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 read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
NYSEG, Case #14-12
For a Use Variance for Expanding the Site**

WHEREAS, NYSEG is the owner of real property located at 520 Mooney Hill Road (R-4 Zoning District), also identified as **Tax Map Parcel # 3.-1-28, and**

WHEREAS, NYSEG has made application to the Patterson Zoning Board of Appeals for a use variance pursuant to §154-53 (A) of the Patterson Town Code; Change to other nonconforming use, in order expand the existing substation compound in order to install a 12' x 18' control house, and

WHEREAS, §154-53 (A) of the Patterson Town Code states that a nonconforming use shall neither be changed as to area or occupy a different portion of the lot, or portion of a building thereon, than it did on the effective date of this chapter or any amendment thereto, nor changed in any manner so as to diminish any conforming use or dimension, and

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

WHEREAS, a public hearing was held on the Application at the Patterson Town Hall, 1142 Route 311, Patterson, New York on **June 20, 2012** 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 improvement *is* necessary to render safe and adequate service
2. the improvement *is* the minimum necessary to provide the service.
3. There *is no* other practical alternative location, technology, means or methods to provide service that would minimize the impact to the community.

WHEREAS, that the Patterson Zoning Board of Appeals has reviewed the environmental assessment form and other documentation and finds the proposed action **will not** have significant effects on the environment for the following reasons:

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

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

NOW THEREFORE BE IT RESOLVED that the Patterson Zoning Board of Appeals issues a *negative* SEQRA declaration, and

BE IT FURTHER RESOLVED, that the Patterson Zoning Board of Appeals hereby *grants* the application of *NYSEG* for a use variance *pursuant to* §154-53 (A) of the Patterson Town Code; Change to other nonconforming use, in order expand the existing substation compound in order to install a 12' x 18' control house.

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.

4) **NYSEG (Dressler) Case #15-12**

Ms. Debbie Drake, Supervisor of NYSEG's East Region Real Estate Office, and Mr. Gary Palumbo, Senior Planner with URS Corporation, were both present.

Chairman Olenius stated you might as well read the next one [referring to the next legal notice].

The Secretary read the following legal notice:

NYSEG (Dressler) Case #15-12 – Area Variance

Applicant is requesting an area variance pursuant to §154-7 of the Patterson Town Code; Schedule of regulations, in order to perform a lot line adjustment. NYSEG wishes to purchase an approximate 100' x 35' for their West Patterson substation from Sandra Dressler. Dressler's property will go from 59,181 sq. ft. to 55,568 sq. ft. The Code requires a minimum lot area of 174,240 sq. ft. in the R-4 Zoning District; Variance requested is for 118,672 sq. ft. This property is located at 177 Route 292 (R-4 Zoning District).

Chairman Olenius stated please state your names one more time because it's a new case, please.

Ms. Debbie Drake stated Debbie Drake, Supervisor of NYSEG's East Region.

Mr. Gary Palumbo stated Gary Palumbo, Senior Planner with the URS Corporation.

Chairman Olenius stated and just explain one more time on the record the purpose for you acquiring this...

Mr. Palumbo stated we'll be much quicker. As we discussed earlier, in order to site the control house on the existing 75' x 100' lot that NYSEG owns now. There was no alternative of where we could site the control house. We wouldn't...the alternative...The only likely alternative was the east and because of the creek and the amount of fill there and the existence of the stone driveway; it's necessary for staging of the bucket trucks to be looked at the rear. We minimized the additional land to be purchased by bringing the control house to the very minimum possible between the control house and the existing equipment. We are purchasing 35' x 100', or 3,500 sq. ft. property from the adjoining owner. Both lots are nonconforming. We are increasing the nonconformity in area for the Dressler property but actually, by the same amount, making our lot that much bigger. I don't know if there's any questions that we have not already talked about.

Chairman Olenius stated this property in question, I drove by there actually this afternoon, and it looked to be relatively heavily wooded to me. Like she had preserved some type of natural buffer with trees and...

Ms. Drake stated what it is, it's actually where the line basically is. Maybe go another, you know, from our line, go another 10' is where her trees are, where she's mowed up to.

Chairman Olenius stated yes.

Ms. Drake stated where that tree line is, minor tree line that she has, she'll be planting...That's kind of like where like our...

Mr. Palumbo stated you can't see...

Ms. Drake stated right.

Mr. Palumbo stated the creek area...

Ms. Drake stated yes. You have to actually go...

Mr. Palumbo stated from Cross Road you see across her yard and then the existing vegetation, the creek is in there and then the substation.

Chairman Olenius stated okay.

Mr. Palumbo stated and she will be planting additional trees on her property, not on NYSEG property up here which will be about 40' away from the existing property line [referring to the site plan].

Chairman Olenius stated so you're planting trees and she is planting trees as well.

Mr. Palumbo stated yes. We're planting trees between the proposed control house and the stream...

Chairman Olenius stated okay.

Mr. Palumbo stated area. And she's going to plant trees on her property, just on the other side of the new property line.

Ms. Drake stated and when you look at it, this is really wooded. There's like a little opening here. But basically, we're not taking any of that out. That, we're just going to keep that the way it is. But right around here, you know, where we have to push back, like you said, we'll be planting that for the Planning Board.

Chairman Olenius stated any comments.

Dave Harrison stated just the other, about making the whole site look better. I appreciate the accommodation that my neighbor is making to make it larger because I think that's nice because any other place you put it the building that is large is going to be even more obtrusive and she is apparently going to take the brunt of that. My only concerns are just, you know, general maintenance of the site and Haviland Hollow is maintained far better than this one. My humble opinion.

Chairman Olenius stated those would be requirements that the Planning Board would set.

Dave Harrison stated yes. Yes, I hear that.

Chairman Olenius stated we don't have that prevue.

Dave Harrison stated I got the message.

Chairman Olenius stated right now. This is so they can get to that Planning Board stage basically.

Dave Harrison stated which is, you know, it's all a process.

Mr. Palumbo stated one additional point to answer your question about what you can see from her property: We are only clearing the minimal amount necessary behind the existing equipment to put in the substation. We are not... We don't intend on clearing all the way to the creek and definitely not the entirety of the 35' deep property.

Chairman Olenius stated so you're not clear cutting. You're only doing...

Ms. Drake stated none of this...

Mr. Palumbo stated no, no.

Dave Harrison stated here's a picture from the road, if you'd like. You can see straight to the side of her house.

Chairman Olenius stated yes.

Dave Harrison stated yes.

Ms. Drake stated yes, there's an opening.

Dave Harrison stated and the openings are deer path.

[Laughter]

Dave Harrison stated so having a high fence would be a good thing.

Ms. Drake stated we love those deer.

Dave Harrison stated well, you know, they can jump...

Mr. Palumbo stated there are two fences, actually. There's also an animal fence in there.

Ms. Drake stated we don't plan on taking anything out. Anything out here at all, here, or here [referring to the site plan].

Dave Harrison stated well, that drops off precipitously, doesn't it.

Ms. Drake stated no.

Dave Harrison stated about 4 or 5 feet.

Mr. Palumbo stated well, yes.

Ms. Drake stated well, maybe 4 or 5 feet, yes. Yes.

Mr. Palumbo stated it drops off more to the side than it does to the rear.

Dave Harrison stated right.

Mr. Palumbo stated which is one reason why we went to the rear.

Ms. Drake stated yes. Definitely.

Chairman Olenius stated are you guys good.

Board Member Buzzutto stated yes, I'm alright. I just wanted to make sure they were authorized to act as the agent for...

Chairman Olenius stated I did read that.

Ms. Drake stated yes. She did sign everything.

Board Member Buzzutto stated I just found it. Okay.

Ms. Drake stated and she's on vacation. She would have been here tonight.

Board Member Buzzutto stated yes, okay.

Ms. Drake stated she's on vacation. And we were inviting her to all the meetings just so she could...

Board Member Buzzutto stated it's just a technicality.

Ms. Drake stated yes. I agree with you. That's no problem.

Chairman Olenius stated I'll make a motion to close the public hearing.

Board Member Burdick stated second.

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

Board Member Bodor stated I'll read it.

Chairman Olenius stated I see you writing. You've got better notes than I do.

Board Member Bodor read the following resolution:

**IN THE MATTER OF THE APPLICATION OF
NYSEG, Case #15-12
For an Area Variance for Lot Area**

WHEREAS, *Saundra Dressler* is the owner of real property located at 177 Route 292 (R-4 Zoning District), also identified as **Tax Map Parcel # 3.-1-29, and**

WHEREAS, the Patterson Planning Board has received an application for a lot line adjustment between the properties owned by NYSEG at 520 Mooney Hill Road (*TM# 3.-1-28*) and Saundra Dressler at 177 Route 292 (*TM# 3.-1-29*), and

WHEREAS, NYSEG 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, for lot area in order to allow for a lot line adjustment, and

WHEREAS, §154-7 of the Patterson Town Code requires a minimum lot area of 174,240 sq. ft. in the R-4 Zoning District; NYSEG's property is currently 7,500 sq. ft. and will become 11,113 sq. ft. with the proposed lot line adjustment, and

WHEREAS, *Saundra Dressler's* property is currently 59,181 sq. ft.; Property will be 55,568 sq. ft.; *Variance requested is for 118,672 sq. ft.*, 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 20, 2012* 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 land being acquired by NYSEG is directly adjoining their currently owned land.*
2. the benefit sought by the applicant *cannot* be achieved by any other feasible means *because placement of new technology housing requires separation from the existing equipment and it's not possible on the parcel that they currently own.*
3. the variance requested *is* substantial *because the square footages involved are large.*
4. the proposed variance *will not* have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district *because there is existing and planned screening which is quite sufficient.*
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 *NYSEG* for an *area variance of 118,672 sq. ft. for lot area* as required in §154-7 of the Patterson Town Code; Schedule of regulations, in order to allow for a lot line adjustment between Sandra Dressler's property (*TM#3.-1-29*) and NYSEG's property (*TM#3.-1-28*).

Board Member Burdick stated second.

Board Member Buzzutto stated just one second. How much property does she have there to start with. It's R-4. If you take all the property (inaudible), what is she going to have left.

Board Member Bodor stated she currently has...

Board Member Buzzutto stated one point...

Board Member Bodor stated 59,181 sq. ft. She's in an R-4 but that was not always R-4.

Dave Harrison stated right. That was just changed less than 10 years ago.

Board Member Bodor stated right.

Board Member Buzzutto stated yes, but that's all she's got. So how much are you taking from her. It's going to leave her with...

Board Member Bodor stated she has a nonconforming lot size to begin with and it's going to be decreased. Yes.

Board Member Buzzutto stated yes.

Board Member Bodor stated it stills falls in the same category, though.

Board Member Buzzutto stated everything she's got now will be really nonconforming.

Board Member Bodor stated it's...

Mr. Palumbo stated it's reduced by 3,500 sq. ft. and its existing is...

Board Member Buzzutto stated 1.36 acres.

Mr. Palumbo stated so that's forty...1.6 [acres] you said. So that's about 60,000 sq. ft. and we're reducing it by 3,500 sq. ft. So the reduction is smaller now...The reduction in size is not as significant as the nonconformity was before we stated. It's only 3,500 sq. ft.

Chairman Olenius stated so it's like 1.3 [acres]. You probably just take that 0.06 [acres] off.

Board Member Buzzutto stated okay. So these are just one acre.

Chairman Olenius stated it's really minimal.

Board Member Buzzutto stated I think about (inaudible). Well, alright.

Mr. Palumbo stated I wish I could do the math in my head, but I can't.

Board Member Buzzutto stated okay.

Dave Harrison stated and if you can, you'd be somewhere else.

Mr. Palumbo stated that's right. I'd be on wall street.

Dave Harrison stated yes.

Board Member Burdick stated second.

Dave Harrison stated well, no. They don't make money either. You have to go somewhere you can actually make money.

Board Member Bodor - yes

Board Member Buzzutto stated who seconded it.

Board Member Burdick stated I did.

Board Member Buzzutto stated okay.

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 Bodor stated okay. Go back to the Planning Board.

Mr. Palumbo stated thank you.

Chairman Olenius stated you're all set.

Mr. Palumbo stated which is better than going back to drafting.

[Laughter].

Mr. Palumbo stated we've already done that.

Chairman Olenius stated this is their current lot.

Board Member Buzzutto stated yes.

Chairman Olenius stated right here. This is how much they're taking.

(Inaudible – several conversations going on at once)

Board Member Buzzutto state okay. But this whole lot is only 1.36 acres.

Chairman Olenius stated right. It's already nonconforming.

Board Member Buzzutto stated yes.

Chairman Olenius stated by a lot. It's already nonconforming though, by 2.5 acres. Because it used to be the R-1 Zone.

Mr. Palumbo stated thank you ladies and gentlemen.

Board Member Burdick stated have a good evening.

Board Member Buzzutto stated well, she couldn't have done anything anyway. Okay. Just a question, you know.

5) MICHAEL RUDOLPH CASE #16-12

Mr. Michael Rudolph was present.

The Secretary read the following legal notice:

Michael Rudolph Case #16-12 – Area Variances

Applicant is requesting area variances pursuant to §154-27 A. (12)(b) of the Patterson Town Code; Permitted Accessory Uses, in order to install a pad and generator and propane tanks 2' and 1', respectively, from the side property line. Code requires that accessory structures be a minimum of 5' from the property line; Variances requested are for 3' for the generator/pad and 4' for the propane tanks. This property is located at 326 Lakeshore Drive (RPL-10 Zoning District).

Chairman Olenius stated Mr. Rudolph.

Mr. Michael Rudolph stated hi. My name is Michael Rudolph. I live at 326 Lakeshore Drive.

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

Mr. Rudolph stated yes I do.

Chairman Olenius stated thank you very much. Do you agree with what was read in the minutes there.

Mr. Rudolph stated yes.

Chairman Olenius stated so tell us a little bit about your request.

Mr. Rudolph stated well, last October, you just heard...

Joe Charbonneau stated you should make them stay [referring to the NYSEG representatives].

Mr. Rudolph stated yes.

[Laughter]

Mr. Rudolph stated I live on the [Putnam] Lake. So I have water table issues. I spent \$10,000, had a basement system put in. That's only any good if you've got power. So I finished my basement thinking everything was great and I went 4 days without power. So my pumps gave and...So my floor went. A lot of damage.

Board Member Buzzutto stated you want to put in a swimming pool. What more do you want.

[Laughter].

Mr. Rudolph stated so...

Board Member Buzzutto stated people aren't that lucky.

Mr. Rudolph stated not only that, I lost \$2,000 worth of salt water fish. I...Another thing, my son had a little...We had a little 1k generator that we'd run the pumps in an emergency. Well, I was away at work because I work in the movie business so I'm gone all the time. He knows how to start the generator. But, it ran out of gas. He went to refill it. It caught fire. So I said, you know, we need to get an automatic. So, I got the automatic [generator]. I got a great price. I said perfect. It will go right here. It has to be, you know, near the house. My panel is on that

side of the house so it was a perfect spot. But when I came, you know, I spoke to propane people. They said you need to get a building permit, because I'm new at this. Came, found out that where I wanted it isn't where you want it. So...But after looking around, I mean, I have a bunch of photos that I didn't bring them but I turned them in when I applied.

Board Member Bodor stated yes.

Chairman Olenius stated we have them.

Board Member Bodor stated we have a copy.

The Secretary stated I have color if you want to see it.

Mr. Rudolph stated I tried to make it as clear as possible. There's no place...I mean, somebody suggested put it close to the house. But it has to be 5' away from every window and that kind of thing and my house is every 8' is a window. So no matter where I put it, it wouldn't be within...And also, the propane tanks I thought, of great, I'll put them way up in the back. Suburban propane tells me they've got to be within 100' of the road so they can fill them. So now where the back of my house is a paper road, there's no road there...This is the only place I can put these tanks and generator.

Chairman Olenius stated oh, this Calverton Drive that's on the survey that you submitted...

Mr. Rudolph stated yes.

Chairman Olenius stated is not...It's...

Mr. Rudolph stated is not...It's bushes.

Chairman Olenius stated okay. Is this near the island house. Are you somewhere in that general...

Mr. Rudolph stated I'm a little ways further...

Chairman Olenius stated okay.

Mr. Rudolph stated further north. I'm on the corner of Fulton [Drive]. Not on the corner. I'm just one off the corner of Fulton Drive.

Chairman Olenius stated okay.

Mr. Rudolph stated it's just, you know, when the Lake gets high, my basement gets water.

Chairman Olenius stated if I'm standing on Lakeshore Drive...

Mr. Rudolph stated yes.

Chairman Olenius stated staring at your house, is this going to be on the right side of your home.

Mr. Rudolph stated the right side.

Chairman Olenius stated where you're proposing it.

Mr. Rudolph stated yes.

Chairman Olenius stated how close is that adjacent neighbor to where you're...

Mr. Rudolph stated I'm going to say 25 feet. Twenty to 25 feet. Well, from the generator.

Chairman Olenius stated that's really what I was...

Mr. Rudolph stated okay.

Chairman Olenius stated that's, yes. Thank you.

Board Member Bodor stated why can't the unit be moved further into the property.

Mr. Rudolph stated well, that's a gate. If I go further into the property, it will be in the middle of my gate area.

Board Member Bodor stated in here somewhere [referring to a survey]. This is 2' off the sideline.

Mr. Rudolph stated yes.

Board Member Bodor stated why can't it be slipped over further.

Mr. Rudolph stated well, that would be in the middle of my patio. And again, the tanks...you couldn't put the tanks...

Board Member Bodor stated the tanks can't go any closer to the house. They're only a foot off the sideline.

Mr. Rudolph stated I mean, I could move them another foot, I was just...Where I thought they would...I figured they needed to be strapped to the fence. The fence is...

Board Member Bodor stated you have them right up against...You want to put them up against the fence with some kind of bracing.

Mr. Rudolph stated yes.

Board Member Bodor stated making them not freestanding things.

Mr. Rudolph stated I don't really know for sure. I haven't seen them. They're going to bring them; they're going to stand them on a pad. They're going to bring a pad. I...

Board Member Bodor stated Suburban Propane's going to bring a pad to put them on.

Mr. Rudolph stated yes. I have a proposal right here from Suburban. It's not a cement pad. They're like 3' x 3' squares.

Board Member Bodor stated that's a pad for the tanks, but not for...The generator needs a cement pad.

Mr. Rudolph stated the generator needs a cement pad.

Board Member Bodor stated a poured cement thing.

Mr. Rudolph stated yes. This is Suburban proposal.

Board Member Bodor stated 2 green pads. What are they.

Chairman Olenius stated polyurethane or, you know. They're like plastic.

Board Member Bodor stated I don't know.

Mr. Rudolph stated plastic, right. That's what they explained it as.

Board Member Bodor stated I have no idea.

Board Member Buzzutto stated the generator, is that installed by a company or do you do that.

Mr. Rudolph stated well, I bought it. My next door neighbor is a contractor who's an electrician. He's going to apply for permits and install it for me.

Board Member Buzzutto stated oh.

Mr. Rudolph stated and, you know, I'm going to save a little money by digging some of the trench work for it.

Board Member Buzzutto stated how big...How many kilowatts is it.

Mr. Rudolph stated it's 12,000 [kilowatts].

Board Member Buzzutto stated oh, 12,000. That's a pretty big size.

Mr. Rudolph stated 12k. Well, it's going to run the whole house.

Board Member Buzzutto stated yes, well that's good.

Mr. Rudolph stated yes.

Board Member Bodor stated and this is going to automatically kick on...

Mr. Rudolph stated yes.

Board Member Bodor stated when you lose power.

Mr. Rudolph stated automatically turn on and off. You know, I don't have to...

Board Member Buzzutto stated it's fueled by propane.

Mr. Rudolph stated propane, yes.

Board Member Bodor stated I'd like to go out and take a look at this, where it is.

Chairman Olenius stated I'm just concerned because the photos don't show the...

Board Member Bodor stated the neighbors, right.

Chairman Olenius stated the neighboring house. That's my only concern.

Mr. Rudolph stated I think...Yes, well beyond the bush you can see the neighboring house here. I thought I took better pictures. I thought it was important.

Board Member Bodor stated you already have the generator in your yard.

Mr. Rudolph stated I have it in my yard. There's a picture of it here. I bought it and then...That's it on a pallet. There's the neighbor's house right there. There's where I want to put the pad, there's the neighbor's house. It's like a driveway length between my fence and his house.

Board Member Bodor stated what is...On this picture, this is a corner and there's two pieces of fence coming together here.

Mr. Rudolph stated that's the corner. That's where I want to put the propane tanks.

Board Member Bodor stated oh.

Mr. Rudolph stated if you notice, there are two spots here. There's one here by the gate. That's where I want to put the tanks. We're going to trench the pipe under here and put the generator here.

Board Member Bodor stated alright. Then...Now, there's a gate through...

Mr. Rudolph stated yes.

Board Member Bodor stated from the house...Right here, there's a piece of fence, a gate, there.

Mr. Rudolph stated yes.

Board Member Bodor stated that's the gate you're referring to.

Mr. Rudolph stated yes.

Board Member Bodor stated okay. So that's...

Mr. Rudolph stated that's that gate [referring to a picture].

Board Member Bodor stated okay.

Mr. Rudolph stated so just beyond that the tank would...

Board Member Bodor stated I see. Well, this photograph indicates where you want to place the generator.

Mr. Rudolph stated yes.

Board Member Bodor stated well, isn't that you're patio there.

Mr. Rudolph stated no. That's just a...Here you go. I highlighted so you could see it. That's all just going to get wiped out. That's just hand flagstones.

Board Member Bodor stated that's not part of your patio that you're...

Mr. Rudolph stated no.

Board Member Bodor stated you referred to.

Mr. Rudolph stated no. That was actually was my garden; that was where I was putting my vegetables. And then I said...I threw the stones there so you could see...

Board Member Bodor stated yes.

Mr. Rudolph stated the area I was...

Chairman Olenius stated does this style of generator exercise for a lack of a better word. Like once a week, does it...

Mr. Rudolph stated yes.

Chairman Olenius stated test run.

Mr. Rudolph stated yes.

Board Member Bodor stated what's the noise level while it's running.

Mr. Rudolph stated I looked for that in the owner's manual and it didn't have that spec. But it is...If you open up the panel, it's insulated all the way around and on top. This is a Generac, one of the top of the line generators.

Board Member Bodor stated okay. It means nothing to me.

Mr. Rudolph stated I mean, a Generac might...

Board Member Bodor stated I was concerned about the noise.

Mr. Rudolph stated this is...That's the unit.

Board Member Bodor stated yes, I see that. I don't know generators. Have you heard one of

these run anywhere.

Mr. Rudolph stated this is the automatic one, the Generac. I mean, I use them at work. They're really quiet. They're really quiet. I see people pull the ones out of the garage when we lose power...

Board Member Bodor stated yes.

Mr. Rudolph stated and it sounds like a lawn mower.

Board Member Bodor stated okay.

Mr. Rudolph stated but this isn't...

Board Member Bodor stated this is nowhere...

Mr. Rudolph stated not even half of it.

Board Member Bodor stated close to that. Okay.

Mr. Rudolph stated it's really quiet.

Board Member Bodor stated that's a good comparison.

Mr. Rudolph stated I mean, that's...I mean, it's so close to my house if it wasn't quiet I wouldn't put it there. That's my bedroom window.

Board Member Buzzutto stated the fumes from propane, is that like carbon monoxide also.

Mr. Rudolph stated I don't think so. I mean, they use propane inside for house fireplaces and stuff. That's all propane.

Board Member Buzzutto stated yes. Just wondering.

Mr. Rudolph stated I mean, you're barbeque is propane. They have propane heaters. Propane I don't think is...

Board Member Burdick stated it's outside, Buzz, so it's not going to be a ventilation issue.

Board Member Buzzutto stated yes.

Board Member Burdick stated even if it did.

Board Member Bodor stated well, you said that Suburban Propane wants you to keep within 100' from the road so they can fill it.

Mr. Rudolph stated yes.

Board Member Bodor stated the placement that you've indicated here is about 100'.

Mr. Rudolph stated roughly about 80-90 feet.

Board Member Bodor stated alright. So it's closer, actually, than the 100 [feet].

Mr. Rudolph stated yes. I can't go any further, any further back. They won't be able to fill it.

Board Member Bodor stated well, you can go back to the 100'. You're sitting at about 80, 90 [feet].

Mr. Rudolph stated well, the 100' would put me right on the generator pad.

Board Member Bodor stated well, maybe the generator pad could go back. I don't know, I'm just, you know...

Mr. Rudolph stated I mean, if it means...I don't know.

Board Member Bodor stated I really would like to take a look at it and, you know, walk this.

Chairman Olenius stated sure. Curious myself.

Board Member Bodor stated that's my feeling

Chairman Olenius stated curious myself because I'm a little concerned because of the noise issue...potential noise issue with the proximity of the neighbor's home.

Mr. Rudolph stated I...Without getting propane to fuel it, I can't start it. So, I don't know. I couldn't find the specs in the worksheet, the whole manual and everything's here. I don't know how we can see how loud it's going to be.

Board Member Burdick stated you might be able to call the manufacturer and ask them for the decibel levels when it's running.

Mr. Rudolph stated okay. I can do that.

Board Member Burdick stated it's only a suggestion. I think the last one we approved was the same type of model and it was fairly easy for them to get the decibel levels.

Mr. Rudolph stated okay.

Board Member Burdick stated and it was favorable for presenting that to the Board because...

Mr. Rudolph stated yes.

Board Member Burdick stated the numbers were so low.

Mr. Rudolph stated right.

Board Member Burdick stated so it would probably...

Mr. Rudolph stated I'll do that.

Board Member Burdick stated help you if you could find that.

Chairman Olenius stated I think they even found it online.

Board Member Burdick stated yes. I believe...

Chairman Olenius stated honestly, I think it was something that they downloaded.

Board Member Burdick stated yes. It...

Chairman Olenius stated they went to the Generac website and downloaded decibel rating for a 12kW.

Mr. Rudolph stated okay. I can do that. Sure.

Board Member Burdick stated it gave comparisons of what somebody would know what the sound noise level was versus the decibel level of this.

Mr. Rudolph stated right.

6) OTHER BUSINESS

a) Site Walk

Chairman Olenius stated alright. So we'll be in contact with you. We'll come out and just take a look at it.

Mr. Rudolph stated okay.

Chairman Olenius stated just to see what you got here. So we'll keep the public hearing open. Table it.

Board Member Burdick stated is there any evening...Will we do evenings, Lars, because I'm 8-4 [p.m.] now. Are there any evenings that are not convenient for you.

Mr. Rudolph stated right now I'm working on a movie. I was hoping I could get this...Let me think. I finish July 2nd and I'm off for the month of July. I start another movie August 10th.

Chairman Olenius stated we can do it after the 2nd. I'm actually going to be gone the whole week of the 4th, so.

Mr. Rudolph stated okay.

Chairman Olenius stated we can do it after that. Hopefully.

Mr. Rudolph stated I have to reschedule Suburban Propane. I scheduled for July 10th hoping that I would get this all...I just want this so I will jump through all the hoops you need. I'm just worried about my son. You know, my kids are smart enough...You know, my son is smart enough to say I can do it dad. Other kids will go I ain't touching that.

[Laughter].

Mr. Rudolph stated I have one of them who's smart enough to get in trouble.

Board Member Buzzutto stated okay, so we'll site walk it and...

Board Member Burdick stated I'm away the week you come back, Lars.

Chairman Olenius stated the next meeting is the 18th of July. Because you're a hold over, you would be the first one read off at that time. So you wouldn't have to sit through all of that.

Mr. Rudolph stated I didn't mind. It was kind of interesting. It was kind of redundant, but it was interesting.

[Laughter].

Mr. Rudolph stated this gentleman was colorful.

[Laughter].

Joe Charbonneau stated you should come back. Come back tomorrow night if you're not busy.

Board Member Bodor stated yes, we're here again tomorrow night.

[Laughter].

Mr. Rudolph stated but, you know, I have to agree with NYSEG. If they're going to make it better, then I won't need a generator.

The Secretary stated July 18th is the next meeting at 7 o'clock.

Chairman Olenius stated I'm away this week. Marianne's away this week.

Board Member Bodor stated oh, alright.

Board Member Buzzutto stated when was the next meeting. July what.

Board Member Bodor stated okay.

Chairman Olenius stated 18th.

Board Member Bodor stated so the 16th [for the site walk].

Chairman Olenius stated does that sound right.

Board Member Bodor stated yes. Sounds like a long ways off.

Chairman Olenius stated it does.

Board Member Bodor stated you're finished at 4 [p.m.].

Board Member Burdick stated yes.

Chairman Olenius stated 4:30 [p.m.]

Board Member Bodor stated 4:30 [p.m.]

Board Member Buzzutto stated when is that. A...

Chairman Olenius stated July 16th...

Board Member Bodor stated Monday.

Chairman Olenius stated Monday, July 16th.

Board Member Bodor stated July 16th. Monday, July 16th, Jerry.

Board Member Herbst stated I was just thinking that...Monday might be alright. It's Tuesday I got to watch because I'm having the other eye done. So, it will be...And that's in July.

Board Member Bodor stated so Monday, the 16th sounds okay to you then.

Board Member Herbst stated right now, yes.

Board Member Bodor stated okay.

Chairman Olenius stated okay.

Board Member Buzzutto stated what time. 5 o'clock, 5:30. Whatever.

Board Member Bodor stated 4:30.

Chairman Olenius stated no, 4:30.

Board Member Buzzutto stated 4:30. This is on...

Board Member Bodor stated so we will be out to see you...

Chairman Olenius stated 326 Lakeshore [Drive].

Mr. Rudolph stated okay.

Board Member Buzzutto stated 326.

Board Member Bodor stated okay.

Mr. Rudolph stated yes.

Board Member Bodor stated Sarah can call and remind him.

The Secretary stated okay.

Board Member Burdick stated and us.

Board Member Bodor stated and us, of course. But...

Mr. Rudolph stated you mean everybody's coming.

Board Member Bodor stated oh, yes.

Mr. Rudolph stated I'll light the barbeque. No.

Board Member Bodor stated okay.

[Laughter].

Board Member Herbst stated alright, you're on.

Mr. Rudolph stated you're all coming at 4:30. Dinnertime. Sure.

Chairman Olenius stated alright. Thank you.

Mr. Rudolph stated thank you very much.

Board Member Burdick stated thanks.

Chairman Olenius stated see you then.

Mr. Rudolph stated alright. Am I...

Chairman Olenius stated you're all good.

Board Member Bodor stated yes. You're good for tonight.

Mr. Rudolph stated okay. Thank you very much. Have a good night.

Board Member Burdick stated you, too.

Board Member Bodor stated good night now.

Board Member Buzzutto stated okay, so the site walk's the 16th [of July] and the meeting's on the 18th.

Board Member Bodor stated right.

Chairman Olenius stated yes, Sir.

Board Member Buzzutto stated got it. I just wanted to verify the situation with the site walk.

Chairman Olenius stated are we done for tonight.

Board Member Burdick stated yes, because we just got the minutes, right.

Board Member Bodor stated is there any other business.

Chairman Olenius stated is there any other...

Board Member Burdick stated is there anything else.

Chairman Olenius stated any other business.

The Secretary stated you got the letter from Ronald Graiff.

Chairman Olenius stated yes.

The Secretary stated Ron Graiff. Other than that...

Chairman Olenius stated that's it.

The Secretary stated yes.

Chairman Olenius stated I make a motion...

The Secretary stated and if not, we have tomorrow night.

Chairman Olenius stated that's right.

Chairman Olenius stated I make a motion to close the meeting.

Board Member Bodor restated I'll second it.

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

Meeting was adjourned at 8:50 p.m.